



**Helsinki Committee for Human Rights in Serbia**

***HUMAN SECURITY IN AN UNFINISHED STATE***  
**Serbia 2005**

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**- Serbia 2005 -**

**Belgrade, 2006**

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**INTRODUCTION**

Political, social and economic problems characteristic of the societies with strong national feelings and plagued by xenophobia and unsolved problems of the past kept weighting the overall situation of human rights in Serbia in 2005. The restoration of basic tenets of Milosevic's policy (nationalism, populism, fundamental misconception of the international order and reality, resistance to change, marginalization of political opponents and their stigmatization, etc.) and the silent rehabilitation of the Socialists' cadres (to be ascribed to the Socialist Party of Serbia's support to the minority government, but shared ideological and other interests as well) called into question, i.e. brought to a standstill reforms and the process of facing up the past. Besides, Serbia is burdened with the defeated national policy and pending state issues. Serbia is still left without a new constitution that would define her as a modern state, and, consequently, without state symbols such as national anthem, banner, etc.

Major problems weighting the situation of human rights are as follows: marginalization of minority communities and the absence of the policy for their integration into the economic and political mainstream; inoperative and politicized judiciary; instrumentalization of the media for the purpose of blocking reforms; political one-sidedness and intolerance; the absence of civil (and legislative) control over intelligence services plaguing political and public life; and, the lack of political will for cooperation with The Hague Tribunal and acceptance of responsibility for the war and war crimes. Actually, the Serbian society's one-sidedness can be ascribed to inadequate collective consciousness and nationalism as a lasting outcome of the failure to shape an alternative to the national program.

Formally, Serbia has had a multiparty system for 15 years now, but actually she is not pluralistic. For, she is still unable to strike an inner balance by establishing a modern state recognizing citizens' human rights. Serbia has not yet launched the process of democratic transition that implies reconstruction of all social structures and radical transformation of political, economic and cultural spheres.

## Two Years of Kostunica's Cabinet

It took the Vojislav Kostunica cabinet two years to realize that Serbia has no choice but to pursue the reforms launched by the Zoran Djindjic cabinet. The first year of its mandate was a wasted year. In early 2005 the government begun to cooperate with The Hague Tribunal, made two steps towards the European Union, and successfully finalized negotiations with the IMF on debt annulment. However, in late 2005 the government's international credibility backslid again, jeopardizing reforms and Serbia's moving towards the European Union. True, the government stabilized its position (within the ruling coalition and thanks to the support of the Socialist Party of Serbia) and skillfully maneuvered in the parliament, but did not stabilize Serbia's political scene or defined its stand about key issues. Actually, it stuck to its old pattern for Kosovo, Montenegro and The Hague Tribunal, especially after the death of Slobodan Milosevic.

The Vojislav Kostunica cabinet's enforced cooperation with The Hague followed the recipe for "voluntary surrender." As this "recipe" turned inefficient in the case of Ratko Mladic and other six indictees The Hague Tribunal wants extradited, the government hesitates to arrest them. Its hesitation can be ascribed to the remnants of the staunch resistance and delusion that now gradually melt down under the international pressure. For the frustrated "patriotic block" and the old regime's still powerful structures, this is all about a global conspiracy against Serbia. Therefore, they more and more look up to the Radicals as the only genuine protectors of the Serbia's interests. Cherishing hope that the Radicals would come to power, they produce the argumentation such as, "We haven't witnessed yet the Serbian Radical Party's might. It would be only proper to let them have their say." Torn between the disappointed patriotic block the goals of which turned null and void on the one hand, and the growingly impoverished population on the other, the incumbent government - or any other for that matter - will slowly and painfully follow the reformist course. Slobodan Milosevic's death in the Scheveningen detention unit laid bare the Serbian political scene - it revealed the actual state of affairs in the Serbian society: deficient potential for radical changes, characteristic of Serbia's post-communism. The incumbent government and its Premier are logical outputs of such social constellation. No wonder, therefore, that the Kostunica cabinet is "stable" in unstable circumstances.

Two years of the Kostunica cabinet are marked by permanent campaigning against a part of the civil sector, intolerably coarse language used in the Serbian parliament, tabloidization of the media and their instrumentalization in the showdown with the society's liberal option, and overall clericalization of the society. All this just mirrors Serbia's poor liberal potential. Instead of looking for a new paradigm capable of mobilizing all citizens, regardless of

their ethnic, religious or political backgrounds, the Kostunica cabinet lent a helping hand to the most conservative social structures.

Throughout 2005 the Serbian political scene was in turmoil. Solution of key state and social problems was postponed since the political elite was unready to commit itself to larger interests of the society. In the absence of true political pluralism and clear-cut vision, Serbian political parties were more and more acting as interest groups. This negatively affected citizens' spirits and their interest in politics. Citizens were less and less captured by mushrooming scandals. For, as it turned out, none of them ended up in a court of law. The Serbian Radical Party is still most popular among Serbia's citizens, primarily because of accumulated social problems and the democratic block's incapability to offer a worthwhile alternative. The parties from the so-called democratic block missed the opportunity to impose transition and its inherent problems as something the society had to come to grips with and, in this context, awaken every individual's responsibility.

Just several bigger parties, the Serbian Radical Party and the Democratic Party in the first place, that have become clearly recognizable so far reflect, at the same time, the political scene's fundamental division into populists and democrats. Other parties can be grouped along this line. The Serbian Renewal Movement, the Force of Serbia Movement (Bogoljub Karic) and the New Serbia (Velimir Ilic) are populist parties. The Democratic Party of Serbia is somewhere in between, though by its conservativeness about the West inclines more to populists. Moreover, the Democratic Party of Serbia has joined the International Populist Association. What predominantly marked Serbia's partisan politics in 2005 were numerous inter-party schisms, parliamentarians' transfers, and electoral and post-electoral coalitions that brought about new caucuses.

Financial and economic magnates whose influence practically shapes the political scene also determine its dynamism. Having accumulated their financial power thanks to their hookup with the Milosevic regime, they now develop partisan logistics of their own. Bogoljub Karic and the like are trying their hand in politics and promote themselves as party leaders. Such political "pluralization" mirrors partisan-ideological pragmatism, rather than different political concepts. Bogoljub Karic's teaming up with Nebojsa Covic's Social-Democratic Party is the latest illustrative instance testifying of Serbia's immature partisan politics guided by one-off interests rather than by social priorities.

The democratic block acts along reformist lines only under the pressure from the West. Its poor reformist potential has deprived Serbia's voters of an authentic vision, like the one the late Premier Zoran Djindjic had offered them. By failing to take a clear-cut oppositionist stance, the Democratic Party and its blurred policy have made it possible for the Radicals to behave as the only opposition. Besides, the Radicals have monopolized corruption - the

issue sensitizing citizens – and thus made room for their own election campaign. However, regardless of the fact that with their 79 seats they figure as the strongest party in the Serbian parliament, at this stage they are only after coalition partnerships at various levels, including occasional partnerships with the Democratic Party as well.

Thanks to the support of the Socialist Party of Serbia, Vojislav Kostunica's minority government manages to maintain stability. The Socialists' support is conditioned by certain concessions related to the cooperation with The Hague Tribunal. The president of their Main Committee, Ivica Dacic, has already announced the party's priorities in 2006 – one of them being a stronger partnership with the Democratic Party of Serbia. The Socialists keep conditioning their support on strict observance of a mutual agreement that mostly provides the cooperation with the ITCY. Ivica Dacic made no bones about the Socialists' helping hand to the government lent "on the grounds of a strategic agreement with the Democratic Party of Serbia and Kostunica," which, as he put it, "not only brought to an end the political isolation of the Socialist Party of Serbia, but also division of Serbia's parties into the so-called blocks." The bottom line here is that, according to Dacic, "there are no conceptual differences between the two parties in the matter of national and state interests."

Serbia's political scene in 2005 was marked by political violence. The same pattern has actually characterized Serbia's transition from one-party system to parliamentarianism. The national program defined in late 1880s secured Milosevic's political monopoly. Almost the entire Serbian opposition has been constituted under the same concept, which practically plagues it to this very day even though it is in power. Except for Zoran Djindjic, no one has ever questioned this concept.

Several war generations have been raised on the model of violence exempt from punishment. This is how the new cultural model grew from radical ethno-nationalism and ethnic, religious and even political intolerance. This is how extreme rightist youth organizations such as *Obraz*, *Dveri* and *Novi Stroj* begun to mushroom and instigate ever more radical incidents. They act under the auspices of influential Serbian institutions such as the *Belgrade University*, the *Svetozar Miletic Association* and the *Serbian Orthodox Church*. At a larger scale, such mindset is mirrored in the predominant value system wherein Arkan and Legija are models of social prestige, while Ratko Mladic and Radovan Karadzic of war heroism.

## Minority Policy

The policy of intolerance and discrimination dominant in Serbia ever since early 1990s was still in place in 2005. At political, social and cultural scenes it is pursued by a number of formal and informal rightist groups aflame with the warring ideology of the last decade of the 20<sup>th</sup> century and the

tradition of a part of the Serbian Orthodox Church – adherents of Nikolaj Velimirovic and Justin Popovic, and of generalized St. Sava's teachings. Their ideological pattern indicates "the idea of populism influenced neither by the West or Europe." The majority of such groups have overt or at least silent support from certain circles in the Serbian Academy of Arts and Sciences and the Serbian Orthodox Church. Some have adjusted their programs to the Church, while the rest such as *Obraz*, *Saint Justin Popovic*, *Dveri Srpske* or *Nomokanon* operate with the Church's blessing. More often than not, their activities militate against minorities.

The minority issue is a major indicator of ethno-nationalism and ethnic intolerance. A state based on ethnicity is incapable of addressing the minority question in a democratic manner, since, as a rule, it perceives minorities as evildoers. Against a backdrop as such, minorities try to find a way out in various forms of autonomy and special status. Their demands fuel the majority's suspicion about their loyalty, the same as its conviction that ethnic pluralism is a burden one should get rid of. Aggressiveness spirals not only when it comes to minorities, but also to any differing, alternative thought. Never before have non-governmental organizations, particularly those concerned with human rights, been so much targeted as they are today. The political alternative, choked by the current social ambience, is also heavily barraged. More than ever before is the freedom of expression endangered as the elite that used to back up Slobodan Milosevic's warring project fears the disclosure of its role. Actually, that's the last defense of that project not only before The Hague Tribunal, but also before domestic public.

Political opponents are outcast from public life and marginalized. This refers to Cedomir Jovanovic and other close associates of late Premier Zoran Djindjic, to Natasa Micic and Zarko Korac, as well as to certain representatives of the NGOs, particularly those concerned with human rights and facing the past. The international community's presence considerably hampers Serbian nationalists' potential for sticking to the ethnic model of the state. However, their capacity for generating national homogenization, chauvinistic campaigns, ethnically motivated violence and isolationism is still great and scars interethnic relations.

## Overcoming the Past

Some conditions must be established before Serbia opens the debate on the recent past, i.e. the wars in the territory of ex-Yugoslavia. This primarily refers to a clear break with the Greater Serbia project, i.e. the policy of crime. So far Serbia has not given a hint of such a break. Moreover, in their evaluation of the past, some circles attempt to discredit and blame certain periods (the period of communism in the first place) for everything and thus relativize the process of overcoming the criminal past born out of radical nationalism.

Overcoming the past implies several premises. Firstly, the truth should be sought – either by a society itself or by international circles. The Serbian society as a whole does not search for the truth – for, the Serbs generally perceive themselves as the biggest victims, while the crimes are interpreted as justified as they were committed in their name. Secondly, there should be a strong political will. Unfortunately, supporters of the current set off by Premier Zoran Djindjic were in the minority, and the current itself was defeated after his murder. Vojislav Kostunica upheld the continuity of the old structures not only by reinstating "old" cadres but also by restoring their functioning. Thirdly, political elites should be up to facing the past – in other words, this premise depends on the distribution of power in a society. The actual state of affairs in Serbia is probably best illustrated by the panel held at the Belgrade Law School and initially announced as "The Liberation of Srebrenica." The very title crucially determines the Serbian national strategy as it reflects territorial aspirations that have not been given up. Fourthly, the very character of changes should be defined – in other words, definition of October 5, 2000 must be a starting point for understanding Serbia after Milosevic's ouster.

### **Institutions in the Clutches of the Executive Branch**

The establishment of a legal system that would bring Serbia closer to developed democracies is still underway. As it turned out, a genuine political will to have newly adopted laws and standards implemented did not follow in the footsteps of legislative activism. This is about a slow-paced process that almost stalled in 2005. Though the Serbian parliament passed scores of laws, what marked 2005 was that those laws were not implemented. For a transitional state and its functional reforms the legislation that lacks enforceable mechanisms and a new methodology is more of a regress than progress.

The government failed to adopt bylaws that would secure enforcement of a number of laws, the same as it failed to establish necessary institutions and mechanisms of control. The much delayed Serbian constitution indicates a chronic absence of political will to finalize the necessary reforms and safeguard them by an adequate legal system. All this only moves Serbia away from European integrations.

Serbia has not been constituted yet as a state. Therefore, all institutions supposed to uphold a functional society, including key ones, are incapable of securing the rule of law. In other words, the postulates guaranteeing the exercise and protection of human rights, as well as legal security of both individuals and minority communities are non-existent. Though a number of newly passed laws are in keeping with European standards, Serbia still lacks mechanisms that would put them into effect – relevant institutions have been

devastated and subjected to unprofessionalism for years. It is only natural, therefore, that citizens' trust in institutions in on the downward curve, the same as their perception of general and individual security.

Radical reforms of the judiciary have not been launched. Moreover, politics once again stepped into all judicial institutions. By barraging the Special Trial Chamber for Organized Crime and War Crimes - that has processed several complex cases – with criticism, politics influences its overall efficiency. In all cases brought before the Chamber the Prosecution still attempts to neutralize the state, the YPA troops and the police's involvement in war crimes. It labels war crimes "incidents" committed by "isolated" gangs. This is how the state is being protected from accusations for aggression and genocide, and, as many put it, possible war compensation.

The Army of Serbia-Montenegro is falling apart – a process triggered off by general demoralization and numerous affairs and scandals. The affairs that continued mushrooming throughout 2005 laid bare the crises of the Army's morale. The affairs disclosed the hookup between military structures and war criminals, Ratko Mladic included. For over a decade, this hookup has provided a safe haven to The Hague fugitives. Liable to disrepute, the Army itself shattered the myth of its "impeccability," which was evidenced in opinion polls. Once a traditional number one, the Army now takes the third place after the Serbian Orthodox Church and the education system, and will most probably further spiral down.

The reform of the defense system hardly made any progress at all – civilian authorities are still excluded from it, while a strategic project for its transformation has not been defined. The reform mostly boils down to organizational arrangements and the drafts compensating for demobilized professionals. The Army still counts on the Serbian military tradition, rather than on reforms that would qualify it for Euro-Atlantic integrations, primarily for the *Partnership for Peace*.

It its attitude towards Montenegro the Army still insists on the State Union's sustainability. Given that the Army used to be the strongest link between the two member-states (with the General Staff and the Ministry of Defense overtly siding with Serbia), in 2005 Montenegro agreed to subsidize some ten percent of its human and material resources – a part that is anyway located in its territory. This *de facto* divided the Army of Serbia-Montenegro into two armies.

The Serbian side (in tandem with the General Staff and the Ministry of Defense) still attempts to influence the "Montenegrin part" of the armed forces through keeping all key positions. The Serbian ruling elite exclusively perceives the Army as a decisive factor of "the safeguard of pan-Serbian territory."

## The Church and Politics

The longstanding crisis, destroyed value system, resistance to transition and reforms, and massive war crimes opened the door to the forces that inherently oppose any change. As Serbia's traditional institution, the Serbian Orthodox Church managed to conquer the public scene. It imposed itself as an arch arbiter in all social and political issues, particularly after October 5, 2000. However, with its conservative position on the character of the society, the Serbian Orthodox Church stands in the way of a clearly shaped pro-European policy. This particularly affects younger generations prone to quick and simple solutions. The Church opposes European and Western values, free market and the concept of human rights, individual rights in particular.

The Church's attitude towards the recent past is also problematic – not only because of its ample support to Milosevic's warring policy, but also because of the fact that it still actively sides with anti-Hague lobby and thus with war criminals indicted by the Tribunal.

The Serbian Orthodox Church hugely influences the shaping of a new cultural model. Its strong politicization and meddling in state affairs seriously questioned the secular character of the state. Vojislav Kostunica's cabinet promotes the Church in all social spheres and enables its arbitrage in all key issues. His Democratic Party of Serbia has even set up an advisory committee – the Council for Religion.

## The Media: Lagging behind the Changes

The Serbian media are not up to the task of promoting overall social reforms and democratic transition. They rather mirror a part of the society trying to obstruct any change and thus safeguard the advantages gained in the Milosevic era. Though the media legislation was rounded off in the period October 5, 2000 – 2005, some provisions are still not enforced. This not only affects the media industry, but also fuels anti-reformist policies of the majority of the outlets. The ineffective provisions primarily relate to information and broadcasting laws – i.e. to media privatization, distribution of frequencies and the transformation of the Radio & Television of Serbia into a public broadcasting service. All deadlines set for the finalization of these processes have been postponed for several months or even several years. According to the comparative survey the Open Society Institute, Budapest, conducted in 20 European countries, Serbia's media regulation is almost at the bottom – not only have the media been destroyed for decades, but also "the reforms after the democratic change in 2000 have been slow-paced." Properly regulated broadcasting is among the preconditions for joining the European Union.

## Relations with Neighboring Countries

Serbia's attitude towards Croatia, Bosnia-Herzegovina, Montenegro, Kosovo and Macedonia clearly indicates that Serbian nationalism constantly replenishes and sticks to the same premises. Developments over the past several months, the same as the Serbian political elite's rhetoric in all key matters, show that national goals have not been given up. Incapable and unready to deal with crucial problems that have been plaguing her, in 2005 Serbia raised all unresolved state questions and proved that she was relevant for the region just because she held the keys to Bosnia-Herzegovina's, Montenegro's, Kosovo's and even Macedonia's issues.

In Macedonia, the Serbian Orthodox Church (SPC) tried to establish its own organization, regardless of the existence of an independent Macedonian Orthodox Church. Appointment of Bishop Jovan as the SPC's autonomous representative in Macedonia faced the Macedonians, for the first time, with the fact that Serbia goes against her sovereignty.

In Montenegro, Serbian nationalists, amply backed by the official Belgrade and Premier Kostunica himself, incite conflicts because of the announced referendum on independence. Almost the entire Serbian elite's paternalistic attitude towards Montenegro reflects overt territorial aspirations. The official Belgrade is actively campaigning against Montenegro's independence. Even the Democratic Party – now fully cleansed from the so-called Djindjic adherents – takes the same stances. This is probably best illustrated by Ljubomir Tadic's letter to Nenad Bogdanovic reproaching him for having attended the Montenegrin ruling party's convention. "Advocating the state union while supporting the Montenegrin regime makes no sense," wrote Tadic. According to him, the Democratic Party that stands for the state union cannot possibly cherish friendly relations with the anti-Serb Montenegrin regime and its policy of open enmity.<sup>1</sup> Moreover, philosopher Ljubomir Tadic advised President Boris Tadic to actively join the preparations for Montenegro's referendum.

When it comes to Kosovo, faced with standards' assessment and the announced negotiations on Kosovo's status, Serbia maintains tension. The media propaganda against the Albanians is still at full swing – the Albanians are constantly presented as terrorists, since combating terrorism is among the West's priorities.

Bosnia's charge against Serbia-Montenegro for genocide and aggression has also become Serbia's major concern engaging almost all social structures, some NGOs included. Some Western countries, too, have set themselves at having the problem solved through extra-judicial arbitration. However, it is imperative for Serbia and the region that the Court verifies the

<sup>1</sup> *Vecernje Novosti*, May 29, 2005.



charge and thus provide evidence for Serbia's aggression and her genocidal policy against Muslims. Only deconstruction and demystification of the Serbian project in Bosnia-Herzegovina can truly pacify the entire region.

Marking of the 10<sup>th</sup> anniversary of the "Storm" operation once again revived the polemic on the event's interpretation. He Serbian side's claim that was the biggest ethnic cleansing ever aims at negating legitimacy of the "Storm" military operation and, consequently, equalizing the war responsibility. Crucial significance of Serb-Croatian relations is once again in the close-up, the same as their fragility.

## The Region and the International Community

The Balkan region, slowly but surely, enters under the aegis of the European Union. By giving the green light to negotiations on Stabilization and Association Agreement with Serbia-Montenegro, the European Union has finally rounded off its Western Balkans policy. At the same time, it has started to negotiate accession with Croatia and Turkey, and announced the SAA with Bosnia-Herzegovina. With this package the EU has effectuated conclusions of the 2003 Salonika Summit that had decided that all Balkan countries, under certain circumstances, may run for the EU membership. However, the timing itself demonstrates that the EU has somewhat matured, given that it had been wandering in its search for a solution for the Balkans for over a decade. The EU has overcome the region's deficiency in liberal elites capable of supporting European values and promoting democratic processes by lending it a helping hand - and, with this package, it has become a factor of the region's mobilization. The EU has thus solved the issue of regional stability and security, which is of strategic significance to Europe as a whole. As for Serbia, that's practically the only alternative.

All countries in the region have welcomed the EU's decision with one voice, though their perceptions of a shared European future differ. In this context, Serbia faces the biggest challenge. The obstacles on her way result, in the first place, from her economic, political and social limitations. After the initial breakthrough of October 2005, everything has been moving backward ever since Premier Zoran Djindjic had been gunned down - a state without defined borders and without a constitution, centralized governance, broken cooperation with The Hague, stalled economic reforms, etc.

The commitment "to Europe" - verbally undisputed neither by the political elite nor the majority of citizens - lacks the support of a clear-cut consensus that would guarantee its validity. On the contrary, as if some taciturn anti-European consensus has been reached in some segments crucial to Serbia and, in particular, to her relations with her neighbors. However, plagued by accumulated economic, political and social problems, the minority government has little choice. Namely, over the past two years, the EU, the IMF

and the World Bank have made the Kostunica cabinet resume the path cleared by the Djindjic government. So, Vojislav Kostunica radically changed his attitude towards The Hague Tribunal ("The Hague is the number one issue," he said), though, in the name of national interests, he used to extradite all indictees to the Tribunal as "volunteers." In the domain of economy, the Kostunica cabinet, though sluggishly, follows in the footsteps of its predecessor, primarily when it comes to monetary and financial discipline that preconditions the international community's financial assistance.

After Premier Zoran Djindjic's assassination, the West has adjusted its policy to the reality that hugely differed from the overrated perception of the post-October 5 Serbia. It took the West three years to realize that Milosevic's legacy was a by far more serious and deeper problem than his ouster. Corruption, poverty and incompetence to govern the state turned out to be bigger problems than thought, while it became obvious that "the democratic revolution" just lead to the reshuffle of Milosevic's clique. Basically, the failure is to be ascribed to old social and cultural weaknesses, only aggravated by the absence of stable economic and political institutions, and educated, politically motivated, economically dynamic and law-abiding middle class. Besides, a political party capable of mobilizing citizens to endure the pangs of transition is still nowhere to be seen.

The Balkan package coincided with the international community's decision to start resolving Kosovo status. It is obvious that speeding up Serbia's movement towards European integrations and annulment of her debts are supposed to compensate her for Kosovo. Serbia has not publicly accepted the offer, as she lacks political courage to acknowledge - through the resolution of Kosovo's status - the developments that have led to its loss. Apart from unwillingness to face the recent past, Serbian political elites manifest incredible rigidity when it comes to accepting the new reality. Though the untying of the Kosovo knot dramatically draws in, Serbia has not yet defined her negotiating strategy (except for the empty-worded slogan "more than autonomy, less than independence").

Thanks to the international community's presence, Serbian nationalists no longer have either potential or opportunity for sticking to the ethnic model of the state. However, their capacity for generating national homogenization, chauvinistic campaigns, ethnically motivated violence and isolationism is still great and scars interethnic relations.

The official Belgrade's interpretation of globalization indicates not only its misunderstanding but also denial of the new world order that reflects new international constellation and economic-technological progress, i.e. spirit of the times. The lament over a nation-state and its exclusive sovereignty is nothing but a denial of emancipation and the standards guaranteeing freedom to all communities and individuals. At the same time, such lament is supposed to prevent square recognition and punishment of war crimes, i.e. accountability.

## Conclusions and Recommendations

Judging by public discourse, the growing intolerance and even repression might spiral in 2006 when Serbia will have to cope with two major and potentially frustrating challenges: negotiations on the final status of Kosovo and Montenegro's referendum. While refusing to acknowledge defeat and thus unchain itself, the political elite insists on the Serbian people's sacrifice – even Slobodan Milosevic's death is used to sustain this loss – and fuels the society's resistance to change and reserve for the West.

Serbia is a closed society with poor capacity for transition. She has not been yet constituted as an institutional state and lacks a new paradigm capable of mobilizing all citizens regardless of their ethnic, religious or political affiliations.

Constant campaigning against a part of the civil society, the absence of alternative thought, intolerably coarse language used in the Serbian parliament, tabloidization of the media and their instrumentalization in curbing liberal social tendencies, and clericalization of the society nothing but testify of Serbia's meager liberal potential.

Under the weight of her recent past, Serbia is still ambivalent to her future. Serbia is eager to join European integration processes as soon as possible, but in real life manifests insufficient political will and capacity.

The fact that Serbia is an unfinished state without clear borders seriously threatens her reformist potential and, in this context, ability to promote and protect human rights.

### Recommendations to the Serbian Government:

The Helsinki Committee for Human Rights in Serbia puts forth the following demands:

- The government should prepare the public in Serbia for realistic solutions to Kosovo and Montenegrin issues in keeping with the principles defined by the international community so as avoid additional frustration among citizens and all political factors. This is the only way to prevent destabilization of the Serbian society and create conditions for addressing the crucial questions of transition;
- The government should cooperate with The Hague Tribunal seriously and in full sincerity. This implies immediate arrests of Ratko Mladic and other indictees;
- The government should pursue system reforms and, in the first place, round off the legal framework necessary for the society's normal functioning;
- The government should clearly manifest its political will for the implementation of the enacted legislation;

- The government should resume the principles of a secular state and, in this context, distance itself from the Serbian Orthodox Church's political activity;
- The government should engage itself in the promotion of the European value system and thus prepare younger generations for Serbia's European future;
- The government should guarantee the freedom of the media under the existing provisions and their freedom from the influence of informal circles;
- The government should warrant the atmosphere of tolerance so as to enable a free social debate leading to the consensus on Serbia's option for Europe;
- The government should be an active factor in curbing all forms of nationalism so as to pave the road for interethnic harmonization and open the door to alternative options;
- State institutions should adopt the programs for facing the past, a process that preconditions the renewal of trust and cooperation with the countries in the region.

### Recommendations to the International Community:

- In its attempt to have Serbia join European integration processes as soon as possible, the international community should strike a proper balance between pressure and motivation. This is the more so important since Serbia needs to trigger off her inner potential;
- The international community should actively partake in creating the instruments and mechanisms for the implementation of the enacted "European" laws;
- To speed up the initiatives for regional cooperation, the international community should be more perceptive in discerning the Serbian radical nationalism. In this context, it should more resolutely engage itself in the resolution of Kosovo and Montenegrin issues, as well as in the definition of Serbia's borders and internal arrangements;
- In its contacts with Serbia's government and other relevant authorities, the international community should more firmly call for tolerant attitudes towards any alternative thought and demand guarantees for safe activity of the civil sector, particularly the non-governmental organizations concerned with human rights;
- Apart from assisting governmental agencies, the international community should show more understanding for Serbia's still blurred liberal option embedded in some smaller political parties and a part of the civil sector;

- The international community should actively partake in education of young professionals and facilitate their contacts with European educational institutions (visa regime).

# I

## SHADOW OF THE PAST

The rise of extremism in Europe and in other parts of the world, as evidenced by racism, chauvinism, xenophobia, anti-Semitism, religious, national, ethnic and other intolerance and discrimination, and hate speech in the domains of social and political life, is looked upon by international and European organizations and institutions as a substantial challenge to the culture of democracy and respect for human rights. Many international summits and conferences – including the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban in 2001 and the Stockholm International Forum, the Vienna Summit of the Council of Europe, the OSCE Conference on Anti-Semitism held in Berlin, Paris and Brussels in 2004 and in Cordoba in 2005 – have discussed these phenomena, including hate crimes, and formulated a framework of measures in their final documents with which to fight them.

### **The Serbian Orthodox Church and the Young Serb Right**

The policy of intolerance and discrimination, which had predominated in Serbia since the early 1990s, continued in 2005. In politics, social affairs and cultural life it was distinguished by the existence and activities of many formal and informal right-wing groups drawing on the warlike ideology<sup>1</sup> dating back to the early 1990s and on some of the traditions of the Serbian Orthodox Church (SPC), notably the lore surrounding Nikolaj Velimirović and St Justin and the cult of St Sava in general. In the ideological model of these groups one detects an ‘advocacy of populism or commonalty devoid of any influence whatever...of the West and Europe’,<sup>2</sup> whose belated reflex is ‘manifested as a collectivistic mindset and an organization of life in society and state pointedly repudiating...any form of modern parliamentarianism and democracy.’<sup>3</sup> Many of the young radical right-wing groups and organizations enjoy ‘if not open, then at least tacit support from certain SANU (Serbian Academy of Sciences and Arts) and SPC circles –

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<sup>1</sup> The idea of a Greater Serbia incorporating Serb ethnic space in the former Yugoslavia.

<sup>2</sup> Mirko Đorđević, ‘O izvorima ideja nove srpske desnice’, discourse at the ‘New Serb Right and Anti-Semitism’ round table organized by the Helsinki Committee for Human Rights in Serbia, Belgrade, 3 November 2005.

<sup>3</sup> Ibid.

certain bishops, the semi-monthly *Pravoslavlje*, the SPC Information Service – or universities.<sup>4</sup> While some base their programmes on the SPC,<sup>5</sup> others such as *Obraz* [Dignity], *Sveti* [St] *Justin Popović*, *Dveri srpske* [Serbian Doorway], *Nomokanon* [Nomocanon], etc. operate publicly with the blessing of the SPC and often in close collaboration with it.<sup>6</sup>

The majority of the right-wing groups are youth organizations such as skinheads, *Nacionalni stroj* (National Echelons), *Krv i čast* (Blood and Honour), *Rasni nacionalisti - rasonalisti* (Racial Nationalists), *Obraz*, *Dveri srpske*, *Sveti Justin Filozof* (St Justin the Philosopher), *Svetozar Miletić*, *Nomokanon*. They are characterized by extreme anti-Westernism, nationalism, ideological bigotry, animosity towards liberal values, homophobia and anti-Semitism, as well as by open support for the Hague Tribunal indictees Radovan Karadžić<sup>7</sup> and Ratko Mladić.

The 'ideological' bigotry of these organizations, combined with their repugnance towards and even negation of all things not 'authentically Serb', reflects a wider social frustration borne of the unreadiness of Serbian society to deal with its recent history and, in that context, to accept the Western democratic values being forced on the present government from outside with a view to Serbia's European integration. The right-wing youth organizations equate the SPC with the theology of Orthodoxy and support the SPC, its growing 'state religion' status through a proactive engagement in official policy, and its chief moral arbiter role in many relevant socio-political issues – all of which has been criticized by numerous civil society organizations and a few liberal and social democratic political parties. This support is substantiated both explicitly and implicitly by many. Thus, at the southeast Serbia Orthodox Youth Assembly, Professor Slobodan Kostić said: 'We need the Orthodox

<sup>4</sup> Mirko Đorđević, *Vreme*, 7 April 2005.

<sup>5</sup> In its Preliminary Draft Serb Youth National Programme for the 21st century, the Serb Youth Assembly, which has the support of the SPC, writes that 'the future of the Serb state ought to be based on the cult of St Sava, the Kosovo Oath, a reappraisal of Serb culture, education and history and of relations with others, the creation of an elite, the preservation of the Serbian language and the Cyrillic, the restoration of the Serb village, the good husband's family, parochial community, church-popular assemblies, democracy and monarchy.' Dr Milan Vukomanović, 'O čemu crkva (ne)može da se pita. SPC, država i društvo u Srbiji (2000-2005), www.helsinki.org 2005.

<sup>6</sup> Radovan Kupres, 'Srpska pravoslavna crkva i novi srpski identitet', www.helsinki.org 2005.

<sup>7</sup> *Obraz* conducts a campaign called 'Every Serb Is a Radovan' in order to win recognition of the 'truth' about Radovan Karadžić and the just struggle of the Serb people. *Start*, 20 December 2005. On 17 May 2005 members of the movement wearing T-shirts with Special Operations Unit (JSO) emblems and portraits of Radovan Karadžić disrupted the 'Liberation of Srebrenica' panel discussion at the Faculty of Law in Belgrade. *NIN*, 29 December 2005.

culture and art of the olden times, not any upstarts who subscribe to Western culture.'<sup>8</sup> Vladimir Nešić of *Dveri srpske* said that 'the road of Serb youth must revert to the foundations of the cult of St Sava.'<sup>9</sup> Even more indicative was the announcement of the *Dveri srpske* Assembly, which brings together over 50 Orthodox Serb youth organizations, on the occasion of the 'Proclamation of 33 Public Figures': 'We do not accept the position of the new ideologues that the Serbs are the only ones to blame for the war of 1991-95...we do not accept the new ideologues' death penalty for the Serbian Orthodox Church...After all that has befallen the Serb Church and people in Montenegro, Macedonia and Kosovo and Metohija, not to speak of the other territories where Serbs used to live, only a very impudent person will accuse none other than the Serb Church of manufacturing conflict in these regions...We do not accept the incorrect allegation of the new ideologues that the SPC has taken over the role of the state...'<sup>10</sup>

In a broader sense, the right-wing youth organizations' support for the SPC can be interpreted not only as support for the standing and status of the SPC as the head of the largest religious community in Serbia, but also indirectly as an encouragement to continue the policy of expansion from the early 1990s, a policy the SPC continues to serve today.<sup>11</sup> The 'Serb' territories, some of which the Serb army tried to capture during the wars in the former Yugoslavia, are today referred to by the SPC as the Serb spiritual space rightfully belonging within the 'spiritual' as well as political boundaries of the Serb state, especially with regard to Republika Srpska and Montenegro.

In view of the controversy triggered by the plans of the Macedonian and Montenegrin Orthodox churches to build places of worship in Vojvodina, the foregoing arguments become understandable. The SPC, government and right-wing youth regard the Macedonian Orthodox Church and the Montenegrin Orthodox Church as unrecognized churches, sects and even political creations<sup>12</sup> which, according to Minister Radulović, abuse 'the rights of the national minorities to break up the religious structure in Serbia', as well

<sup>8</sup> *Danas*, 24-25 September 2005.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Večernje novosti*, 15 October 2005.

<sup>11</sup> The former US ambassador in Belgrade, William Montgomery, said that he had noticed a disturbing trend in the last two or three years, with high Serbian Orthodox dignitaries taking the lead in religious/nationalistic and political activities in an aggressive manner. He said that the Orthodox Church had not yet managed to make peace with the political developments over the past decades and pointed out that the SPC had used a military helicopter to place a chapel atop a mountain peak in Montenegro. *Danas*, 23-24 September 2005.

<sup>12</sup> Milan Radulović, Serbian Minister of Religion. *Večernje novosti*, 14 August 2005.

alleging that the minorities are searching for their identity in a 'nonexistent church. That is a fully atheized rather than religious consciousness.'<sup>13</sup>

In siding with the SPC in this controversy, the government is helping to establish the supremacy of the SPC in multi-confessional Serbia, its narrow-minded policy aimed at imposing a new Serb Orthodox identity wholeheartedly backed by the numerous organizations and right-wing Serb youth groups. Radulović also said that 'Our state recognizes the Church in law. Thereby it recognizes the internal organization of the churches and religious communities and their law; the state recognizes this law as state law and has a duty to make sure that they are respected. This means that Orthodox places of worship cannot be built without the permission of the eparchial governing board and the blessing of the competent bishop.'<sup>14</sup>

The writer and publicist Momir Lazić said that there were several boards in Serbia ready at a moment's notice to 'tear down those blasphemous buildings' and, in a characteristic outburst of hate speech, charged that 'Montenegrin Ustashe such as Jevrem Brković'<sup>15</sup> were involved in the project to build a temple of the Montenegrin Orthodox Church. He also denounced the Montenegrin and Macedonian Orthodox Churches as sects and urged the government to 'pass a law [as soon as possible] prohibiting these sects to carry on any activity in Serbia.'<sup>16</sup> *Otačastveni pokret Obraz* too threatened to react violently in the event of the two 'quasi-churches' attempting to build their temples: 'If it were up to *Obraz* to decide, there'd be no building at all; but if the sectarians stick to their plans, *Obraz* is certainly not going to stand idly by,' said *Obraz* president Mladen Obradović.<sup>17</sup>

Serbia's government has long refused to face the fact of the existence of extreme, organized radicalism manifested in the activities of these organizations for several years past. Its reaction to the numerous incidents involving physical assault, the writing of graffiti, and publishing by these organizations has on the whole been inadequate, most of these incidents being treated as isolated occurrences. This was condemned by, among others, the nongovernmental organization Human Rights Watch, which noted in its report that 'Violence against minorities has increasingly become a problem in Serbia today',<sup>18</sup> also warning that 'the Serbian government's response to these attacks has been inadequate', that the incidents had been minimized, and that 'the Serbian government's weak reaction to ethnic and religious violence has served to encourage Serb extremists.'<sup>19</sup>

<sup>13</sup> *Ibid.*

<sup>14</sup> *Danas*, 10 August 2005.

<sup>15</sup> *Nacional*, 12 August 2005.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> Including the writing of anti-Semitic and anti-Muslim graffiti.

<sup>19</sup> *Politika*, 11 October 2005.

The appearance of anti-Semitic graffiti and posters in Belgrade at the end of March 2005 prompted the first determined response on the part of the authorities and public condemnation on a wider scale. The Serbian president, Boris Tadić, denounced the incidents and asked the authorities to carry out a prompt investigation. He was joined in this demand by the Serbia and Montenegro Ministry of Foreign Affairs and the ruling coalition (the Democratic Party of Serbia, G17 + and Serbian Renewal Movement) as well as by opposition parties and nongovernmental organizations. Whereas the members of the ruling coalition effectively identified the problem as pressure on the media and advocacy of an unfree press,<sup>20</sup> the announcements of the opposition parties, notably the Social Democratic Union and the Civic Alliance of Serbia, placed the incidents in the proper political context. They said that the anti-Semitic and pro-Nazi posters were redolent of the 'ideological preparation for war and violence from the Milošević rule era'<sup>21</sup> as well as saw the labelling of dissentients and public calls for lynching 'proof of the impotence of the present government resolutely to oppose the retrograde forces on our political stage.'<sup>22</sup>

In their response to these incidents, nongovernmental organizations asked the authorities to ban and strike off the register of citizens' associations all organizations spreading racial, religious and national hatred. However, it was only after *Nacionalni stroj* disrupted the round table at the Novi Sad Faculty of Philosophy on 9 November 2005 that the government took adequate action to punish activities of this and like organizations. In acting as it did the government was largely influenced by the reaction of the international community, which had begun to pay ever closer attention to the radicalization of society in Serbia. In the event both the government and the general public had to confront the fact that the existence of neo-Nazi and clerofascist organizations and right-wing Christian youth coalesced around *Dveri srpske* and *Obraz*<sup>23</sup> in Serbia was not a marginal problem but evidence of a radicalized Serbian society.

The Vojvodina government reacted to the Faculty of Philosophy incident by announcing that it would call for a ban on the neo-Nazi groups. After that the Vojvodina Assembly received from the Vojvodina Assembly Security Committee and the Serbian Ministry of Internal Affairs (MUP) a communication listing 'informal social groups with neo-Nazi characteristics on the territory of Serbia'.<sup>24</sup> The announcement by the Vojvodina Assembly president, Bojan Kostreš, that a ban on the *Obraz* movement would be

<sup>20</sup> [http://www.b92.net/info/vesti/index.php?yyy=2005&mm=03&dd=22&nav\\_id?16483...](http://www.b92.net/info/vesti/index.php?yyy=2005&mm=03&dd=22&nav_id?16483...)

<sup>21</sup> Announcement of the Social Democratic Union. *Ibid.*

<sup>22</sup> Announcement of the Civic Alliance of Serbia. *Ibid.*

<sup>23</sup> *Start*, 11 December 2005.

<sup>24</sup> *Start*, 20 December 2005.

proposed drew a sharp response from its members. Thus, in an interview with *Start*, Mladen Obradović said: 'No ban can prevent the spiritual and nation-building rebirth of Serbdom which *Obraz* advocates!...With God's help, we will free ourselves from these modern tyrants in the same way as we freed ourselves from the Ottoman Turks!'<sup>25</sup> For *Otačastveni pokret Obraz*, the nation-building rebirth of Serbdom is a struggle to establish a 'Serb nation state which will liberate and unite all the stolen and occupied Serb homelands - not only present-day Serbia and Montenegro including Kosovo and Metohija, but also Republika Srpska, the Serb Krajina and Southern Serbia (Serb Macedonia),<sup>26</sup> for only such a 'free and unified Serb nation state...is the prerequisite of the survival of the Serb people in the wind-swept Balkans and world'.<sup>27</sup>

At its meeting on 20 December 2005 the Vojvodina Assembly adopted the motion of the ruling coalition, consisting of the Democratic Party, Alliance of Vojvodina Hungarians, Strength of Serbia movement and League of Social Democrats of Vojvodina, to ban the neo-Nazi, racist and clerofascist organizations and groups in Serbia, as well as to ban the rallies of all World War Two military formations which collaborated with or were part of the fascist occupying forces and which disturb the public and incite national tensions.<sup>28</sup>

The proceedings against the members of *Nacionalni stroj* who disrupted the 'Fascist Threat' round table in Novi Sad on 9 November were conducted by Miroslav Alimpić, a judge of the Novi Sad District Court. He said that the confiscated *Nacionalni stroj* statute 'glorifies racism' and advocates the 'rebirth and preservation of the sound values of the Serb nation as a component part of the white race'.<sup>29</sup> The culprits were charged with 'inciting national and racial hatred by physically abusing those present and endangering their safety'. According to the Serbian MUP, *Nacionalni stroj* is a 'clandestine, racist, chauvinist anti-Semitic organization'<sup>30</sup> which recruits members by 'advocating the preservation of centuries-old Serb territories, the unification of all Serb lands in a Serb state and the preservation of Orthodoxy'.<sup>31</sup> The MUP also listed the following racist, (clero)fascist organizations operating in Vojvodina/Serbia:

The *skinheads* fight 'crime, drugs, sexual perversion and other kinds of destructive cults and all kinds of religious sects, freemasonry. They are against Roma, Albanians, Muslims, Jews, blacks, foreigners. They strive for a centralist

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

<sup>28</sup> *Politika*, 21 December 2005.

<sup>29</sup> *Danas*, 29 November 2005.

<sup>30</sup> *NIN*, 29 December 2005..

<sup>31</sup> *Ibid.*

Serb state resting on monarchy and Orthodoxy...'<sup>32</sup> On 13 November a group of some 15 skinheads attacked the residents of the Roma settlement in the Staro sajmište district of Belgrade. The incident passed almost unnoticed by the media and an appeal to the authorities to do all in their power to stop the continuous terror campaign against Roma did not attract much attention.<sup>33</sup> Furthermore, a project to construct a publicly-funded settlement in New Belgrade for Roma was fiercely opposed by local residents (*Start*, 19 November).

*Krv i čast* uses emblems which resemble those of National Socialism, its flag displaying modified swastikas, a two-headed eagle and four tinder-box steels. It fights for the expansion of 'National Socialism by inspiring followers with radical activism'.<sup>34</sup>

*Rasni nacionalisti - rasonalisti* want '...the Serbs to have the most rights in their state and to decide on their own state themselves. They advocate a struggle against Roma, for a state in which there are no drug addicts, homosexuality, sectarians, thieves, degenerates and other mental patients'.<sup>35</sup>

*Obraz* campaigns for the rehabilitation of Bishop Nikolaj Velimirović, Milan Nedić, Dimitrije Ljotić, Draža Mihailović and for a state 'blessed by God, for honest politics, for a patriotic army, for schools with faith, for Serbdom with *Obraz*'.<sup>36</sup> On 17 May 2005 they forced their way into the 'Liberation of Srebrenica' panel discussion at the Belgrade Faculty of Law, wearing T-shirts with the JSO emblem and portraits of Radovan Karadžić. *NIN*, 29 December.

The MUP also mentioned *Sveti Justin Filozof* and the *Svetozar Miletić* Serb national movement.

The MUP's reaction to the Novi Sad incident bore out a discriminatory attitude on the part of Serbian institutions: an anonymous Novi Sad police source told *Građanski list* that along with lists of skinheads, drug addicts, criminals and prostitutes, the police kept lists of homosexuals which, although legally irrelevant, greatly facilitated their work.<sup>37</sup>

Even if the neo-Nazi, racist and clerofascist organizations and groups in Serbia are banned according to the demand of the ruling coalition in Vojvodina, there remains the problem of its implementation by the current government and its institutions, particularly the ministries of justice and internal affairs. *Nacionalni stroj*, for instance, is an informal, unregistered organization with no organizational structure and hierarchy. Jovan Byford argues that one cannot arrest the leaders or seize the materials of an informal 'organization' consisting of a website registered abroad and of individuals. He

<sup>32</sup> *Ibid.*

<sup>33</sup> *Start*, 19 November 2005.

<sup>34</sup> *NIN*, 29 December 2005.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*

<sup>37</sup> *Blic*, 20 November 2005.

maintains that even if there is a ban, the results in terms of a decrease of racist violence would be minimal.<sup>38</sup> As regards registered organizations such as *Obraz*, the situation is quite different and this explains its members' resistance to the Vojvodina Assembly ban motion. If the Serbian Assembly upholds the Vojvodina Assembly's resolution, *Obraz* and other organizations propagating like ideas may be officially banned.

## Anti-Semitism

The endurance of anti-Semitism is in direct disproportion to the very small number<sup>39</sup> of Jews and their political and economic influence. Its principal sources may be found in numerous literary works with a marked anti-Semitic content as well as in the activities of a number of dignitaries of the SPC which figures as the 'spiritual sponsor of extreme anti-Semitic associations such as *Obraz*, *Sv. Justin*, *Svetozar Miletić*, and of certain theological periodicals on whose editorial staffs young people preponderate, as they do in the aforementioned organizations'.<sup>40</sup> Anti-Semitism is also in evidence in the public utterances of quite a large number of politicians and public figures who continue to uphold the thesis about a world (Jewish) conspiracy against Serbia.<sup>41</sup>

Aca Singer, president of the Union of Jewish Municipalities in Serbia and Montenegro (SCG), believes that 'there is less [anti-Semitism in Serbia] than in other Eastern or Western countries, though more than before, especially since the October events...Prejudices from earlier times apparently survive and are fed by certain anti-Semitic websites or occasional books of an anti-Semitic nature such as the edition by Ratomir Đurđević...'<sup>42</sup> That anti-Semitism was only part of the general state of affairs in society was confirmed

<sup>38</sup> Jovan Byford, "'Clerical fascism" between the mainstream and the extreme', a discourse at the Helsinki Committee for Human Rights in Serbia round table entitled 'Racism, fascism, xenophobia...', Novi Sad, 21 December 2005.

<sup>39</sup> The latest census puts the number of Jews in Serbia at 1,500 to 2,000, Filip David, *Danas*, 16-17 April 2005.

<sup>40</sup> Filip David, 'O antisemitizmu u Srbiji', a discourse at the Helsinki Committee for Human Rights in Serbia round table entitled 'Nova srpska desnica i antisemitizam', Belgrade, 3 November 2005.

<sup>41</sup> A characteristic of the Serbian brand of anti-Semitism is its use by political parties in attacks on each other. 'The use of anti-Jewish stereotypes in interparty fighting is a characteristic of Serbia. One strives to demean one's opponent by saying that he or she is a Jew ('Labus is a Jew', 'Koštunica's mother is Jewish', etc.) or is close to the Jews, or else.' Aleksandar Lebl, 'Savremeni antisemitizam u Srbiji i svetu', a discourse at the Helsinki Committee for Human Rights in Serbia round table entitled 'Nova srpska desnica i antisemitizam', Belgrade, 3 November 2005.

<sup>42</sup> *Večernje novosti*, 23 January 2005.

by Filip David who said that the 'anti-Semitism isn't the problem, it's the xenophobia, racism, fanaticism...the development of the ideology of hatred, the negation of difference'.<sup>43</sup>

Other than in incidents including the scrawling of graffiti, desecration of graveyards and verbal abuse, all of which conform to a pattern of intolerance and hatred of other minority groups, a major characteristic of the Serbian brand of anti-Semitism is 'in evidence to an exceptional degree in publishing'.<sup>44</sup> Among the numerous titles are *The Jewish Conspiracy Against the Serbs*, *The Serb People in the Clutches of the Jews*, *Under the Six-pointed Star*, *Why I Admire Adolf Hitler*, *Dead Cows vs. Six Million Dead Jews*, *Why Racism Is Correct*, *The Protocol of the Learned Elders of Zion*, *Bishop Nikolaj on the Judaites*, *the Enemies of Christians and Christianity*, *Wicked and Damned*, *The Conspiracy of Conspiracies*, *The Evildoers of Mankind*, *The Judaite Conspiracy Against God and Man*, etc. The number of websites propagandizing anti-Semitism was on the increase and a list of some 20 members of the Jewish community in Serbia appeared on the Serbian-language open forum on [www.stormfront.org](http://www.stormfront.org) including insulting and threatening messages.

Isak Aisel, the Rabi of Serbia and Montenegro, told *Večernje novosti* that he was 'astonished at the number of anti-Semitic books in Belgrade. I personally counted over one hundred titles. And I will not mention how surprised I was at the mass editions of the *Protocol of the Learned Elders of Zion*, the tales of a conspiracy theory, that the Jews are to blame for everything'.<sup>45</sup>

Towards the end of February 2005 a number of incidents occurred first in Novi Sad then in Niš. In Novi Sad, copies were distributed of Milorad Mojić's anti-Semitic brochure *Srpski narod u kandžama Jevreja* (The Serb People in the Clutches of the Jews) published by the Krv i čast Srbije (The Blood and Honour of Serbia) publishing house from Žabalj. A few days later, skinheads attacked two young Roma in Niš causing numerous injuries to one of them.<sup>46</sup> Neither of the incidents prompted any response worthy of note and it was not before a spate of coordinated incidents took place in Belgrade and other towns in Serbia at the end of March that the authorities and civil society reacted. In Belgrade graffiti appeared at the Jewish cemetery and outside the Reks cinema and the offices of the Helsinki Committee for Human Rights in Serbia and the Humanitarian Law Centre, the messages reading 'Resist the 5th of October Zionist occupation', 'B92 is Jewish television', 'Jewish parasites get out of Serbia', 'We want freedom, not a Jewish yoke', 'Sonja Biserko - Jewish pawn -

<sup>43</sup> *Danas*, 16-17 April 2005.

<sup>44</sup> Filip David, 'O antisemitizmu u Srbiji', a discourse at the Helsinki Committee for Human Rights in Serbia round table entitled 'Nova srpska desnica i antisemitizam', Belgrade, 3 November 2005.

<sup>45</sup> *Večernje novosti*, 27 November 2005.

<sup>46</sup> [http://www.kontra-punkt.info/modules.php?op=modload &name=News &file=article&sid=...](http://www.kontra-punkt.info/modules.php?op=modload&name=News&file=article&sid=...)



humble servant of the Jew world order', etc. Also, anti-Semitic posters were pasted in the centre of Belgrade urging a boycott of B92: 'Boycott [them over their] anti-Serb activities, pernicious influence on Serb youth, support for an independent Kosovo, support for the spreading of drug abuse, homosexuality and other diseases from the West and support for a multi-racial new world order'.<sup>47</sup> The graffiti and posters were signed by *Nacionalni stroj*.

Soon afterwards anti-Semitic and racist graffiti were scrawled on several buildings in Negotin saying 'Serbia for Serbs', 'For a white future for the race and nation' (next to a crossed-out Star of David), '11th 11th crystal clear', 'Racial equality is a Jewish trap'.<sup>48</sup>

Many public figures including members of the Jewish community in Serbia took the position that such incidents and their frequency indicated the existence of an organized racist movement in Serbia, as well as that the 'burgeoning of racism, anti-Semitism and fascism in Serbia has not been taken seriously by the competent institutions'.<sup>49</sup> Academic Dr Ljubomir Tadić, president of the Society of Serb-Jewish Friendship, agreed that the way the graffiti and posters were 'written and worded indicates the start of an organized action'.<sup>50</sup>

The SPC Synod condemned the Belgrade posters and graffiti as a phenomenon unacceptable in theological, moral, legal and civilizational terms. It stressed that 'Serbs in particular, both as Orthodox Christians and as a people which has experienced enormous suffering in a distant and more recent past, and which continues to suffer in Kosovo and Metohija today' must show 'the martyr's exceptional understanding for the suffering and victims of the Jewish people'. 'If the wounds of our own people pain us – as indeed they do – then all the wounds of all peoples must pain us too, especially those of a people whose victims of genocide run into the millions'.<sup>51</sup> Although the SPC had distanced itself from anti-Semitism on several occasions, its canonization of Nikolaj Velimirović shows that 'in an institutional sense it remains a strong promoter of anti-Semitic ideas and of a fitting hate speech'.<sup>52</sup> In view of the fact that the SPC has not yet addressed the consequences of war in the former Yugoslavia, especially the genocide against Bosniaks in Srebrenica, the Synod's announcement can be regarded as a gesture of political propriety rather than as a fundamental stance of the SPC as an institution.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Danas*, 25 March 2005.

<sup>49</sup> Veran Matić, *Politika*, 23 March 2005.

<sup>50</sup> *Večernje novosti*, 1 April 2005.

<sup>51</sup> *Politika*, 25 March 2005.

<sup>52</sup> Sonja Biserko, 'Nova srpska desnica i antisemitizam', a discourse at the Helsinki Committee for Human Rights in Serbia round table entitled 'Nova srpska desnica i antisemitizam', Belgrade, 2 November 2005.

Indicatively, on the occasion of these incidents, civil initiatives pointed out in a statement that the new wave of extreme Serb nationalism was 'under the aegis of certain state and church institutions'.<sup>53</sup>

In a statement in which it condemned the anti-Semitic outbursts, the SANU said: 'Given that the history of the Serb people is marked by tolerance and good relations with all people regardless of their national, religious and racial background, we are bound to follow these examples set by our ancestors'.<sup>54</sup> One rightly doubts the sincerity of this statement given that the SANU was the powerhouse of the wars in the former Yugoslavia. The defeats suffered in these wars are the source of frustration of Serbian politics and society, especially of the right-wing youth organizations advocating racial, religious and national intolerance and hatred.

In view of the recent historical and present social and political context in Serbia, there is no doubt that anti-Semitism itself is neither the only nor the chief problem which Serbian society and politics ought to address. In the broadest sense the problem concerns the attitude to difference and otherness, the negation of which is manifested in various xenophobic, racist and other incidents and discourses aimed at the establishment of a uniform (ethnic) political, social and cultural environment which, according to the right-wing youth organizations, ought to be based on the traditional Serb values rooted in the cult of St Sava.

Many in Serbia insist that a people which has itself experienced a holocaust cannot be anti-Semitic (and racist). Mladen Obradović of *Obraz*, for instance, argues that 'there is here no organized hatred with a nation, church, or even government behind it'.<sup>55</sup> The object of such arguments is to relativize the anti-Semitic and racist incidents and play them down as isolated incidents unrepresentative of the current state of affairs in Serbian society and politics. Evidence of anti-Semitism in Serbia is routinely countered with claims that there are concentration camps in Kosovo no one talks about, and the situation of the Serbs in Kosovo is used in counter-attacks on nongovernmental organizations urging punishment of those guilty of anti-Semitic incidents and hate speech. The lack of adequate response to anti-Semitic incidents by the authorities and the public in general is a cause for concern. Although under Article 134 of the Penal Code anti-Semitism may be prosecuted as the spreading of religious, national and racial hatred, the prosecuting authorities have failed to act upon many complaints against publishers of anti-Semitic texts by the Union of Jewish Communities in SCG.<sup>56</sup> The failure of the authorities to react adequately to the spreading of racial, religious and national

<sup>53</sup> *Danas*, 24 March 2005.

<sup>54</sup> *Večernje novosti*, 29 March 2005.

<sup>55</sup> *NIN*, 3 May 2005.

<sup>56</sup> Aca Singer, president of the Union of Jewish Municipalities in SCG, *Danas*, 26-27 March 2005.

hatred shows that they and the institutions are immature and unwilling to assume full political responsibility for the increasing radicalization of society and politics in Serbia. Anti-Semitism in Serbia cannot be viewed as an isolated phenomenon and its roots should be sought in the general radicalization of society and politics. In this sense, the anti-Semitism and its manifestations are an integral part of the mainstream exclusive policy and thought that negate and discriminate against any difference on national, ethnic, religious or other grounds.

## Hate Speech

As a party to the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, Serbia is committed to penalizing any propaganda and hate speech inciting to discrimination and violence. Thus Article 20 (2) of the International Covenant on Civil and Political Rights specifies: 'Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.'<sup>57</sup> Further, the International Convention on the Elimination of All Forms of Racial Discrimination requires all states to '...condemn racial discrimination and undertake to pursue by all appropriate means...'<sup>58</sup> and to '...prohibit...by all appropriate measures, including legislation...racial discrimination by any persons, group or organization...'<sup>59</sup>

In Serbia, however, hate speech continued to figure prominently in public discourse in 2005 too. Although the Law on Public Information of the Republic of Serbia prohibits the publication of ideas, information and opinions inciting to discrimination, hatred or violence against persons or groups on account of their race, religion, nationality, ethnicity, gender or sexual orientation (Article 38), as well as provides that violating the ban on hate speech is an actionable offence (Article 39), proceedings were instituted against violators in only a few cases and that on the initiative of nongovernmental organizations and the Union of Jewish Municipalities in SCG.

There is no doubt that a large segment of the public in Serbia is inclined to look upon hate speech as the exercise of freedom of speech or the promotion of a legitimate political option: in his initial response to *Nomokanon's* 'Truth About Srebrenica' panel discussion,<sup>60</sup> even Serbian President Boris Tadić considered this the right to a different political stance.

<sup>57</sup> The International Covenant on Civil and Political Rights.

<sup>58</sup> The International Convention on the Elimination of All Forms of Racial Discrimination, Article 2 (1).

<sup>59</sup> *Ibid.*, Article 2 (1d).

<sup>60</sup> The discussion took place at the Belgrade Faculty of Law on 17 May 2005.

The panel discussion prompted eight nongovernmental organizations to request the Serbian Assembly to pass a resolution on Srebrenica committing the state authorities to condemn any negation, justification and glorification of crime, spreading of discrimination and incitement to violence.

Nongovernmental organizations and representatives of pro-Western liberal and social democratic options are the main targets of hate speech. In its 21st issue *Ogledalo*, a periodical close to the SPC, ran an article by Dr Miloš Minić titled 'Ustani čistokrvni Srbine' (Rise, pure-blooded Serb) and subtitled 'Srpska Vojvodina protiv evroslinavaca' (Serb Vojvodina against the European slabberers), a text brimming over with hate speech against Vojvodina's minorities and pro-Europe bloc comprising a small number of political options and nongovernmental organizations. 'Is it natural for a non-Serb who hates Serbs to live in Serbia?...Such people belong in a mental hospital...A person who applauds frenetically while catholic-protestant bombs rain down on Serbia is a son of a bitch who doesn't belong in Serbia!'<sup>61</sup> The author calls the nongovernmental organizations de-Serbianized bastards who are backing a project to restore Austria-Hungary (in the context of Vojvodina's autonomy) and to destabilize the Serbian state: 'We're going to settle with them with no quarter given. There won't be any time for them to invoke any human rights at all...'<sup>62</sup>

Besides members of nongovernmental organizations, persons with different sexual orientation are often the victims of all kinds of discrimination and hate speech and attacks by nationalistic, clerofascist and right-wing groups. The fact that homosexuals and lesbians are not treated as fully equal members of society 'indicates lack of political will for Serbia to become a modern European state based on democratic values', says the declaration of the *Women in Black* on the occasion of the 15th anniversary of gay and lesbian activism. On 19 May 2005 *Nacional* ran an article on homosexuality in Serbia headlined 'Interest in the Same Sex Is a Disease Which Has not Bypassed Us'. Another article, published in *Glas javnosti* and discussing the 'fitness' of the members of the Incest Trauma Centre to deal with victims of trauma/incest, shows that such attitudes are at least implicitly characteristic of some political elites and public opinion in Serbia: 'Work with victims of trauma is responsible and not at all easy and therefore cannot be done by people who have not undergone training...If this work is performed by those who do not belong to the category of psychically normal, so much the worse.'<sup>63</sup> The debate on whether or not homosexual marriages should be allowed and homosexual couples permitted to adopt children, as well as the political party commentaries in this connection, are evidence enough that homophobia exists

<sup>61</sup> *Ogledalo*, 15 December 2005.

<sup>62</sup> *Ibid.*

<sup>63</sup> Jovan Marić, *Glas javnosti*, 30 May 2005.

also within the ranks of the present democratic government which prefers our (Serb? Orthodox?) customs and morals to the democratic (and Western) concept of equality for all. Miloš Aligrudić of the Democratic Party of Serbia said: 'While I am personally opposed to any discrimination, the question arises as to what is in the interests of society. I think that homosexual marriages aren't at all. The legalization of homosexual marriages and permitting them to adopt children clashes with our concepts of customs and morals...'<sup>64</sup> The spokeswoman for the New Serbia party, Dubravka Filipovski, said that the party was adamantly opposed to 'kinky marriages' because, 'after all, the SPC too is opposed to unisex marriages, which is yet another reason why Nova Serbia is against'.<sup>65</sup>

Apparently there is no anti-discriminatory legislation regarding LGBT rights and others. Although a number of laws such as the labour, broadcasting, public information and high education laws contain provisions prohibiting discrimination on the basis of sexual orientation, the Family Law encourages such discrimination directly, its Article 1 (1) regarding as common-law marriages only long-lasting cohabitation of persons of different sex.<sup>66</sup>

Radicalism in Serbia, in its various manifestations as racism, chauvinism, xenophobia, anti-Semitism, homophobia, hate speech, etc., is a prominent feature of the country's public life. Although some of it is partly due to the continuation of the Milošević-era policy, the fact that it draws its current momentum from resistance to Serbia's European integration and the negation of European standards and values gives rise to special concern. The flirtation with some of these phenomena on the part of the authorities, as well as their denial of the effects of these phenomena on social and political trends in Serbia, indicates their fundamental unwillingness to distance themselves from the policy and practice of crime which dominated and continues to dominate Serbia.

<sup>64</sup> *Kurir*, 11 October 2005.

<sup>65</sup> *Ibid.*

<sup>66</sup> *Danas*, 15 December 2005.

## MEMORY REMODELED

Weighted down by recent past and a profound social crisis, Serbia is grappling with open and salient problems, notably those of its self-definition and in those terms of organization of collective memory. In that process the state and national elites have a monopoly. Inadequate policy of interpretation made room for all kinds of manipulations, aimed at an alleged protection of identity of the Serb people. Serb elite is still burdened by a political option ("liberation and unification of all Serbs"), maintained by variants of ultra nationalism ranging from Yugoslovenism (one of forms of the Serb nationalism), to the far right (Fascist and Nazi) forms.

In its processing of the past the Serb elite shuns the recent historic balance, that is the fact that the national project is defeated and ended in crime. Instead of making the right balance, the Serb elite focused and prioritized the trial of Slobodan Milosevic in the Hague and Bosnian aggression and genocide charges<sup>1</sup> in order to foil incrimination of its whole project and responsibility of the state of Serbia for starting the war. In parallel it has internally focused its energy on keeping Montenegro within the framework of the state union for the sake of preservation of a nucleus from which the new Yugoslavia (United Serb Lands) could evolve. Dobrica Ćosić, who in early 70's had advocated "ethnic states" in the New Year issue of Belgrade Weekly *NIN* urged "restoration and a planned organization of the Yugoslav cultural market and rooting out of the predominant ignorance and pervasive ideological animosities"<sup>2</sup>.

Processing of the past is additionally complicated because of different regional perceptions of disintegration of Yugoslavia. The Serb elite endeavours

<sup>1</sup> In 1995, the Archbishopric Council of the Serbian Orthodox Church reiterated its denial of the so-called AVNOJ borders under the pretext that "this would stand for an official recognition that the Serbian people's status is inferior to those of other South Slavic nations, including those that are newly created on ideological basis, while the Serbian people - Serbia and Montenegro in the first place - will have to take the entire burden of responsibility for the outbreak of wars and their fatal consequences; the Serbian people's just and defensive war would thus be logically interpreted as aggression," *Svetigora*, No. 38-39, 1995.

<sup>2</sup> Dobrica Ćosić, It is high time for the peoples of the former SFRJ to become inward-looking, *NIN*, 29 November 2005.

to relativize responsibility of Serbia by insistence on responsibility of the international community for the break-up of Yugoslavia (Vatican, Germany, Austria, the US) and secession-prone republics (Slovenia and Croatia). Because of its selective amnesia and obstruction of the final stages of the process of disintegration of Yugoslavia, Serbia is still a main hurdle on the road of a genuine reintegration of the region on a new basis.

Disintegration of Yugoslavia, collapse of communism and anti-Communism of the West and East in equal measure have made room for the new interpretation of memory. In parallel at play is glorification of Draža Mihajlović as an anti-Fascist leader, and of other Serb far-right leaders, notably, Dimitrije Ljotić and Milan Nedić. Ratko Mladić and Radovan Karadžić are portrayed as their successors. Under the guise of anti-Communism, total sidelining of anti-Fascist movement was effected. That obviously led to the revision of the entire perception of victims and executioners. The foregoing logically leads to the deduction that communist and not Serb nationalists were responsible for crimes notably those committed in recent past.<sup>3</sup>

To attain that goal the state policy in the post-5 October 2000 period through new school textbooks and notably activities of the Serb Orthodox Church tried to create a new model and consequently effect the makover of the Serb nationalism and its leaders, a Quinsling Nedic and a Fascist Ljotic. Such re-appraisal of nationalism helped establish the new set of values in which Željko Ražnatović Arkan and Milorad Ulemek Legija are treated as desirable social models, and Radovan Karadžić and Ratko Mladić as the cult heroic figures. Historian Todor Kuljić says: "in the initial phase of its re-invention the past should not be challenged", for "as the time elapses and as the invented past is persistently reiterated, its fictitious character is weakening and consequently it is more easily accepted as an authentic one."<sup>4</sup>

However such attempt at the state-orchestrated re-interpretation of the past are countered by part of the elite, in the shape of various NGOs, political alternative (Civic Alliance of Serbia, Liberal Democratic Party and Social Democratic Union), as well as some prominent public figures, historians and few media. Added to that the Hague trial of Slobodanu Milošević is convincingly laying bare the fact that implementation of the project of "liberation and unification of all Serbs" inevitably ended in the crime. That fact in turn impacts the conduct of elites in Serbia, for they try through "damage control" to rationalize some consequences of that failed project which have

<sup>3</sup> The Parliamentary Assembly of the Council of Europe will discuss the Draft Resolution on suppressing neonacist ideology end of January 2006. There was no mention of that Resolution in Serbia. It also illustrates the gap between European tendencies and those in Serbia.

<sup>4</sup> Todor Kuljić, *Myth and History "on the Market"*, *Helsinki Charter*, issue 85-86, July-August 2005.

most bearing on the Serb society.<sup>5</sup> Through relativization of crime the process of facing is reduced to apportionment of the blame to all sides in the conflict or equalization of their responsibility. Such a rationalization of committed crimes as well as the position of the most responsible prime movers on victims at this early stage indicates that memory of the victims in the culture of memory of the Serb people shall be very selective and limited. Notably because that process is accompanied by cherishing of the cult of victim of the Serb people proper.

In a persistent struggle for interpretation of the past since the beginning of the war, and notably since 5 October 2000, the leading elites in Serbia are trying to curb the "more radical interpretation" which recognizes the Hague Tribunal and takes a clear-cut stance on, that is condemns the aggression of Belgrade<sup>6</sup>, and notably genocide in Bosnia and Herzegovina. In those terms the thesis of the "Third Way" was launched. That middle ground approach tries to strike the balance between those who favour the work of the Hague Tribunal and those who challenge it. That Third Way tack which is basically focused on relativization, and enjoys the state support, is being promoted through the Victimological Society of Serbia chaired by Vesna Nikolić Ristanović.

She espouses the thesis that dealing with the past is a process in which all social groups, be they victims or participants and regardless of their national, political and religious hallmarks, should take an active part. According to Vesna Ristanović, that project rallies about 20 NGOs and individuals tackling Serbia's past. They founded the association dealing with the truth and reconciliation through the idea of the "third way". Ristanović, inter alia, stated that in "Serbia most visible are stances against and for the ICTY", but that "in between there are less visible tracks which should be embarked upon." Vesna Ristanovic also noted that that the Association for the Truth and Reconciliation by dint of its middle ground tack bridges a wide gap between the two extreme positions. The goal of the Association is joint, gradual work of social groups, victims of war, refugees, former camp inmates,

<sup>5</sup> Professor of the Belgrade Law Faculty, Oliver Antić stated the following at the Radical Party meeting in Belgrade's Save Centre: "Doctoring and forging of historical circumstances in which the ICTY engages, notably as regards the indictment against Dr. Vojislav Šešelj is wrong, for history does not accept either counterfeits of justice or truth...the Hague trials are nothing but restoration of the old invention of this civilization in which the criminal compels the victim to bow and repent", *Politika*, the Serb Virtual Past, 20 November 2005.

<sup>6</sup> Coalition of the "Eight NGOs", prominent individuals, and political alternative, notably the Civic Alliance of Serbia, Social Democratic Union, Liberal Democratic party, and other parties, notably Vojvodina League.

youngsters and all those who embrace the Third Way, without infliction of additional wounds to an already traumatized Serb society.<sup>7</sup>

In confrontation between the two, allegedly equally radical tacks (of part of NGO sector on the one hand, and the Serb Radical Party, the far-right groupings, notably *Justin Popović*, *Dveri*, *Svetozar Miletić*, *Nacionalni stroj*, and numerous refugee organizations on the other hand) "the Third Way" fits into the state policy, that is in the line toed by Kostunica-led government. After a year-long break, under pressure of the international community Vojislav Koštunica had to resume his co-operation with the ICTY, which he re-defined as "voluntary surrender"<sup>8</sup>. In line with that formula he handed over to the Hague Tribunal 15 Hague indictees, whilst their departure was presented to the domestic public as a heroic decision and "sacrifice for national interests of Serbia and the Serb people".<sup>9</sup> Their "surrender" was conditioned by hefty financial guarantees aimed at providing subsistence to indictees' families, in fact allocations from the republican budget, and also by financial support of tycoons. That kind of "guarantee" resulted from the relevant decision of the "informal coalition" between Democratic Party of Serbia and Socialist Party, for the minority government of Vojislav Koštunica could not survive without the backing of the latter.

Through both the print and electronic media "the Third Way" is being presented and marketed as the most rational way. A negative tack, that is an absolute denial of the Hague Tribunal is ascribed to the Milosevic era, though it is currently backed by part of political forces (Socialist Party of Serbia and Serb Radical Party), and by part of elite identified as so-called patriotic block. The other, positive stance, is attributed to Western governments and their embassies in Belgrade, international organizations, and some domestic protagonists, rallied in some NGO. Such a stance is perceived as a radical one, for it espouses the thesis of an absolute guilt of Milosevic and the Serbs side for war waging, aggression against Croatia and Bosnia and Croatia, planning and

<sup>7</sup> CNPS, Review of Work of NGOs since December 2005.

<sup>8</sup> Editoralist Ljubodrag Stojadinović, Hajduk Myth, *Politika*, 21 November 2005 says: "This government tends to treat more tenderly the Hague indictees. If they surrender they fly to the North on special flights and are guaranteed some benefits and amenities".

<sup>9</sup> Zoran Lončar, Minister for State Administration and Local Self-Rule, and member of the National Council for Co-operation with the ICTY, thus spoke about his impressions at the departure: "While bidding them farewell at the airport, as the custom implies, I gave to each of them assurances that this country called Serbia and this government, shall assist them maximally because of their heroic decision and consequently their support for this country and government". *Danas*, 31 December 2005 – 3 January 2006.

execution of genocide in Srebrenica, planned mass ethnic cleansing and mass crimes in Kosovo...<sup>10</sup>

The third position, that is the 'third way', qualified as a pragmatic one by nationalists, is a response to the two previous extreme positions and represents "the only possible way for the least detrimental settlement of the Hague problem and preservation of internal stability"<sup>11</sup>. Part of that strategy is Kostunica-pursued policy of co-operation with the the Hague Tribunal through 'voluntary surrender'. However, nationalists think that said strategy was upset by the "Srebrenica anniversary", for that "unfortunate story was terribly manipulated and used as the pretext to pile both external and internal pressure on Serbia and Serbs in general". *Declaration on Srebrenica*, which 8 NGOs submitted to the Serb Parliament, demanded Serbia's assumption for Srebrenica massacre. However Serb elites interpreted that Declaration as a pressure on Serbia to "accept its responsibility for Srebrenica...to accept the Western strategy of turning Srebrenica into a symbol and by airing the Skorpioni related-film shocking domestic public and making it experience a strong catharsis."<sup>12</sup> Deft manipulation of such a schematic tack to co-operation with the Hague Tribunal (for the Third Way is identical to the first one, though under pressure of evidence it tries to effect "damage control'), serves to indicate an alleged threat of the second stance "a negative one...which paves the way for a political ascent of extreme, isolation-minded forces"<sup>13</sup>. In order to minimize the importance of NGO sector and notably of "those unfortunate women"<sup>14</sup> which someone is constantly trying to impose as objective and indefatigable fighters for truth", the thesis that "professionals researchers for 'truth' should be given space equal to their genuine representative strength in the society – that is minimal space" is being launched. For that is the condition for ending the story about the Hague Tribunal, and moving forward."<sup>15</sup>

Along with the promotion of the "Third Way" a campaign against NGOs, notably those dealing with the recent past is being mounted. Those NGOs are vilified as "promoters of a new, genuinely new and vulgar-interpretative politicking, in which they have freely been engaged for the past decade in the Serb public scene." Those NGOs are also media-bashed for "arrogance and extreme stances, their strategy of doctoring and their ideology of anti-Serb nationalism and racism." It is said that those NGOs have "deservedly earned the reputation of being a malignant growth on an already destroyed social issue of Serbia". It is though that activities of those NGOs could be curbed by their outright ban, that is through "regulation of that

<sup>10</sup> Misa Djurkovic, Resolution of Vital Issues, *Politika*, 28 July 2005

<sup>11</sup> Ibid

<sup>12</sup> Ibid

<sup>13</sup> Ibid

<sup>14</sup> Relating to Biljana Kovačević. Nataša Kandić and Sonja Biserko

<sup>15</sup> idem

delicate area of civilian education, which would clearly define all its more important aspects (sources of financing, scope of activities, criminal sanctions for their encroachment...)"<sup>16</sup>. In parallel it is demanded that "cognitive appraisal of recent past of South Slavic peoples should be entrusted to the only socially fit and authorized bodies-scientific institutions". It is highlighted that the foregoing is one of the most important state-national interests of a still territorially unconsolidated country, its totally devastated society and lethally stigmatized people."<sup>17</sup>

Resistance to NGOs was placed into an anti-global context, which both the right- and left-wing factions of the Serb elite tend to present as an "anti-imperialist idea, for it confronts hegeonistic globalism which rests on a blind toeing of the US foreign policy line"<sup>18</sup>. NGOs are perceived as "bras long" of the US imperialism in countries undergoing transition. All the leading intellectuals and prime movers of the Serb nationalism share such an approach, notably Dobrica Ćosić (the greatest living Serb writer and academician), Dr Ljubomir Tadić, (philosopher and academician), Dr. Kosta Čavoški (professor and academicina), Mihajlo Marković (philosopher and academician), Smilja Avramov (professor of international law), numerous writers and other prominent public figures. Among the younger generation the most active: are Slobodan Antonić (professor at the Belgrade Faculty of Philosophy), Djordje Vukadinović (editor-in-chief of *Nova srpska politička misao*, which aspires to be both a philosophical and theoretical review), Mirjana Vasović (professor at the Belgrade Political Sciences Faculty), Mirjana Stefanovska (professor at the Belgrade Law Faculty), Slavenko Terzić (a historian), Aleksandar Tijanić (director of Radio Television Serbia), Ljiljana Smajlović (editor-in-chief of Belgrade daily *Politika*), Nenad Lj. Stefanović (editor-in-chief of informative program of Radio Television Serbia), Dragoljub Žarković (director and editor-in-chief of Belgrade weekly *Vreme*), Slobodan Reljić (editor-in-chief of Belgrade weekly NIN), Bojana Lekić (director and editor-in-chief of *BK TV*), etc.

Serb nationalists see any attempt at respecting the reality as "imposition of indifference towards everything that surrounds them", deeming the latter as the greatest danger to Serbs. According to them the attempt to "make Serbs anational, to make them first undrgo a kind of catharsis, and then

<sup>16</sup> Authorities have much delayed the passing of Act on NGOs (in the face of outside pressures) and despite the general perception that NGOs are like "profitable companies."

<sup>17</sup> Mirjana Radojičić, NGOs and policy of interpreting more recent South Slavic past, *Nova srpska politička misao*, 9 September 2005.

<sup>18</sup> Mila Alečković-Nikolić, Conflict between Pro- and Anti-Globalization Forces, *Politika*, 17 January 2006.

gradually kill off their national identity", ranks among, "something that may be characterize as an associated criminal venture".<sup>19</sup>

Resistance to admitting responsibility, for the sake of argument that Serbs are being pushed into an anational position, obviously indicates that crime is the only firm mainstay of that identity. In those terms even the EU and other Euro-Atlantic organizations membership is being viewed as the process of de-nationalization of Serbs. Dobrica Ćosić says that "Serbia has not chosen the road which it follows...it was compelled to embark upon transition and Euro-Atlantic integrations, and "the Brussels commissioners who have bombed us, have then placed us into a state limbo in which the people of Serbia and Montenegro are suffering." Ćosić furthermore maintains that "we are being threatened by new integrating associations aiming at breaking up Republika Srpska and compelling Serbs to live in the camp of 'multiethnic Kosovo' alongside their murderers".<sup>20</sup>

## Perception of Crime

Serb elite, as well as the Serb state, is aware that war crimes, many of which have been already proved in the Hague Tribunal, cannot be denied. Thus for them the main concern is how to avoid any implication of involvement of the state of Serbia in those crimes, that is accusation that Serbia was the main generator of those crimes in the pursuit of its goal of "liberation and unification" of Serbs into one state. Svetozar Stojanović says that "many are trying to reduce everything to war crimes in total disregard of the previous history". His thesis is that "no-one can responsibly talk about responsibility for the moves made during the break-up of Yugoslavia, not even about war crimes, without previously establishing initial responsibility for the break-up of an internationally recognized state."<sup>21</sup> Hence the constructions aiming at encompassing a broad historical context in order to prove that at play was continuation of WW2 and that crimes were retaliation for genocide committed against Serbs during WW2. Thus Svetozar Stojanović says that "some interpreters of our tragic developments resolutely reject to take into account our past, notably the more recent, WW2 related one. The try to limit their scope of research and limitation to the period of Milosević's rule."<sup>22</sup>

Namely the defense of the project, both in the Hague and in domestic scene uses those very arguments which had intially served to mobilize Serbs

<sup>19</sup> Brana Crnčević, 'German Europe' is being made in the US world, *Nacional*, 31 May 2005.

<sup>20</sup> Dobrica Cosic, We shall be condemned by the time and our offspring, *Politika*, 2 October 1995.

<sup>21</sup> Svetozar Stojanović, Crime against Peace, *Politika*, 29 December 2005.

<sup>22</sup> Svetozar Stojanović, About Crime and Punishment, *Politika*, 30 December 2005.

and prime them for retaliation. That was relatively easy in view of the campaign mounted on the eve of the war against Croats, Muslims and Albanians. Then the war propaganda was based on demonization and dehumanization of enemy, and in those terms the Serb elite invested its authority into mobilization of the Serb people by stressing the threat of WW2 enemies. Svetozar Stojanović accordingly maintains that "the repressed things tend to forcibly come to the fore". He goes on to note that no-one should be surprised by the fact that "uncovering of mass graves and burial of human remains came to happen on the eve of the break-up of joint state", for "those mass graves represent a metaphor"<sup>23</sup>. In the same context Svetozar Stojanović poses the issue of individual and not collective apology. He totally rejects the idea of collective responsibility, but notes that it were to be accepted then the time frame would have to be changed: "And why only since 1991, and not since Jasenovac".<sup>24</sup> Interestingly enough the Serb elite one the one hand nationalize past as a move away from Communism (and in those terms promotes the Chetnik movement as an anti-Fascist one), while on the other hand, it resists external pressures aimed at "compelling Serbs to nationalize their responsibility by dint of apology".<sup>25</sup>

Despite its exclusively negatively appraisals of former Yugoslavia, the Serb elite is yet to be emotionally separated from that framework for the settlement of the Serb issue. Hence many schizophrenic interpretations. On the one hand they maintain that Serbs made up the bulk of Partisan movement, which under the leadership of Communists reconstructed the second Yugoslavia, while on the other hand, they keep stressing a long-standing anticommunist position of Serbs. Such an ambivalence additionally increases frustration and sense of loss, with which the Serb elite skillfully manipulates notably in contacts with representatives of the international community. In his explanation of the Serb frustration Svetozar Stojanović mentions another element: "Serbs are additionally sensitive to and hurt because of long-standing demonization of their nation by the world" hence "there is a danger that they might angrily conclude that under the guise of democracy and prevention of the Serb dominance attempts are being made to wrest from them the remaining parts of their state." Insistence on such viewpoint of Serbs makes room "for an accelerated rise of the Serb far-right".<sup>26</sup> In communication with the world only Radical Party members are considered the far-right or "ultranationalists," though the whole so-called democratic block is in coalition with them on various levels.

<sup>23</sup> Idem

<sup>24</sup> Idem, Stjepan Mesic, President of Croatia, during the anniversary of Jasenovac delivered a speech which was not covered by a single Serb medium, barring the Helsinki Charter.

<sup>25</sup> Idem

<sup>26</sup> Svetozar Stojanović, Feeling of Togetherness, *Politika*, 24 December 2005.

## The 10<sup>th</sup> Anniversary of the Srebrenica Massacre

In 2005 was marked the 10<sup>th</sup> anniversary of Srebrenica massacre which symbolizes the evil and massacre committed against Bosniaks in Bosnia and Herzegovina. At the same time 10-year period is a long enough historical distance enabling a comprehensive understanding and perception of the war in Bosnia and Herzegovina. After the ICTY passing of several convictions for Srebrenica and disclosure of a series of facts, it is no longer disputable that Serbia was the generator of wars in the territory of former Yugoslavia. Added to that no one contests any longer the fact that in engineering of those wars Serbia was fully backed by the Yugoslav People's Army, the Serb Interior Ministry, and secret services which played a key role in organization of war.

Srebrenica was a juncture at which the Western civilization made a U turn, that is, returned to its original, anti-Fascist values on which its foundations rest. The process of facing was initiated in the whole world. Even the Republika Srpska government under pressure prepared the report on Srebrenica crime. Also under international pressure it had to acknowledge the 7.800 victims and at least formally to apologize. Only Serbia remained outside that process. The number of killed and missing is still denied. It is maintained that the victims were not civilians, but rather soldiers in disguise. The incumbent President of Serbia Boris Tadić was inaugurated on the day of the anniversary of Srebrenica crime (in 2004). He touched just briefly on Srebrenica, by saying that he had overlooked that date. But lack of shame and indignation over that crime and genuine acknowledgment thereof by the state authorities and the Serb elite is a much more lethal fact for Serbia.

On the 10<sup>th</sup> anniversary of Srebrenica the US Congress adopted a resolution in which it was said that the massacre in Srebrenica was a genocide and that "the Bosnian Serbs in their criminal enterprise and implementation of policy of aggression and ethnic cleansing were backed by the SRY authorities. The last paragraph of resolution re-affirmed the US support to "Bosnia in its entirety". That paragraph is of a paramount importance for it removes the idea of division of Bosnia. Parliamentary assembly of Council of Europe also passed a Declaration indicating that "the road to catharsis would free us of collective guilt, but it is necessary to urgently apprehend and consequently convict commanders and perpetrators of crimes."

10<sup>th</sup> anniversary of Srebrenica was preceded by a series of pertinent panel discussions. Attention of public at large was mostly grabbed by the one held on 17 May 2005 at the Belgrade Law Faculty. That panel discussion was of a multifold importance for it laid bare the state of institutions in Serbia, that is their high level of both professional and moral devastation. It bears saying that the panel discussion announced as "10<sup>th</sup> anniversary of liberation of Srebrenica", had to be renamed "The Truth about Srebrenica" due to responses

of part of general public. Those in attendance went into a veritable delirium after hearing the following statement of Ljiljana Bulatović: "They arrive in Potočare – a false place; they have conquered part of Republika Srpska to bury the alleged victims of Ratko Mladić. In July 1995 Srebrenica was liberated."<sup>27</sup> Ljiljana Bulatović went on to note: "I suggest that they transfer their graves and monuments to their territory, for it is a fertile soil which should be cultivated by population. They should not allow that their victims, much-revered as fighters, be so humiliated by being transferred from their territory to the one in which they are not welcome."<sup>28</sup> That panel discussion because of responses of several NGOs attracted the international attention. That in turn compelled the officials to publicly respond to the notorious panel discussion. Then also President of Serbia Boris Tadić stated that "in every country citizens have the right to freely espouse their stands, even though it is contrary to the official policy of our country."<sup>29</sup>

Eight NGOs submitted a proposal to Parliament of the Republic of Serbia to adopt *Declaration on Commitment of the State of Serbia to Take All Measures to Protect the Rights of Victims of War Crimes, and Notably of Srebrenica Genocide Victims*. But that proposal was rejected<sup>30</sup> because afoot was the plan to adopt a resolution or declaration condemning all crimes. However, refusal of Democratic Party to vote for that proposal, prevented the adoption of that kind of resolution. Due to great watchfulness of the international community and its expectations that Serbia shall be ultimately able to come up with a relevant statement, Council of Ministers issued a statement on the 10th anniversary of the war crime in Srebrenica. The statement read: "our condemnation of the Srebrenica crimes is not limited to condemnation of direct perpetrators thereof. We demand criminal responsibility of all those who committed crimes both in Srebrenica and elsewhere, or organized and ordered them." It furthermore pointed out: "No crime should be forgotten, regardless of its perpetrators and victims".<sup>31</sup>

Boris Tadić, President of Serbia, under pressure of both domestic and international public, went to Srebrenica. Before departure he stated that "crime is a demarcation line between civilization and anti-civilization", but also added: "My message is that criminals are individuals, for if we accuse one people of crimes, then all the peoples in the Balkans are criminals, in view of history of the Balkans countries".<sup>32</sup>

<sup>27</sup> *Danas*, Terrible stench of the Serb shame, 19 May 2005.

<sup>28</sup> *Vreme*, Price of insults and vilification, 26 May 2005.

<sup>29</sup> [www.b92.net/info/vesti](http://www.b92.net/info/vesti), 21 May 2005.

<sup>30</sup> The proposal was submitted by Žarko Korać (Social Democratic Union) and Nataša Mičić (the Civic Alliance of Serbia)

<sup>31</sup> [www.beta.co.yu](http://www.beta.co.yu), documents

<sup>32</sup> *Večernje novosti*, Denial of the state involvement, 9 June 2005.

## The Scorpions Case

Video recording of killing of Muslims in Srebrenica was shown at Milosevic trial. According to the Hague prosecution team, men in fatigues, *Škorpioni*, were under the command of the Serb Interior Ministry, with whose tacit consent they were relocated to Republika Srpska to commit the aforementioned crime. That video recording amply indicates ties between the Serb Interior Ministry and Srebrenica massacre, and also presence of the Serb Orthodox Church and its support to those fighters. Namely the initial scene is the one in which Father Gavriilo, head of monastery Privina Glava, around 8 o'clock in the morning blesses the *Škorpioni* group with the following words: "Brothers, we are facing a revival of Turkish belligerence, they want Serb sacred places. Please help your faithful army to prevail over our enemies."<sup>33</sup> After the airing of the video recording, Monk Gavriilo stated: "I don't repent for blessing members of the paramilitary unit *Škorpioni*, for I did not bless the crime they have committed." He went on to note: "I blessed our people and our flag to make it known that the Orthodox faith is equal to a Christ-loving, justice-loving and calm-loving practice, and to prevent any confusion or veering towards the evil in their minds." In his mind "the crime was committed probably because they lost control or because they grew very embittered. But even the foregoing does not justify that crime. But at the same time we should not forget even worse crimes committed against the Serb children."<sup>34</sup>

The aforementioned video recording compelled the Serb authorities to make a kind of admission of guilt, though they immediately denied any ties between the state of Serbia and that group. The Interior Secretary tried to explicate in a psychological vein the motives of *Škorpiona* to make such a video recording ("they were puerile", "they wanted to show off")<sup>35</sup>. It is interesting to note that President of the *Security Committee*, Milorad Mirčić, after the airing of that video demanded that "a probe should be launched into possible involvement of Nataša Kandić, Sonja Biserko and Sonja Liht in prostitution and human trafficking."<sup>36</sup>

Responses of the leading Serb personalities were rather shameful. In view of the fact that it is difficult to deny the Srebrenica massacre, part of the Serb elite acknowledged the crime, but also noted that "attempts to establish links between Serbia and that crime are sheer violence." Milorad Vučelić, an official of the Socialist Party of Serbia, stated that "at play was an attempt to

<sup>33</sup> *Večernje novosti*, I have five in the package, 4 June 2005.

<sup>34</sup> *Danas*, Monk Gavriilo shows no sign of repentance for blessing *Škorpione*, 9 June 2005.

<sup>35</sup> Velimir Curguz Kazimir, "Jews, human trafficking and Skorpions", *Helsinki Charter*, No. 83-84, May-June 2005

<sup>36</sup> *Danas*, 18 June 2005



implicate us and impose guilt on us, because of the 10<sup>th</sup> anniversary of Srebrenica, start -up of negotiations on Kosovo, and a build-up to possible arrest of Mladic. That is why someone kept hiding that crime until now."<sup>37</sup> In order to deny any links between the state of Serbia and the Srebrenica crime, the Serb media interviewed different members of *Škorpioni*. They all maintained that "*Škorpioni* were under the command of the 11<sup>th</sup> Corps of Republika Srpska Krajina Army, first commanded by Bogdan Sladojević, and then by General Dušan Lončar".<sup>38</sup> Milovan Drecun, a military commentator, however asserted that "someone is intentionally trying to implicate Serbs for the genocide...the goal of that video recording was to exert pressure on the Serb public to accept the idea that Republika Srpska was a genocide-style creations, an as such should now disappear."<sup>39</sup>

Tomislav Nikolić, the Serb Radical Party, said that "One-sided approach to Srebrenica is unacceptable for my party. It hurts me to see how most people in Serbia are speaking about crimes committed by Serbs, and noone speaks about crimes committed by crimes committed by Muslims. If any Serb in Republika Srpska committed any crime, what kind of sin is that for Serbia?"<sup>40</sup> Dragoljub Mićunović, Democratic Party stated that "the state of Serbia and its people are not criminals, but that the character of a regime was criminal."<sup>41</sup> After a meeting with Carla del Ponte, Vojislav Koštunica, stated, "Several suspects were arrested and detained. Of utmost importance was our prompt reaction and detention of few war crime suspects." He added that a shocking and terrible video recording showed a shameless and brutal crime."<sup>42</sup> Aleksandar Vučić, Secretary General of the Serb Radical Party, stated that the main goal of the media campaign related to the Sorpioni case was:" media priming for the arrest of Ratko Mladić, and priming of public at large for the formal abolition of Republika Srpska"<sup>43</sup>.

Dragoljub Kojčić, Democratic Party of Serbia, stressed that some factors in the international community are bent on hurting Serbs and that their goal is "to make the Serb public feel the collective guilt, and consequently more easily swallow the intended punishment. That punishment shall be most certainly in the shape of destruction of the Dayton-time position of Republika Srpska, or backing of Bosnian charges against Serbia and Montenegro, and possibly preparing of the ground for independence of Kosovo and Metohija.

<sup>37</sup> *Večernje novosti*, Violence against Serbia, 9 June 2005.

<sup>38</sup> Statement of Milan Milanović Mrgud, former Deputy Defence Secretary of Republika Srpska Krajina, *Večernje novosti*, I deem it sheer vengeance, 9 June 2005.

<sup>39</sup> *Nacional*, There was no genocide, 10 June 2005.

<sup>40</sup> Witnesses of crime, *Danas*, 8 June 2005.

<sup>41</sup> *Večernje novosti*, Only the fomer regime is to be blamed, 4 June 2005.

<sup>42</sup> "Beginning of break up of brotherhood in crime", *Danas*, 4-5 June 2005.

<sup>43</sup> Preparation of the ground for abolition of Republika Srpska, *Nacional*, 6 June 2005.

Serbs are likely to face anew major sidelining to an inferior position."<sup>44</sup> Radoslav Stojanović, representatives of Serbia and Montenegro before the International Court of Justice stated that "the video recording would not change anything regarding the court proceedings. It is just a short footage showing how only 6 persons were shot, while it is maintained that in Srebrenica 8,000 persons were killed. That short footage only illustrated the situation, but did not increase or lessen the degree of accusations. That recording has not impact on the Bosnian charges agains Serbia and Montenegro and does not change the situation. It does not mean anything, or rather has no bearing, since the charges encompass Srebrenica developments in their entirety."<sup>45</sup> Prvoslav Davinić, the Serb Defence Secretary, stated with regret that "showing of that recording about *Škorpioni* crimes, once again tainted the international image of Serbia", but added that "the entire case indicates only responsibility of individuals, and not the one of people and state."<sup>46</sup>

Dragan Čavić, Republika Srpska official who recognized genocide in Srebrenica breathed a sign of relief: "When I recently went public with acknowledgement of Srebrenica genocide, I met with condemnation of the official Serbia. Many cursed me, called me names, labeled me as a traitor. But I did not care-for I as all the other politicians in Serbia-had an opportunity to see that recording."<sup>47</sup> Zvonimir Trajkovic, one of the closest aides of S. Milošević and Radovan Karadžić, stated that the recording of killing of Muslims in Trnovo was doctored. He thus commented that fact that mother recognized her son while he was taken to the shooting scene: "I don't believe those mothers. Had we shown the recording of an ass, a mother could have also claimed that it was her son."<sup>48</sup>

Airing of the *Škorpion* film in the Hague court-room, just a few days after the Belgrade Law Faculty panel discussion, deeply shocked the Serb public, for the recording showed what everyone more or less knew. Responses of the Serb politicians were shameless, for as Olga Popović said: "Only those without any shame may be shocked today by a cold-blooded execution of innocent people and be suddenly ready to offer a historical admission as a result of a TV Belgrade airing of the video recording."<sup>49</sup>

<sup>44</sup>Does the bestiality of individuals suffices for condemnation of the whole people?!, *Nacional*, 6 June 2005.

<sup>45</sup> Shall the airing of footage on execution of Muslims have impact on the Bosnian charges against Serbia and Montenegro before the International Court of Justice in the Hague, *Danas*, 6 June 2005.

<sup>46</sup>"Crimes in Srebrenica taint Serbia's international image", *Danas*, 7 June 2005.

<sup>47</sup> Dragan Čavić: I admitted, they all knew, *Nacional*, 4 June 2005.

<sup>48</sup> *Večernje novosti*, 19 August 2005.

<sup>49</sup> Olga Popović, Shameless play-acting, *Helsinki Charter*, no. 83-84, May-June 2005.

The Serb authorities saw the film several months before its "premiere" in the Hague<sup>50</sup>, hence no-one should be surprised by swift –within 24 hours– locating of all members of the said group and their immediate arrest. It was a kind of a sacrifice of the Serb authorities in the face of enormous pressure by international community to make official in one way or another its responsibility for the Srebrenica massacre. However international community accepted "shock and surprise" of the Belgrade authorities, and immediately proclaimed that the Serb people underwent a catharsis. Such a hasty response by some international media (CNN, New York Times, etc.) impairs attempts in Serbia proper to tackle the process of facing with responsibility and seriousness.

Responses of the Serb elite to take a stand on the Srebrenica crime were out of place. Namely the Serb Orthodox Church on July 12 organized commemoration in Bratunac for all Serbs victims in Republika Srpska. Belgrade large circulation tabloid *Večernje novosti* ran a *Special Supplement*, allegedly with names of all Serbs (3,287), who perished during the Bosnian war. The Muslim-executed massacre of Serbs (49 victims) in Kravice, a retaliation for the previous killing of 70 Muslim civilians, was much hyped. That event happened in January 1993 but was used a counterpoint to Srebrenica. Front-page headline of the supplement was: "They were killed by the same hand. Let them sleep their eternal sleep. Their graves are a symbol of a major historical tragedy and a lasting warning to our offspring. They are sacrifices for the homeland, faith and freedom. Their sacrifices constitute the foundations of Republika Srpska".<sup>51</sup>

Separation between co-operation with the Hague Tribunal from establishment of the moral balance in the society, helped promote a set of values which is directly in collusion with the consensus on the moral aspect and seriousness of mass crimes, and notably genocide, the consensus which had been attained on the occasion of establishment of the Hague Tribunal. International community proper, because of its vacillating stance on the ICTY in some stages of the latter's work, is partly to be blamed for such a Serb stance on the Hague Tribunal. Hence it comes as no surprise that Ratko Mladić and Radovan Karadžić are still at large. In the early stages of the ICTY work the position that all three sides were equally responsible prevailed. Then it was consequently thought that such a position should have a bearing on the number of indictees in the Hague. Thus Lord Owen as a mediator in the Bosnian crisis once stated that twenty people from each side should be tried.

<sup>50</sup> In an interview to Belgrade weekly NIN, 22. December 2005, war crimes prosecutor Vukčević said: "We saw the tape on *Scorpioni* earlier and we started to follow executors but we have not expected that Geoffrey Nice would show the tape in the Hague Tribunal. Because of that we immediately started the action of arresting. MUP and BIA have accomplished it brilliantly".

<sup>51</sup> *Večernje novosti*, 30 June 2005.

With the passage of time that stance radically altered. And finally in 2005 co-operation with the Hague Tribunal became the basic prerequisite for inclusion of the Balkans countries into European integrations.

International community missed out on a chance to more seriously work with the Serb society proper in the post-5 October 2000 period. And that failure shall have serious consequences for the future of Serbia. Serbia is a country with a very small human potential capable of carrying out the serious process of facing, and in parallel putting in place moral positions on the recent past. The foregoing must be preceded by building of structures tasked with "moralization of memory"<sup>52</sup>. But Serbia lacks the political will to do that. Due to a flexible position of the international community and notably some EU members, the Serb public made wrong deductions which helped extol cynicism and arrogance as the dominant judgement value. The foregoing was indicated by the survey conducted by the UNDP in 53 countries in the world (sample of 17,000 people). According to that poll Serbs ranked the highest with respect to their self-respect at the time when the Hague Tribunal was laying bare crimes committed in the last decade of the 20<sup>th</sup> century. Dr. Jovan Marić, a psychiatrist, thus commented that international survey: "Self-respect may be a misnomer for –the spite" and "my impression is that the most impressive result which the Serbs scored in the international self-respect competition may be politically tinted." He deems that "spite is the *middle name* for Serbia and Montenegro, and just a cursory browsing of the national historical textbook unveils that we have said three times *no* in the last 100 years – first to Austro-Hungary, then to Hitler and finally to – NATO. Such conduct is typical only of a very spiteful, crazy or extremely self-confident person or people."<sup>53</sup> Dr Marić goes on to note that "the Serb unrealistic narcissism and deceitful self-confidence are one of the principal causes of our defeats." In his mind that practically means that "every time they said *no* to the big powers, Serbs were beaten up."<sup>54</sup>

Such interpretation of the survey also indicates that the rout of Serbia is exclusively seen as a sign of indomitable character of the Serb people. Unfortunately such a conviction is propped by other, prominent parts of elite, notably by leading public figures and intellectuals Svetozar Stojanović and Dobrica Ćosić. Both of them are not only incapable of making a good balance of the last 20 years of Serb history, but also tend to defend their participation in the project and the project itself.

In late 2005 Dobrica Ćosić summed up his views on the results of recent wars. That interview of his to Belgrade weekly NIN was presented to

<sup>52</sup> Gabrijel Mockim, *Memory of Crime and Forging of Identity, Lesser Evil*, moral tacks to the practices of genocide, Belgrade Circle, Beograd 2005

<sup>53</sup> Conceited Serbs, *Politika*, 19 October 2005, page 10

<sup>54</sup> *idem*

the domestic public as the only truth despite irrefutable facts which are being laid bare almost every day. Having in mind the impact of Dobrica Ćosić on public opinion, current affairs policy and all national institutions relevant for the process of construction of memory, that interview is highly indicative. He maintained that "all three warring sides committed war crimes, plunder and torching", while "the current quantitative assessments of war crimes are chauvinistic and false". Furthermore he declined to take a stance on Milošević, because "now when Milošević is behind the Schengen bars and is being tried by the Hague Tribunal, the political tribunal and not the one of truth and justice, I don't want to speak about policy of Slobodan Milošević". Such a stance not only constitutes an amnesty of Milosevic, but also leaves open the issue of his responsibility for wars in the territory of former Yugoslavia. Ćosić also floated his conviction that that "Ustashi-masterminded expulsion of Serbs from Croatia and the Albanian-managed ethnic cleansing of Kosovo, are Serb routs. But as we all well know not all war defeats are victories for the other side. Outcomes of those wars are not final." Ćosić qualified war in former Yugoslavia as "a civil war with the statehood-making goals and underlying strong, religious motives." Thus, according to Ćosić, "Slovenians fought for an independent Slovenia, Croats for an ethnically clean Croatia, Serbs waged a war for Yugoslavia and their national and civil rights, Muslims fought for the Islamic Bosnia and Albanians for a Greater Albania ...". Of course Ćosić believes that foreign factors are largely to be blamed for the war, and accordingly asserts that "all the late 20<sup>th</sup> century wars in the Balkans were the final stages of WW2 and beginning of the new war against Europe, in which, unfortunately Europe proper took also part by its involvement in the 1999 NATO-led aggression against Serbia."<sup>55</sup>

### **Milosevic's Defense in the Service of the Greater Serbia Project**

Milošević's defence is also defined as defence of policy and project of "liberation and unification of all Serbs". In his first appearance in the court Milosevic espoused his stand that the ICTY was not a legitimate tribunal. Added to that the starting points of the defence are that Serbia is the victim of the new world order and globalizaiton, and that Serbia fought against the Islamic terrorism and fundamentalism (in the wake of 11th September that thesis was considerably strengthened). Starting from the aforementioned premises Milosevic totally disregards the contents of the indictment, and rarely resorts to legal arguments in order to rebuff indictment counts. Her is concentrated on arguments used to start the war in the first place. That is best

<sup>55</sup> Interview of Dobrica Cosic, "It is high time that the peoples of former SFRJ become inward-looking", *NIN*, 29 December 2005, pages 30-37

attested to by the selection of witnesses-mostly academicians, and military and police officials. Through their testimonies is best laid bare the fact that the masterminds of that project-both individuals and institutions- are still adhering to it. It is becoming increasingly clear that Milošević was selected to execute or implement that project. His political capability made him idoneous for being in charge of implementation of that project.

Milošević's defence explicitly demonstrates that the policy pursued during his regime resulted from consensus of all the relevant factors in the society. Thus, for example, professor Smilja Avramov stated in the Hague Tribunal court-room that "in such a difficult situation in the country it is obvious that Milošević was not the only decision-maker". She expressly maintained that the thesis of a sole decision-maker, notably Slobodan Milosevic, was utterly wrong. "That is not the way things went. Half of the Serb Academy of Sciences, university professors, we all rallied".<sup>56</sup> Hence it is only logical that witnesses in the court-room reiterate the very same arguments they had advocated as members of the influential intellectual elite during the most brutal propaganda stage, that is during the war-mongering and priming stage.

The first thesis espoused by witnesses in the Hague is that Yugoslavia was forcibly broken up by secession-minded republics of Croatia and Slovenia, with assistance of the international community, notably the US, Vatican, Germany and Austria. To put it briefly, it was both "un uprising and war against Yugoslavia, the only internationally legally protected subject".<sup>57</sup>

Decision of Slovenia and Croatia to claim independence, raised the issue of borders, for, according to Smilja Avramov, those borders were "the Communist ones, that is AVNOJ-drawn ones" hence as such unacceptable for Serbs. She stressed in the court that "abolition of revolutionary achievements is necessary". According to Avramov those borders, "lack legal legitimacy", for "they are not recognized by any international treaty". Principal argument of Smilja Avramov against AVNOJ borders was so-called draft of the 1915 London Agreement, which in preparations for the war 70 years later, was considered as the basis for challenging the AVNOJ borders. That agreement was drafted with representatives of Italy, which were promised parts of Dalmatia, in exchange for their staying away from the war with Austro-Hungary. According to Čedomir Popov, "the second part of that agreement was a map offered to Serbia, as a compensation for the Croat losses in Dalmatia and the Serb ones in Macedonia"<sup>58</sup>. According to that Agreement borders of Serbia are more or less identical with the ones tailored by a Chetnik ideologue Moljević. However that Agreement has not legal validity, for it has

<sup>56</sup> [www.icty.un.org](http://www.icty.un.org)

<sup>57</sup> Prof. Smilja Avramov, [www.icty.un.org](http://www.icty.un.org)

<sup>58</sup> Prof. Čedomir Popov, [www.icty.un.org](http://www.icty.un.org)

never been made official or signed. The issue of internal borders of Yugoslavia, was raised in Serbia as early as in 1971, during the Belgrade Law Faculty discussion on amendments to the then existing federal constitution. Even then the stand that in that case Serbs would demand unification of all Serb ethnic territories was crystallized. And that thesis is still expounded and adhered to.

Along with the denial of internal borders, the second important thesis in the defence of Milošević, is denial of the idea of Greater Serbia, that is unification of all Serbs. However academicians in their testimonies still insist on the right of the Serb people to unite into a single state, and disregard the Badinter Commission principles which had made that body opt for the qualification of "disintegration of Yugoslavia" and recognition and respect of the republican borders as the state ones. "Liberation and unification" was the only political concept on which the Serb elites built their policy during the two centuries of modern history of Serbia. That strategy was blindly adhered to even when it became clear that Milosevic war venture ended in rout. For example, Milorad Ekmečić, one of the masterminds of that strategy, at the Second Congress of Intellectuals in Belgrade in 1994, stated: "First we must stress that unification of the Serb people in an independent and democratic state remains our fixed goal."<sup>59</sup> After the Dayton Agreement, denied by the Serb elite, the main strategic guideline remained unification, but, by other, diplomatic means. After 5 October 2000 and installation of Vojislav Koštunica as President of SRY, that tactic gained momentum. Namely it quickly became clear that Vojislav Koštunica was only a personal change in the top SRY leadership. Mihajlo Marković in *Srpska politička misao* (2000) says that "Serbs intellectuals and politicians need not wait for the failure of process of globalization or weakening thereof in order to start working on unification of the Serb peoples". In the Hague court-room Mihajlo Markovic thus replied to Mr. Nice's question about the map ran by magazine *Epoha* of 22 October 1991: "That is not the plan of demarcation between Serbia and Croatia. It is in fact Yugoslavia which has seceded from Croatia. So the question is if Croatia had seceded where the border should have been then?"<sup>60</sup>

Smilja Avramov, in her testimony, also tackled the issue of unification of all Serbs, notably as regarded Croat Serbs. She quoted a series of variants for Croat Serbs in case of secession of Croatia, which, "were tabled in broad-based consultations with intellectuals and experts of all profiles". And her whole thesis may be reduced to the fact that "Croatia cannot take with itself Serbs to independent Croatia". She also maintained that "the Serb people spontaneously rose up against violence" and thus "paramilitary forces were formed. Part of people did not want to flee and surrender. So they set up first groups against

<sup>59</sup> Milorad Ekmečić, The Second Congress of the Serb Intellectuals, Beograd, 22-23 April 1994

<sup>60</sup> Prof. Mihajlo Marković, www.icty.un.org

violence which irritated population everywhere. And then volunteers started emerging in Serbia ...and they decided to place themselves under the command of Yugoslav army".<sup>61</sup>

Testimonies of academicians help reconstruct Belgrade's strategy: adherence to an alleged defence of Yugoslavia, and instrumentalization of the UN forces in rounding off the Serb territories. In his testimony Mihajlo Marković said that the plan to invite the UN peace-keepers aimed at "providing the Serb people with an opportunity to declare where it wants to live". Marković then underscored that "according to that plan one part of territory would remain in Croatia, and the other in Yugoslavia". At the 1991 press conference Mihajlo Marković thus commented the Hague conference: "Serbs claim a minimum ensuring their participation in negotiations, that is, creation of the Serb krajinas in Croatia; that the people who want to remain in Yugoslavia should be given an opportunity to do so (a reference to Serbs in Croatia); and the Serb Socialist Party could not accept that national minorities, notably Albanians and Hungarians be granted in the future community the same rights already exercised by the Serb people in Croatia."<sup>62</sup>

The third thesis on which Milošević built his defence was denial of *Memorandum* as a program document. His principal argument was that it was an incomplete paper, allegedly stolen and then leaked into the public; it is an analysis of economic, political and social situation in Yugoslavia. Marković maintained that at play was the demand for "national equality of Yugoslav peoples", which, as it later emerged, presupposed amendments to the 1974 Constitution. According to the academicians' testimony the myth about Greater Serbia hegemonism allegedly practised by Serbs, would pave the way to advent of the New World Order and globalization in this part of Europe.<sup>63</sup> In those terms they see Serbia as a nation-victim, that is state-victim, the hallmark which Serbia bore throughout its history. According to academicians-witnesses the creation of one, unified Serb state, that is, rallying of the entire Serb people or its biggest part in a single state, is not a great-state idea, but a legitimate right of the Serb people. At this point it bears stressing that none of testimonies gave a mention millions of people whose lives and belongings were sacrificed for implementation of that idea, that is, that right of theirs.

Stvaranje jedinstvene srpske države, odnosno okupljanjem celokupnog srpskog naroda ili najvećeg njegovog dela u jednoj državi, akademici-svedoci ne smatraju velikodržavnom idejom već legitimnim pravom srpskog naroda. Pri tome, ni jedan od svedoka se nije osvrnuo na milionske žrtve koje su ugrađene u tu ideju, odnosno to njihovo pravo.

<sup>61</sup> Prof. Smilja Avramov, www.icty.un.org

<sup>62</sup> Prof. Mihajlo Marković, www.icty.un.org

<sup>63</sup> Idem

The fourth thesis is that the 1974 Constitution was a time bomb for disintegration of Yugoslavia. In the ICTY Marković backed the *Memorandum* stance indicating that "nationalism and separatism rife in the social scene, were orientations ideologically put in place by the 1974 Constitution". According to Marković, "because of that Constitution Yugoslavia was becoming an increasingly chaotic country.". Academicians-witnesses urged amendments to the constitution of Serbia aimed at equalization of Serbian state with other state-republics, for "under the 1974 Constitutions Serbia was stripped of its attributes of statehood". Even today, on the eve of Kosovo negotiations, that very grouping insists on settlement of Kosovo issue along the following lines: "more than autonomy, less than independence" just as it had been resolved under the 1974 Constitution.

The fifth thesis is related to the role of the Yugoslav People's Army in disintegration of Yugoslavia. Namely the defence tries to protect the YPA from responsibility for the crimes and its involvement in organization of "rebellion of Serbs". Arguments to that end are reduced to the following: there were crimes, but they were committed by paramilitary groups outside the state institutions control.

Such defence arguments in the court-room, their presentation and domestic media interpretation thereof, indicate that such views are deeply ingrained in consciousness of broader public. The latter then by extension strengthens the conviction that Yugoslavia broke up because big powers wanted such an outcome. State institutions are actively involved in defence of the project and also in a bid to shun responsibility of the state Serbia for crimes and genocide in former Yugoslavia. In view of the fact that such a perception is widely accepted by public at large, the process of facing is made more difficult and pro-EU orientations are blocked.

## History Textbooks and the Recent Past

As most significant for shaping young people's minds, textbooks are used as major instruments for interpreting historical events and developments, particularly those related to the recent past. After the ouster of the Milošević regime in 2000, some progress has been made in this domain, as textbooks have been adjusted to European trends. A tangible outcome of the Council of Europe and the Stability Pact's initiative was the attempt to have regional history interpreted objectively.

The project was launched during Djindjić-led government. Then the education reform was successfully implemented in the face of very difficult political issues. One of the first moves of government of Prime Minister Vojislav Koštunica was to make a U turn, that is to reverse the course of educational reform. However, under pressure of part of public opinion, and international organizations, Kostunica-led government was forced to re-embark

upon the original reform course. In those terms the aforementioned textbooks were recommended by the Serb Education Ministry.

On pages of Belgrade weekly *NIN* there was an interesting polemic related to recent publishing of four historical textbooks (the Ottoman Empire, Nations and States in South East Europe, the Balkans Wars, WW2), by "Prosvetni pregled" and Thessaloniki-based Centre for Democracy and Reconciliation. Namely that project was supported and funded by Council of Europe, Stability Pact, and other international institutions, while those textbooks were backed and approved for use by the Serb Education and Sports Ministry. Those textbooks resulted from many-year work of 60 historians from 11 countries of South East Europe. Textbooks are based on historical documents believed to most accurately present the Balkans history. Editors of those textbooks also published collections of their historical sources. The publishing venture and notably free use of those textbooks was harshly criticized by Kosta Nikolić and Suzana Rajić, authors of the new history textbook for the 8th grade.

Dubravka Stojanović, who collaborated on the project, thus qualified the aforementioned criticism "the big problem is the fact that the aforementioned authors failed to follow development of international history after the 30's of the 20th century, and consequently ignored the existence of the key debate, the one on the historical truth." She added: "The idea of the one and only truth is the basis of every authoritarian opinion and totalitarian order, and hence the only scientific solution to that problem are multi-outlooks, that is the way in which, without any comments, are equally represented views of interested parties. Such a multi-outlook solution paves the way for a dialogue." Dubravka Stojanović also pointed out that objections to the project are reduced to counting of Serbs, Serb sources, Serb data, and comparisons between the space given to Serb and other sources." According to historian Stojanović the foregoing is "a typical ethno-centric response to a comparative scientific tack, for the basic goal of that task is comparison, which by definition, limits the work of all those who see all the complex past and present realities only through their lenses."<sup>64</sup>

## R reinterpretation of Anti-Fascism

Rituals of memory represent a position on the past and on the basic values which help commemorate it. Anti-Fascism is a basic civilized value on which the present-day Europe rests. Serbia has excluded itself from the coalition of anti-Fascist countries. At play is not only sidelining of the Partisan Movement, the only prime mover of anti-Fascism in the territory of former Yugoslavia, but also a historical doctoring of the role of Chetniks in WW2.

<sup>64</sup> Dubravka Stojanović, To Disarm History, *NIN*, 22 December, pages 44-45

Partisans themselves, that is, the minders of the Partisan tradition, or those who perceived themselves or presented themselves as such (largely rallied round Slobodan Milošević and his Socialists) identified themselves with the goal of Ravna Gora movement in the 90's. The foregoing is best proved by the fact that Serbia failed to send an official delegation to the May commemoration of victims of Holocaust on the occasion of the 60 anniversary of victory over Fascism in Auschwitz. That attitude of Serbia towards anti-Fascism was noticed by the international community, for Serb and Montenegrin delegation was not invited to the main celebration of victory over Fascism celebrated in Moscow. Marking of that 60th anniversary in Moscow was particularly important because of nationalization of anti-Fascism in nearly all post-Communist countries. The fact that in Moscow gathered all the world leaders was purported to symbolize the end of equalization between Nazism and Stalinism. That gesture did not aim at lessening the importance of victims of Stalinism, that is, Communism, but in fact prevented the confusion over the policy of memory which underwent a total makeover after the collapse of Communism.

Political elite in various ways marked the Victory Day, 9 May 2005 in Serbia. Vojislav Koštunica laid the wreath on the monument to Air Force members-defenders of Belgrade in the 1941 April war. He avoided to pay tribute to Partisans and Chetnics, and chose instead the Royal pilots. The state-backed celebrations were held for the first time on 13 May at Ravna Gora. Foreign Secretary Vuk Drašković there commemorated the WW2 events and thus sided the government and parliament with the side defeated in WW2. Only several months earlier (December 2004) Serb Parliament with an overwhelming majority adopted the law which equalized the WW2 role of Partisans and Chetniks. On that occasion MPs of Socialist Party of Serbia, Social-democratic Union and the Civic Alliance of Serbia abstained from voting.

Additional confusion was made by the decision of the US government to award medals to the Nazi collaborators. Namely, the US delegation of war veterans posthumously awarded with the Order of Merit the Serb general Dragoljub Draža Mihailović, the leader of the Chetnic movement. That medal was first awarded to Mihailović in 1948, two years after his execution. That US move was met with animosity in the region, notably in Bosnia, Croatia, and in Kosovo. But in fact pragmatic Americans through that gesture sought to back the Foreign Secretary Vuk Drašković in his genuine efforts to improve relations with the West. However, the fact to which all neighbours responded, namely that Draža Mihailović, like Vuk Drašković, represented symbols of a genocide-minded Greater Serbia project which caused great suffering both in 1941 and in 1991, should not be overlooked.

According to Dubravka Stojanović, the need to re-define the whole past: the 90's wars, Socialist Yugoslavia, WW2, Kingdom of Yugoslavia,

emergence of Yugoslavia, WW1, "golden age of the Serb democracy in 1903-1914 period, the 19<sup>th</sup> century, the Turkish domination, the state of Nemanjici, indicates that "playing with history" and "non-resolution of any salient issue" poses a great threat to society, which was stripped of all directions. Such a stance "leaves room for imposition of ideology which is at the same time both the far right- and the far left-wing one, and which is in all respects contrary to things and values on which the successful part of contemporary world rests."<sup>65</sup>

## War Crimes Trials Before National Courts

Trials for war crimes before national courts also vividly reflect the stance of the state on recent past. What characterizes those trials are the prosecution attempts to neutralize or obliterate any involvement of the state of Serbia, Yugoslav People's Army and police in crimes that had been committed. Prosecution is trying to downsize those crimes to "incidents" committed by "isolated groups" that is paramilitary formations. In that way the state is trying to defend the state of Serbia from genocide- and aggression-related charges and accusations and payment of compensatory war damage to Croatia and Bosnia and Herzegovina. In those terms co-operation with the Hague Tribunal, notably as regards military documentation, was conditioned by the state strategy to avoid aggression and genocide qualification by the international courts of justice in the Hague. Attempt to reach an out-of-court settlement with Bosnia failed, despite brokerage of some EU countries.<sup>66</sup> Defense before that court is one of the priorities of foreign policy of Serbia and Montenegro. Serbia has already primed its witnesses and tasked them with improving its image, notably the one which concerns its position on minorities, notably Muslims. One of the witnesses shall be the Belgrade mufti effendi Hamdija Judufspahić.

## Conclusions and Recommendations

Having in mind the importance of the right processing of the past for the future of Serbia, and its inclusion into European integrations, and notably its relations with its neighbours, the following conclusions can be derived:

<sup>65</sup> Dubravka Stojanović, *Defeated Future, Helsinki Charter*, issue 83-84, May-June 2005.

<sup>66</sup> Daily *Politika* of 18 January 2006 carries in text in which the international law professor Francis Boyle (legal representative of Bosnia and Herzegovina before the International Court of Justice) maintains that "much pressure is brought to bear on the Bosnian authorities to drop their charges against Serbia before that court". He goes on to note "not a single big power wants that trial, (though the first hearing is scheduled for 27 February). The US, UN, EU, and even Holbrooke himself over a year ago piled enormous pressure on the Bosnian authorities to renounce evidence presentation".

- Absence of political will of political and cultural elites to responsibly tackle the processing of the past to a large extent obstructs the opening of European prospects for Serbia;
- Orientation to relativize responsibility for recent wars is also a hurdle on the road of normalization of regional relations;
- The aforementioned stand constitutes an additional element in closing up of the Serb society and its total acceptance of autistic and retrograde set of values;
- Issue of punishability is one of the key issues on which hinges establishment of the legal framework and legal system in Serbia;
- "Commercialization" of relations with the Hague Tribunal (as form of co-operation) is lethal for public opinion, for it is tantamount to missing out on an opportunity to establish a morally vertical system through explanation of background, contest and responsibility of Milosevic regime;
- Such a position on the ICTY is in its gist tantamount to the policy of non-break with the previous regime, while through "commercialization" and "damage control" attempts are made to relieve the state of Serbia and its institutions from the war crimes and genocide in Bosnia and Herzegovina.

#### **Helsinki Committee recommends to the international community:**

- To keep piling pressure on the Serb authorities to make them tackle in the right way the processing of the past;
- To assist in the right way the resolution of the Bosnian aggression and genocide charges against Serbia in the International Court of Justice, for without the right interpretation of 1991-1999 wars in the territory of Yugoslavia, the right prerequisites for the regional normalization shall not be created;
- To help in an adequate way parts of the civilian society which deals with the facing process, in view of the ongoing and virulent vilification campaign mounted against them;
- To exert influence on the media (notably Radio Television Serbia, as an allegedly public service) to more adequately and extensively cover the ICTY work;
- To assist the professional researchers of the past, for contemporary values may be upheld only through the right interpretation of recent history;
- To exert influence on the more liberal part of elite to formulate such a policy of memory which would enable the Serb society, notably the young ones to take, that is, to embrace a critical tack to the responsibility of the state of Serbia for recent wars.

## **SERBIA AND THE HAGUE TRIBUNAL: A HALFWAY COOPERATION**

Despite numerous promises by the Serb highest officials given during every single meeting with representatives of the international community and of the ICTY in 2005 that general Ratko Mladić would be handed over to the Hague Tribunal, those promises never materialized. General Ratko Mladić indicted by the Hague Tribunal for the genocide of Muslims in Srebrenica and also for killing of about 10,000 denizens of Sarajevo during the city's siege, is still at large. After death of Slobodan Milosevic and a subsequent, virulent, anti-ICTY campaign mounted by the media with a view to even more discredit the Hague Tribunal, new delays in and manipulation of arrest of Ratko Mladić may be expected. Aside from Mladić, Serbia "owes" to the Hague Tribunal the hand-over of about 10 war crimes indictees.

By dint of the formula of so-called voluntary surrender of the Hague indictees, devised by the Kostunica-led government in September 2004 (in the wake of decision of official Washington to impose on Serbia so-called "soft sanctions" because of the latter's non-cooperation with the Hague Tribunal) for the sake of preservation of a coalition majority in parliament and the image of reservations towards the Hague Tribunal, 17 war crimes indictees were sent to Scheveningen in September 2004-April 2005 period. Since April 2005 not a single war crimes indictee has been handed over.

Both the international community and coalition partners were then pleased with the government's performance: the Hague Tribunal commended Serbia for its co-operation, in late March Brussels approved the Serb Feasibility Study, and the Socialist Party of the Hague war crime indictee S. Milosevic continued to back the government. SPS official Ivica Dačić confirmed that his party "was in principle against arrests and hand-overs to the Hague Tribunal", but that "Kostunica's manner of voluntary surrender was correct both for the state and individuals".<sup>1</sup>

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<sup>1</sup> *Kurir*, 19-20 March 2005.

## "Voluntary" Surrenders

Procedure of voluntary surrender perhaps in the best way illustrated the position of the Serb authorities on responsibility for the war crimes, and on the Hague Tribunal too. Before the TV cameras indictees were received by the highest officials of the government of Serbia and even by the Serb Prime Minister proper, along with voiced assessments that "surrender was a patriotic, highly moral and honest act"<sup>2</sup> (Justice Minister Zoran Stojković on decision of Radivoje Miletić to surrender himself voluntarily to the Hague Tribunal). Miletić, an officer of the Army of Republika Srpska, is charged with persecution and killing of Muslim civilians in Srebrenica and Žepa.

Before their hand-overs high officers from Republika Srpska (Bosnia and Herzegovina) and Serbia were frequently received by Patriarch Pavle. TV cameras covered the departure of the war crimes indictees-escorted by the Serb high officials, the Serb government ministers- for the Hague. Charges or indictments against them have never been mentioned. They were sent away as national heroes, sacrificing for the good of Serbia, that is, its initiation of the process of accession to EU and Partnership for Peace. Charges against them and their responsibility for crimes committed in former Yugoslavia are still being hushed up in Serbia. This official calculating policy towards the Hague Tribunal is characterized by the two main elements: political elite and intellectuals close to them underscore the obligation of the state towards the ICTY, but at the same time espouse their stand that the Hague Tribunal stages political trials.

On the first anniversary of his government Vojislav Koštunica for the first time publicly expressed readiness of his government "to hand over to the Hague Tribunal the most wanted indictees for war crimes, Radovan Karadžić and Ratko Mladić" and added that "all persons on the Hague Tribunal list of indictees shall be extradited." He suggested that „some could surrender by late March, at the time of the EU decision-making process on the feasibility study."<sup>3</sup>

In January-April 2005, the arrests of the four police and military generals -indicted in October 2003-that is, Nebojša Pavković, Sreten Lukić, Vlastimir Djordjević and Vladimir Lazarević-were in the spotlight. Vladimir Lazarević was the first hand-over case in January 2005. He was sent away with all the possible honours, compliments and his family was even given a car by the Serb Minister for Capital Investments, Velimir Ilic. In a secret indictment dated 25 September 2002 (made public in October 2003) the four generals were accused of "planning, instigating, ordering or committing or in any other way assisting in and backing commission of crimes in Kosovo". They were also charged with a forcible relocation and deportation of 800,000 Albanian

<sup>2</sup> *Politika*, 1 March 2005.

<sup>3</sup>Interview to "Financial Times", as carried by *Danas*, 3 March 2005.

civilians, killings of hundreds of Albanian civilians committed by the armed forces of the FRY and Serbia, and sexual harassment and rape of Albanian women.

After months-long negotiations, hiding and threats "I shall not go alive to the Hague"<sup>4</sup> and the issue of arrest warrant for him not on grounds of the ICTY indictment, but rather on grounds of his no-show at the trial relating to attempted assassination of Vuk Drasković in Budva, General Pavković was the last indictee to be sent to the Hague, on 25 April, and on that trip he was escorted by Minister Zoran Lončar, two lawyers, and a doctor from the Military Academy Hospital. Council of Ministers of EU conditioned greenlighting of the feasibility study with Pavković's hand-over.

General Djordjević is still at large, he is allegedly hiding in Russia. For the ruling and opposition parties the most controversial -in terms of honouring the principle of voluntary surrender-was the hand-over of the retired police general Sreten Lukić on April 4.

Although his departure was qualified as "a special mode of voluntary surrender", Lukić, on the day of his release from the hospital (he had been subjected to a surgical intervention in the Military Hospital) in the hospital pyjamas was taken to the Hague. Contrary to other "patriots", and the media-lauded "heroes with high moral standards", and "honourable men" no Serb minister escorted Lukić to the Hague that time around. He was not even received by Prime Minister Koštunica "and he was not publicly given money or a car probably because of his involvement in the *Sword* action".<sup>5</sup> Commentator of daily *Politike* Lj.Stojadinović (a former Yugoslav People's Army officer) in the text "Plastic Medal" maintained that "In Serbia there are no longer forces which could be termed as the anti-Hague lobby. Serbia has only one choice now. But it is not sure that fulfilment of our obligations shall make our lives better. On the other hand failure to meet our obligations would only make our life worse. Resistance towards the Hague is reduced to folkloric elements and the last variants of Serb, hajduk-style insurgency."<sup>6</sup>

Hand-over of Sreten Lukić, former commander of police chief of staff in Kosovo, and after the 5-October changeover, a high police official and the frontman of action "Sword", prompted many negative and stormy responses of Serb politicians. That case also prompted the Serb Radical Party, the stiffest opponent of co-operation with the ICTY, to call on resignation of government of Serbia "because it has trampled upon its promise on a voluntary surrender of the Hague indictees".<sup>7</sup> An explanation about conditions of Lukić's surrender was also demanded by President of Serbia, Boris Tadić. He also demanded that

<sup>4</sup> *Danas*, 26. April 2005.

<sup>5</sup> *Politika*, 8 April 2005.

<sup>6</sup> *Politika*, 8 April 2005

<sup>7</sup> *Danas*, 9-10 April 2005.



the ICTY "guarantees to Lukić a medical treatment and to take into consideration his conditional release until the start-up of his trial."<sup>8</sup> Former Prime Minister of Serbia, Zoran Živković, took a very clear-cut position: "If Lukić was forcibly taken to the Hague, the government violated its own concept of voluntary surrender." According to Živković, Lukić before and after assassination of Prime Minister Djindjić, was "an honourable officer, which is a rare case among the police forces." Socialist Party of Serbia, a coalition partner, accused the government of abduction and forcible hand-over of Lukic. That party also cautioned its coalition partners in the government against "any future forcible hand-overs to the ICTY...Slobodan Milošević is the most prominent fighter against the Hague violence. His party would never allow any citizen to be handed over to the ICTY in breach of constitution and justice."<sup>9</sup>

Political manipulation of the Lukic case by both the ruling and opposition parties brought about once again sidelining of co-operation with the Hague Tribunal and responsibility for the war crimes. After hand-over of General Lukic, the threat of Socialists subsided and they continued to back the government.

Serb Radical Party as the strongest party in the Serb parliament, every now and then fuelled the anti-Hague campaign. At a scientific rally on "alleged evidence against the Hague indictee, Vojislav Seselj," Professor of the Belgrade Law Faculty, Kosta Cavoski, maintained that Šešelj was the victim of internal rather than of international policy: "Hague prosecution team only met the wishes of the DOS officials no longer willing to tolerate Šešelj." Writer Brana Crnčević, who like Čavoški, is a regular guest at the Radical Party-staged panel-discussions and meetings, assessed that "the Hague Tribunal is only a small element of the criminal venture called globalization" that „Serbs, as a result of the Hague Tribunal operations, are being compelled to accept national insecurity and anationality"<sup>10</sup>.

The next meeting with a similar topic "Forging of general, historical circumstances as a mode of operation of the Hague Tribunal, notably as regards indictment against Vojislav Šešelj" was held by the Radical Party in early November.

Tomislav Nikolić, Vice President of the Serb Radical Party, then accused the Hague Tribunal of creating a virtual past, by its doctoring of historical facts, in order to create the image of Serbs as criminals. He also stressed that: "To change the truth, to amend the books or write the new ones, to erase the Serb victims, and convince Serbs proper, in addition to the rest of the world, that things happened that way, and that we are all criminals and

<sup>8</sup> *Glas javnosti*, 5 April 2005.

<sup>9</sup> *Večernje novosti*, 31 March 2005.

<sup>10</sup> *Večernje novosti*, 30 May 2005.

murderers, - that is the main task of the Hague Tribunal and his media stooges."<sup>11</sup>

At the time of the Radical Party rally in Save Centre, members of organization "Sloboda" staged a signing of petition demanding the Serb parliament to pass a Resolution on Suspension of the ICTY proceedings against S. Milosevic on grounds of his medial treatment in the country and provision of necessary state guarantees thereof."<sup>12</sup>

Disclosure of the video recording of killing of Muslims in Srebrenica, in July 1995, only momentarily contributed to the facing of the Serb public with the crime committed by members of the reserve unit of Serb police, *Škorpioni*. ICTY prosecution team on 1 June for the first time screened that film during the Milosevic trial. Then that recording was, albeit selectively, aired by domestic electronic media. President of the Fund for Humanitarian Law, Nataša Kandić, explained that "the film was made on mountain Treskavica during the Srebrenica crime. Killed men were civilians from Srebrenica. The crime was committed by members of *Škorpioni* and their commander was Slobodan Medić"<sup>13</sup>. Part of that unit was also responsible for the massacre of Albanian civilians in Podujevo, in 1999.

Declaration on Srebrenica, prepared by 8 NGOs, demanding the Serb parliament to take a clear stand on that crime, was not well-received. Most MPs stated that they were "shocked and repulsed by the video recording of execution, but we think that culprits should be punished individually, instead of blaming the whole people."<sup>14</sup> MPs of the ruling Democratic Party of Serbia justified the rejection of declaration by the ongoing trial against *Škorpioni*. Their coalition partners from the Socialist Party of Serbia, cautioned that "a distinction must be made between crimes, and crimes committed during the war by direct executioners".

The Serb media tasked with so-called protection of Serbhood, notably daily *Nacional*, which keeps espousing the thesis of "Western efforts to impose collective guilt on Serbs for genocide committed in wars in former Yugoslavia," assessed the aforementioned recording of execution of Muslims, some of whom were underage, as an effort "to bring pressure to bear on the general public in Serbia to accept Republika Srpska as a genocidal creation, which as such should cease to exist" and "it should be said loud and clear that there was no genocide in Srebrenica".<sup>15</sup>

After the Hague screening of that heinous crime committed by *Škorpioni*, the Serb police arrested the eight perpetrators of that crime. A special department for war crimes of the District Court in Belgrade immediately

<sup>11</sup> *Politika*, 11 November 2005.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Danas*, 3 June 2005.

<sup>14</sup> *Ibid.*

<sup>15</sup> Milovan Drecun, *Nacional*, 10 June 2005.

instituted pre-trial proceedings for the Srebrenica crime, and brought charges against the *Škorpioni* members. Circumstantial evidence in the proceedings is the two-hour long film on liquidation of the Muslim prisoners.<sup>16</sup>

On that occasion Prime Minister Koštunica took a very clear-cut stand: "This is a brutal, shameful and heartless crime committed against the civilians".<sup>17</sup> During her visit to Belgrade, Carla del Ponte, thanked the Serb authorities on their swift response to the film shown in the Hague Tribunal, and assessed the arrest of perpetrators of that crime "as a brilliant action"<sup>18</sup>

## False Promises

In meeting obligations towards the Hague Tribunal, the incumbent Serb authorities have taken a twin-track approach: they are sending optimistic messages to the international community, that is, claiming that Serbia is ready for full co-operation with the ICTY, which includes all the remaining hand-overs of the war crimes indictees living in the territory of Serbia. Internally the authorities are promising ample assistance to all those who decide to voluntarily surrender, including financial assistance and guarantees of the state relating to the possible, pre-trial release of the Hague indictees. Thus the print media trumpeted on their front-pages the temporary release of the four indictees, namely General Vladimir Lazarević (released only two months after his departure for the Hague), Nikola Šainović, Milan Milutinović and General Dragoljub Ojdanić and their reception at the Belgrade airport. The government made good use of their return to the country. Head of the government's Media Bureau, Srdjan Djurić, stated that the ICTY's decision was a confirmation of the government's credibility: "The word given by our state is respected, and that release-related decision is a major result in co-operation of our state with the Hague Tribunal."<sup>19</sup>

For the assistance to families of war crimes indictees (last year there were 32 of them in the Hague) the state of Serbia in 2005 earmarked 15 million dinars. Every family gets 200 Euro every month-and that is an average salary in Serbia-every two months three air tickets for the Hague, and 250 Euro go to every family member travelling to the Dutch capital. On that list are for example families of N. Sainovic, M. Milutinovic, V. Seselj.

After a year-long stalemate, the government's strategy of "voluntary surrender" in 2005 yielded certain results: 17 indictees were sent to the Hague. Such a pro-active or agile stance of the Serb government resulted primarily from a strong pressure of the international community. A highly-troubled

<sup>16</sup> *Politika*, 2 June 2005.

<sup>17</sup> *Blic*, 3 June 2005.

<sup>18</sup> *Blic*, 3 June 2005.

<sup>19</sup> *Danas*, 14 April 2005.

hand-over of General Pavkovic to the Hague was directly linked to greenlighting of the Feasibility Study. Added to that the rest of the wanted documents was submitted and witnesses were exempted from state secret confidentiality principle only after the threat by Carla del Ponte that in her regular June -13th June-report to the UN Security Council- she would caution against Serbia's insufficient co-operation with the Hague.

Prosecutor of the Hague Tribunal, Carla del Ponte in 2005 visited Belgrade twice. In early June she told Prime Minister of Serbia, Koštunica, President of the State Union of Serbia and Montenegro, Marović, Foreign Secretary of Serbia and Montenegro, Drašković and President of the National Committee for Co-operation for the Hague Tribunal, Ljajić, that despite some progress in co-operation the ICTY was still waiting for the hand-over of Mladić and Karadžić: "The future and European prospects of the state union directly depend on the arrest of General Mladić."<sup>20</sup> International community nonetheless expected Mladić's hand-over before the 10<sup>th</sup> anniversary of Srebrenica massacre and signing of the Dayton Accord. Head of the Dutch diplomacy, Bernard Bot also reminded Belgrade that "the message relating to co-operation with the Hague is very clear, but it must be clear to citizens of Serbia too."<sup>21</sup>

Under international community's pressure Vojislav Koštunica also reminded the general public of results of co-operation with the Hague Tribunal, that is, voluntary surrenders, and temporary, pre-trial releases, along with the following claim: "I would be even happier if commitments towards the Hague Tribunal were met earlier, but we shall strive to fulfil them quickly, and by sticking to our proven method or tack."<sup>22</sup> That implies the Prime Minister is still against the arrest of the Hague indictees. Perhaps a year-long lack of extraditions is due to lack of candidates for voluntary surrender.

After a meeting with Carla del Ponte, Foreign Secretary, Vuk Drašković, stated that "the hand-over of the indictees is the topmost national obligation", but added that "the public and media statements in defence of crimes and criminals also constitute -a crime". Carla del Ponte reiterated that "added to non-extradition of 16 war crimes indictees" "Mladić is the biggest hurdle in co-operation between Serbia and the ICTY" and "this is my last visit to Belgrade with this motivation".<sup>23</sup> Del Ponte reminded the Serb officials that the ICTY expected to see General Mladic in the dock on 11 July, on the 10th anniversary of Srebrenica crime: "I also told Prime Minister Koštunica that Mladic should be in the Hague by the 10th anniversary of the Dayton Accord, in the month of November." After talks with the ICTY Prosecutor, Prime

<sup>20</sup> *Večernje novosti*, 3 June 2005.

<sup>21</sup> *Danas*, 15. July 2005, Bota- Drašković meeting in Belgrade

<sup>22</sup> *Večernje novosti*, 3 June 2005.

<sup>23</sup> *Politika*, 30 September 2005.

Minister Kostunica stated: "Co-operation with the Hague is of vital interests for our country" and "We are aware that the said co-operation should be fully honoured and brought to a close."<sup>24</sup>

With the same motive, many other representatives of the international community visited Belgrade, notably the ICTY's President, Teodor Meron. He also urged President B. Tadić, Prime Minister V. Koštunica and the Justice Minister, Z. Stojković to hand over the war crime indictee, Mladić, for as he has put it, "the court shall close its doors only after hand-overs of Mladić, Karadžić and Gotovina".<sup>25</sup> The Hague Tribunal and insufficient co-operation with Serbia was the topic of talks between Minister Ljajic and Delegation of Committee of Parliamentary Assembly of Council of Europe. The former tried to give assurances to his guests that in Serbia and Montenegro there existed a political will and readiness to meet the remaining obligations towards the Hague Tribunal.<sup>26</sup>

Council of Europe also warned against non-fulfilment of Serbia's international obligations. In its seventh report for period December 2004 – February 2005, Council of Europe recommended to the state union of Serbia and Montenegro to promote its co-operation with the Hague Tribunal, notably as regarded the arrest of war crimes indictees. The said report also underscored "during the whole observed period there were no encouraging signs in this co-operation, in terms of surrender or hand-over".<sup>27</sup>

The state union of Serbia and Montenegro is yet to meet obligation stemming from the 2004 Council of Europe EU decision on freezing the accounts and property of the Hague indictees. Justice Minister Zoran Stojković announced the possibility of possible freezing of property of Hague indictees in early 2005 at the peak of the campaign of voluntary surrender of Lukic, Pavkovic and other generals.<sup>28</sup> President of the National Council for Co-operation with the Hague Tribunal, Rasim Ljajic then underscored that it was necessary to urgently adopt such a law: "Darf law shall be passed within a week."<sup>29</sup> Socialists and Radicals immediately opposed such a law. The Serb Radical Party official, A. Vučić termed the law "scandalous and anti-constitutional. It is rife with barbarous ideas to be used against political opponents."<sup>30</sup> Under the procedure that draft law should be debated by member-states of the state union, Council of Ministers, and then the Serb-Montenegrin parliament, whose MPs, due to various obstructions (lack of

<sup>24</sup> *Ibid.*

<sup>25</sup> *Politika*, 16 March 2005.

<sup>26</sup> *Danas*, 21 April 2005.

<sup>27</sup> *Danas*, 15 March 2005.

<sup>28</sup> *Politika*, 19 March 2005.

<sup>29</sup> *Danas*, 21 March 2005.

<sup>30</sup> *Danas*, 22 March 2005.

quorum and similar), have not met to discuss that draft law, a year on after its writing.

In the second half of 2005 the international community lost patience because of dead-ended Hague-Belgrade co-operation. For the first time EU set a deadline for the arrest of Mladic (5 April 2006.), and conditioned continuation of talks on Serbia's accession to EU with that arrest. In fact in late 2005 EU started demanding deeds and not words from Belgrade.<sup>31</sup> The US Ambassador for War Crimes, Pierre Richard, tried to get across an even sterner message: "If Belgrade fails to arrest Mladic, our next condition shall be the arrest of Karadzic if he is to be found in the territory of Serbia." Richard also stated that the Hague Tribunal would wait for the two indictees if necessary until –the year 2016."<sup>32</sup>

Placing faith in numerous promises<sup>33</sup> of the official Belgrade that it would arrest Mladic, the international community has never set deadlines for the arrests, but only kept warning Serbia. On the eve of every important international meeting, the promising statements of Serb politicians kept multiplying and optimism was instilled into citizens with respect to alleged international praises of Serbia's co-operation with the Hague Tribunal. On the eve of December 2005 session of the UN Security Council, some local media even announced that the ICTY Prosecutor, Carla Del Ponte, regardless of denouncement of the case of Ratko Mladic, would positively assess co-operation with Belgrade. Spokesman of the ICTY Florence Artmand then reminded Serbia that "since the hand-over of General Pavkovic, six months ago, there was no progress on the plane of arrest or surrender of fugitives from justice. ICTY prosecution is still refused the access to documents, mostly by the Army of Serbia and Montenegro.". She expressly reminded that the top priorities of the Hague Tribunal were "the arrest of remaining 7 fugitives from international justice, including Karadžić and Mladić and unhindered access to documents and witnesses"<sup>34</sup>.

As threats relating to non-co-operation with the Hague coincided with announcements of the beginning of negotiations on Kosovo, Belgrade media engaged in a veritable campaign of speculations. Thus *Nedeljni telegraf* of 12 October 2005 leaked the following scoop: special White House envoy, Nicholas Burns during his imminent visit to Belgrade shall make a special, concrete offer to Tadic and Kostunica: "Arrest Karadžić and Mladić, and Kosmet shall not get independence. ".

<sup>31</sup> *Danas*, 12 November 2005, statement of President of the ICTY, Teodor Meron, during his second visit to Belgrade.

<sup>32</sup> *Večernje novosti*, 5 November 2005.

<sup>33</sup> Rasim Ljajic stated that "all indictees would be handed over to the Hague Tribunal by the end of the year", *Večernje novosti* and *Danas*, 2 April 2005.

<sup>34</sup> *Danas*, 23 November, 2005.

In his response to international community's pressure, Prime Minister Koštunica in an interview to the Greek newspaper *Tovima* stated the following: "In Serbia there is a political will to hand-over the Hague indictee Ratko Mladić". He added: "Despite some objections co-operation with the Hague Tribunal is good, and should be wrapped up by extradition of all the war crimes indictees." Kostunica also sent the following message to the international community: "Independently of external pressure, we are dilligently working on improvement of that co-operation, because success in that area would enhance our international standing."<sup>35</sup>

Subsequent developments (the February 2006 rally of the Radical Party loyalists who sent a direct message to Ratko Mladic not to surrender, and at which ten thousand people cheered on Mladic and carried his photographs) made the international community realize that Serbia had no serious intention to hand-over Mladic.

## The Case of Ratko Mladić

The year 2005 was very important for the Hague Tribunal, and for the international community. It marked the tenth anniversary of Srebrenica massacre, signing of the Dayton Accord, and filing of indictment (25 July 1995) against former president of Republika Srpska Radovan Karadzic and Commander of the Army of Republika Srpska Ratko Mladic. Both of them are still at large.

Mladić's hiding, which in the past decade was most probably engineered by the army of Serbia and Montenegro, led to an early 2006 very serious threat by EU relating to suspension of association negotiations with Serbia. Numerous denials of the Serb authorities and military officials, including those by Boris Tadić and Prvoslav Davinić, that the army had nothing to do with Mladic's hiding, proved incorrect. The falsity of those denials was confirmed by a non-public disclosure of the list of 50 army and military intelligence officers, who after an in-depth investigation by the military security services, were indicated as masterminds of Mladic's hiding. Their names are yet to be publicly disclosed. With respect to that list Zoran Stanković, the Serb Defence Minister, stated: "In the course of investigation they were transferred to other workplaces or retired. Mladic hid in military facilities until 2002, when in a secret action of several officers he was ferried by a military vehicle to another unit, where another vehicle took him to an undisclosed location. Only three officers knew about that action. Commander of the unit where the change of vehicle happened, was totally ignorant of the whole action."<sup>36</sup> After disclosure of the aforementioned list, the Serb Interior

<sup>35</sup> *Danas*, 7 November 2005.

<sup>36</sup> Defence Secretary, Zoran Stanković, in an interview to *BBC*, 9 February 2006.

Ministry, the Military Intelligence and the Military Security were said to be tasked with Mladic's arrest. Their work on that assignment would be allegedly co-ordinated by the Special Prosecution for the War Crimes and its prosecutor, Vladimir Vukčević.

Defence Secretary of Serbia and Montenegro, Zoran Stanković, whose appointment to that high position was directly linked to Mladic's hand-over, assessed that "in fact to date no-one has seriously worked on capture of Mladic", and "only now a serious search has been launched, for the state union could find itself in a difficult situation if Mladic is not handed over to the Hague Tribunal".<sup>37</sup>

The case of Ratko Mladić is the most illustrative example of non-co-operation with the Hague Tribunal. The incumbent authorities in Serbia needed three full years to submit to the ICTY the personal, military file of Ratko Mladić. That file was forwarded page by page, with justification that the military documentation centre has been thrown into disarray, and that consequently some pages of that file went missing. Although the Supreme Defence Council in March 2005 decided to yield that document to the Hague Tribunal, it was done unwillingly, several months later, and there are grounded suspicions that the said document was incomplete. That file is a very important document for the ICTY since it constitutes a proof of direct links between Belgrade and the war in Bosnia and Herzegovina.

According to the media coverage *Mladić File* has 13 pages, and has been the bone of contention between the ICTY and the Serb state bodies. As a commander of Bosnian Serbs, Ratko Mladić was twice promoted by Belgrade, the first time the SFRY Presidency on 4 October 1991 promoted him from the rank of colonel to the one of major general, together with other officers, for "their war merits." He was promoted for the second time on 24 April 1992 to the rank of lieutenant general. According to the original file Mladic was retired on 28 February 2002 in Belgrade. Before that he was retired in late 1996 by the decree signed by President of Republika Srpska, Biljana Plavsic. But Belgrade refused to recognize the first retirement. In the personal Mladic file submitted to the Hague Tribunal there are no data on Mladic's career and work since his appointment to the Commander of the 2nd Military Area which amply indicates "the existence of a parallel documentation created with the intention of denying Belgrade's involvement in the civil war in Bosnia."<sup>38</sup>

Media also mentioned that the forwarding of the Mladic file to the ICTY was slowed down because of the fact that the decree on retirement of General Mladic was signed by Vojislav Kostunica, the then President of the FRY. The pertinent file does not include data on the position of Mladic before his retirement.

<sup>37</sup> *Blic*, 18 February 2006.

<sup>38</sup> Wherein lies the secrecy of Mladic's file?, *Danas*, 1 July 2005.

The case of Ratko Mladic was again in the media spotlight on the anniversary of Srebrenica genocide, in mid 2005, and in view of increased international community's demands for his hand-over. The Serb authorities then re-launched the story that "all measures are taken to locate Mladic and hand him over." Weekly *Evropa* of 9 June 2005 leaked the information that the government of Serbia was negotiating with Mladic and that "in that operation are involved Prime Minister Koštunica, guards from Mladic's entourage, and the Russian intelligence services." Then speculations were rife that Mladic allegedly demanded money for the care of his family, that he was sick, and that Kostunica's cabinet belatedly monitored his movements. According to one source of that weekly, Mladic spent some time in Novi Sad, then in Preševo, then in Macedonia. According to another source Mladic was in Russia. Zoran Stojković, the Defence Minister, denied the said speculations,<sup>39</sup> while Vladeta Janković, an aide to Prime Minister Kostunica, announced an imminent hand-over of Mladic.<sup>40</sup>

At the same time President of Serbia, Boris Tadić, called on Mladic to surrender, but not because of crimes he had committed, but rather because his surrender would "resolve many Serbia's problems."<sup>41</sup> That Tadic's statement was interpreted by Aleksandar Vučić, the Serb Radical Party official as "a sheer nonsense", while Milorad Vučelić, representative of the Socialist Party of Serbia, thought that "Mladic's surrender to the Hague would not solve all Serbia's problem". Dordje Vukadinović, a political analyst, voiced his opinion too: "Mladic's surrender would not solve all the problems of Serbia, it would only alleviate them. Serbia's problems cannot be resolved by dint of co-operation with the Hague Tribunal."<sup>42</sup>

And while Serbia still maintains that it ignores Mladic's whereabouts, but that it nonetheless has the political will to capture him and works intensely on finding him, in parallel the ICTY maintains that it knows with all the certainty that the accused general is in Serbia.

Appointment of Dr Zoran Stanković, a man close to Kostunica's party, a retired Yugoslav Army officer, and former head of Military-Medical Academy to the post of the Defence Minister (October 2005), was publicly interpreted as an attempt by the government of Serbia to get closer to Mladic and persuade him to voluntarily surrender himself. In his former capacity of a doctor, Stanković had personal contacts with Mladic. Aleksandar Vučić, an official of the Serb Radical Party, maintained that "Stanković was tasked with doing a dirty job, for which Tadic and Kostunica would be ultimately held accountable. They shall be held responsible if they decide to arrest Mladic, and

<sup>39</sup> *Danas*, 10 July 2005.

<sup>40</sup> *Blic*, 12 July 2005.

<sup>41</sup> *Danas*, 15 July 2005.

<sup>42</sup> *Nacional*, 16 July 2005.

perhaps they are even able to do that."<sup>43</sup> On the eve of the Dayton Accord (25 November) when the arrest of Mladic was expected, some media re-launched the campaign of his glorification.

Participants in the Rally of Matrix and Diaspora in Belgrade ("Danas" 4. October) stood up in the defence of the war crimes indictees. They demanded the authorities to take care of the Hague indictees, "since the Tribunal is an illegitimate, biased and anti-Serb court". A day before the Dayton Accord anniversary daily "Nacional" announced imminent publication of Ratko Mladic's memoirs-"All My Victories and All My Defeats", which according to one unidentified collaborator, would "be an important testimony ...and help us understand the recent conflicts in the Balkans."

All promises of the Serb officials that Mladic would be handed over to the Hague Tribunal by the end of 2005, have not materialized. The official Serbia still maintains that it ignores Mladic's whereabouts. The only change in that regard is the army's confirmation that some of its members in the past decade helped and guarded General Mladic.

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1. Radivoj Miletić, general of the Army of Republika Srpska. Surrendered on 28 February. Was extradited to the Hague from Belgrade. Charged with persecution and killing of Muslim civilians in Srebrenica and Žepa.

2. Momčilo Perišić, the Yugoslav People's Army general, former head of Chief of Staff of the FRY army. Charged with shelling of Sarajevo and Zagreb and crimes committed in Srebrenica. Perišić is the 11th general to be handed over to the Hague.

3. Nebojša Pavković, Head of Chief of Staf of the FRY army. He arrived in the Hague on 25 April. Charged with crimes committed in Kosovo and expulsion of 800,000 Albanians.

4. Sreten Lukić, a police general. Arrived in the Hague on 4 April. Charged with the same crimes of which general Pavković is accused. .

5. Mićo Stanišić, an official of Republika Srpska. On 11 March surrendered voluntarily to Belgrade authorities. In 1992-1995 period was twice the Interior Secretary in the government of Republika Srpska. Charged with genocide. Cousin of Jovica Stanišić, also a Hague indictee, and former head of the State Security of Serbia. Mico Stanisic was considered to be the Serb Interior Ministry man in Pale.

6. Vinko Pandurević, former general of the army of Republika Srpska. Belgrade sent him to the Hague on 23 March, and explained that surrender as

<sup>43</sup> *Kurir*, 14 October 2005.

the "commitment towards the state." Charged with genocide and war crimes in Bosnia and Herzegovina. Announcing his surrender to the Hague Tribunal he appeared before TV cameras in the uniform of the officer of the Serb-Montenegrin army.

7. Gojko Janković, a RS official. Was deputy commander of the military police and leader of a paramilitary unit in Foca. On 14 March he informed the government of Serbia of his voluntary surrender to the Hague tribunal. Charged with crimes against non-Serb population in Foca, including crimes committed against imprisoned women and men in a local penitentiary.

8. Milorad Trbić, Assistant Security Commander in the Drina Corps. Left for the Hague on 14 April. Charged with crimes in Srebrenica.

9. Vujadin Popović, colonel of the army of Republika Srpska. Was sent to the Hague on 14 April from Belgrade. Charged with genocide in Srebrenica.

## Conclusion

As regards the number of hand-overs, Serbia in 2005 was more diligent in meeting its international commitment than in previous years. Greenlighting of the feasibility study and beginning of the process of accession to Europe was not only a reward, but also a solid proof that Serbia co-operates with the Hague Tribunal only under pressure. The feasibility study was approved, but then even the voluntary surrenders-stopped.

War crimes indictees who had voluntarily surrendered and left for the Hague were glorified as heroes, honourable men sacrificing for the future of Serbia. For 10 years now Serbia has been cheering on Mladic and persuading him not to surrender. Some even try to get the following message across to Mladic: „It is better for you to commit suicide then go alive to the Hague." The authorities, on the other hand, espouse the stand that Mladic's hand-over to the Hague is inevitable. That new tack is opposed by the Radical Party and its loyalists, which make up about one third of the Serbia's electorate.

At the last February rally of the Serb Radical Party, before a ten thousand -strong crowd, President of the SRP, Tomislav Nikolic, sent the following message to Mladic: "It is better for you to commit suicide than to go alive to the Hague." A similar message was voiced by the Defence Secretary, Zoran Stanković: "Do you think that you are more important than this country and people? Do you understand that you are plunging this country into poverty and isolation? You are belittling yourself and the army that you had commanded. I think that a man sometimes must take justice into his own hands if he is responsible for certain crimes. <sup>44</sup> Stanković is the only high official of the state union of Serbia and Montenegro who announced his

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<sup>44</sup>*Blic*, 18 February 2006

resignation in case of Mladic's non-surrender, and also the first high official to mention the crimes committed.

After spectacular manipulations with the death of Milosevic, it is difficult to predict whether Mladic shall surrender. Without a strong international pressure Prime Minister Kostunica shall not be willing to arrest Mladic. If he were to do that a stake would be too high for his government: his coalition partner, the Socialist Party of Serbia, which helps maintain the government's majority, could then bolt the government.

Argument in support of the above thesis is the emergence of the third option recently formulated by the Justice Minister, Zoran Stojković: "We must find valid evidence to convince the international community that Mladic is not in Serbia."<sup>45</sup> In the meantime the Radical Party is sending the following message: „We don't need Europe, we shall join the non-aligned movement."

Government of Serbia is essentially continuing to relativize the committed crimes. Instead of the facing process and condemnation of the crimes, war crimes indictees are depicted as people sacrificing for their state. In such a general mood the hand-over of Ratko Mladic is very unlikely. The majority of population in Serbia, 15 years after the wars, approves the bloody conflict in Bosnia, but accuses the Serb leaders for losing the wars, and not for waging them.

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<sup>45</sup> *Ibid.*

## BOSNIA-HERZEGOVINA TAKES SERBIA-MONTENEGRO BEFORE THE INTERNATIONAL COURT OF JUSTICE

Bosnia's application in respect of a dispute concerning the FRY's alleged genocide and aggression against Bosniaks, dates back to 1993, to the peak of the campaign of the most grave mass crimes. Those Bosnian claims were at the same time an attempt to attract the world's attention to what was happening in Bosnia. In 1997 the FRY filed counter-claims against Bosnia and Herzegovina for a genocide against Serbs, since "Bosnia and Herzegovina is to be held responsible for the crime of genocide committed against Serbs in Bosnia and Herzegovina...therefore all persons responsible for those crimes must be punished." In the FRY's claims was also underscored the following: "Genocide was abetted by the Islamic Declaration, notably its position that "there cannot be peace or cohabitation between the Islamic faith and non-Islamic social and political institutions." Those counter-claims were later withdrawn at the request of the then Foreign Secretary, Goran Svilanović. Many legal experts were then, and are even now against that move, deeming it harmful for the FRY position. One the eve of pertinent proceedings before the International Court of Justice, Professor Ivan Čukalović, an international law expert, said that "the withdrawal of the FRY counter-claims could cost very much both the present and future generations of Serbs."<sup>1</sup>

After NATO intervention Serbia filed genocide-related claims against some NATO member-countries before the International Court of Justice in the Hague.<sup>2</sup> That Court in fact declared that it had no jurisdiction over those claims, since at the time the FRY was not a UN member.<sup>3</sup> At the meeting of

<sup>1</sup> *Inter-nacional*, 1 April 2004.

<sup>2</sup> FRY in spring 1999 before the International Court of Justice, filed claims against France, Great Britain, Germany, Canada, Italy, Belgium and Netherlands, for genocide, unlawful use of force and acts against humanity committed during the bombardment. Out of procedural reasons the court did not take into consideration claims against the US and Spain.

<sup>3</sup> Serb jurists thought that the fact that the FRY was not a member of the UN in 1999 should be applied in the case of Bosnian claims, for at the time -1993-the FRY was not a UN member either.

Council of Ministers, Vuk Drašković proposed that claims against NATO be withdrawn,<sup>4</sup> and that suggestion of his was welcomed by some MPs with explanation that "is is a condition for further EU integrations", while other MPs were against that proposal for "it would be tantamount to amnestying aggression and destruction of Serbia and Montenegro."<sup>5</sup> European Commission backed Draskovic's initiative deeming it an incentive for acceleration of the process of accession to "Partnership for Peace". Radicals were expressly against that suggestion, and Toma Nikolic just said that he was not willing to comment the statement of that fool.<sup>6</sup> Many prominent jurists were in favour of sticking to those claims, for they hoped, that the Court, regardless of its judgment, would apply a similar tack to the Bosnian claims against the FRY, that is Serbia and Montenegro. Professor Vojin Dimitrijević told Radio B92 : "That application was filed in 1999, at the peak of bombardment, and it was a mindless gesture." He went on to note: "We have inherited those claims from Milosevic, and we cannot renounce them. And now our onerous burden has been made even heavier by that application."<sup>7</sup>

Ljiljana Smajlović, the then commentator of weekly NIN, and close to Prime Minister Kostunica, thus interpreted the court's non-jurisdiction-related statement: "Sarajevo must ask itself if it stands to gain more by withdrawing those genocide-related claims-for the sake of good neighbourly relations and regional stability-or by possibly losing a dispute on grounds of court's non-jurisdiction *rationae personae*. Now we are in fact facing a real chance to see all claims and counter-claims be withdrawn by a domino effect."<sup>8</sup> Zoran Stojković, the Justice Minister, also thought that "the International Court of Justice must declare whether it has jurisdiction over the case of Bosnian claims."<sup>9</sup>

After 5 October 2000 the new authorities submitted a request for the revision of the non-jurisdiction -related judgement dating back go July 1996. However, the Court in 2003 rejected the Yugoslav request for revision and thus essentially declared its non-jurisdiction. That fact was corroborated by the beginning of public hearings on 27 February 2006.

DOS government insisted on BH withdrawal of its claims. Vladan Batić, the then Justice Minister, stated that "it would be good if Bosnia and

<sup>4</sup> Ljiljana Smajlović qualified that initiative as "an unsuitable and unprofessional scene: the two state officials who like a NGO or informal group bring pressure to bear on the state for which they work in order to topple the legal strategy of that state before the International Court of Justice in the Hague." Ljiljana Smajlović, Varadi, *NIN*, 26 August 2004.

<sup>5</sup> *Politika*, 23 July 2004

<sup>6</sup> *Ibid.*

<sup>7</sup> Radoslav Stojanović, We Must Reject Rotten Legacy, *Politika*, 3 September 2004.

<sup>8</sup> Ljiljana Smajlović, *NIN*, 16 December 2004.

<sup>9</sup> *Vešernje novosti*, 16 December 2004.

Herzegovina withdrew its genocide and aggression-related claims against Serbia and Montenegro before the International Court of Justice in the Hague, for the sake of future and good neighbourly relations." Batić maintained that "unless it is done, then we should defend ourselves and prove another truth." He warned that the Serb Ministry of Justice prepared such "evidence which is likely to surprise the international public."<sup>10</sup> Bosnian side has never shown any intention of withdrawing those claims, despite numerous pressures from Belgrade and the world. Belgrade threats were seen as "sheer fabrications" with which Belgrade tried "by unlawful means to call into question a clear-cut legal situation."<sup>11</sup> Legal representative of Bosnia and Herzegovina Sakib Softić stated that "for us the most important thing is to prove that genocide was committed" for Bosniaks "want to survive and live like human beings", and such a life shall be guaranteed to them "only by the court's judgement."<sup>12</sup>

Bosnian claims were contested in other ways too, notably as concerned interpretation of the war. Belgrade has persistently espoused the thesis of civil war, against the background of unlawful secessionism of the two republics, Slovenia and Croatia. It is thought that the claims "stem from a political-diplomatic and media-shaped stereotype of responsibility of the Serb side and the Yugoslav state for all the war atrocities", along with ignorance of the fact that "at play was a civil war in Croatia and Bosnia and Herzegovina, caused by anti-constitutional and forcible secession."<sup>13</sup>

In addition to Belgrade the application was contested by Republika Srpska, whose MPs, during the adoption of the 2003 state budget, refused to allocate special funds for the work of legal representatives and the application expenses. Bosniak authorities then turned to other sources of financing, notably to individual financiers. National Assembly of Republika Srpska adopted a declaration demanding BH to withdraw claims against Serbia and Montenegro, for the application was tantamount to claims against Republika Srpska and the gist of the Dayton Accord. Declaration also stated that the said application was "an enormous hurdle on the road to rapprochement and reconciliation between peoples in Bosnia and Herzegovina."<sup>14</sup>

The issue of responsibility resurfaced every time a new mass grave was discovered. Thus, after discovery of the mass grave at Crni Vrh near Zvornik, a member of the BH Presidency, Sulejman Tihić, stated that the crime in that location was committed in an organized way, which confirmed that "behind the crime were the RS authorities". On that occasion Sakib Softić made it clear that BH would not withdraw its claims, but also ruled out the

<sup>10</sup> *Politika*, 1 July 2003.

<sup>11</sup> *Danas*, 12 August 2003.

<sup>12</sup> *Danas*, 10 July 2003.

<sup>13</sup> Čedomir Štrbac, Establishment of Truth for the Sake of Our Future, *Politika*, 31 August 2004.

<sup>14</sup> *Večernje novosti*, 2 October 2003.

possibility of out-of-court settlement and added: "We repeat that the most simple solution would be acknowledgment by the defendant of the contents of our claims."<sup>15</sup>

Denial of Republika Srpska both in Bosnia and in the world, is a recurring theme, notably in the light of the ongoing revision of the Dayton Accord. Borislav Paravac, a Serb member of the BH Presidency, deems denials of RS unlawful and asserts that "RS was created by dint of the political will of the Serb people even before the war, and out of sheer necessity".<sup>16</sup> Dragan Čović, President of BH Presidency, urged individual responsibility for the past crimes, in the last decade, notably during the war. He thinks that "the issue should be primarily viewed in the context of law, and its politization should be maximally reduced", for, according to him, "we should leave behind the legacy of the past in order to be able to live normally now and in the future."<sup>17</sup>

Serbia and Montenegro built its strategy on its assertion that it was not an UN member, and that the Court has already declared its non-jurisdiction over the case of the FRY claims against NATO. But, Nikola Radmanović, an expert for international relations, maintains that "our politicians don't make any difference between our claims and the claims of our others. Namely if you are not an UN member you don't have the right to sue any member of that organization, but if your threaten any UN member, that organization may punish you for that move."<sup>18</sup>

In parallel to pressures brought to bear on BH to withdraw its claims, Belgrade continued to deny Srebrenica genocide. Namely Belgrade fears that the conviction of General Krstić would strengthen the arguments of the Bosnian side, hence the denial of Srebrenica genocide even by the most eminent jurists. For example, Milan Bulajić, President of the Fund for Research of Genocide, maintained that "neither the international prosecutor nor the trial chamber of the International Criminal Tribunal have proved the crime of the Serb-committed genocide against Muslims, and consequently the command responsibility of Commander of the Drina Corps, General Radoslav Krstić." Bulajić went on to note that "the very enclave has never been demilitarized...which facilitated the transformation of 'safe heaven areas' into the centres of Muslim terrorism against Serb villages and the RS army."<sup>19</sup> Milan Paunović, professor of international law thinks that the Hague Tribunal has committed an error when formulating genocide in the Krstić case. He maintains that the Tribunal "defined genocide in much more broader terms in contrast to definition thereof in the Convention on the Prevention and Punishment of Genocide....thus laying the groundwork for proclaiming RS a

<sup>15</sup> *Danas*, 19 August 2003.

<sup>16</sup> *Politika*, 14 August 2003.

<sup>17</sup> *Balkan*, 21 August 2003.

<sup>18</sup> *Balkan*, 18 December 2004.

<sup>19</sup> *Soedok*, 19 August 2003.



genocidal creation, which would jeopardize the survival of RS as an entity in Bosnia and Herzegovina.<sup>20</sup> Professor Paunović thinks that after the conviction of Krstić, "there is only one missing link...namely the conviction of Slobodan Milošević for the same crime."<sup>21</sup>

Since the International Court of Justice declared its non-jurisdiction over the BH application, the pressure on Bosniaks to withdraw their claims kept piling. New legal representative of Serbia and Montenegro, Radoslav Stojanović, stated that the strategy was to "settle a dispute by diplomatic means, and not by trial." That strategy is based on the assessment that "Serbia and Montenegro, Bosnia and Herzegovina, and Croatia, all together are on the doorstep of EU, Partnership for Peace and NATO, hence disputes, and claims may surely damage them all, stall reconciliation and closer ties, while a diplomatic solution may bring about an agreement on ending the dispute."<sup>22</sup> Sakib Softić thus responded to those Belgrade offers: "the Serb state must be convicted because of its territorial aspirations, but the idea of a Greater Serbia is not the idea shared and espoused by all Serbs."<sup>23</sup> Republika Srpska is also increasing its pressure in view of "a slim chance for an out-of-court, diplomatic settlement" and scheduling of the first hearing for 26 February 2006. Thus Borislav Paravac, the Serb member of BH Presidency submitted to the Constitutional Court in Sarajevo, a request for the settlement of dispute between BH and Republika Srpska on grounds of "breach of constitution by filing a genocide-related claims against Serbia and Montenegro before the International Court of Justice in the Hague."<sup>24</sup>

On the other hand, Bosniaks insist that a judgment favouring Bosniaks would not only be just, but also useful for the whole region. Avdo Sofradžija, President of Foundation, "Justice for Bosnia and Herzegovina" stated that a positive judgment would satisfy the justice and in that case "in our territories things would change for the better."<sup>25</sup>

## Preparation for the First Public Hearing

Radoslav Stojanović, legal representative of Serbia and Montenegro before the International Court of Justice, on the eve of the first public hearing, stated that "our defence is based on the fact that no-one may prove that Serbia and Montenegro and the Serb people wanted to destroy the Muslim people."<sup>26</sup> He also hinted that some countries, members of the UN Security Council,

<sup>20</sup> *Blic*, 25 April 2004.

<sup>21</sup> *Večernje novosti*, 23 April 2004.

<sup>22</sup> *Politika*, 27 September 2005.

<sup>23</sup> *Blic*, 22 May 2005.

<sup>24</sup> *Start*, 14 December 2005.

<sup>25</sup> *Politika*, 26 February 2004.

<sup>26</sup> *Večernje novosti*, 24 January 2006.

suggested to Bosnia to withdraw its claims, and to resort to diplomatic negotiations leading up to the process of reconciliation. Radoslav Stojanović was not willing to disclose all details of the Serb-Montenegrin strategy, but announced the possibility of the Serb legal team asking for a re-appraisal of the court's jurisdiction over the case, in keeping with the initiative submitted by Tibor Varadi as early as in 2001. The Serb team shall present 15 witnesses, including Duško Mihajlović, former Serb Interior Minister. Mihajlović should testify "on relations between the FRY political leadership and Republika Srpska, that is on independence of RS".<sup>27</sup> Dragoslav Mićunović, from Democratic Party should speak about attempts to reach a peaceful resolution of the conflict and about the nature and structure of Milošević's regime. Mićunović maintains that "not only the Serb state did not plan the attack on Bosnia and Herzegovina, but the Serb parliament even launched an initiative to protect BH from the conflicts." Added to that Mićunović stated the following: "Under the FRY Constitution, the parliament has the prerogative to declare a war, and such a parliamentary decision has never been taken."<sup>28</sup>

Media coverage of preparations for the first public hearing focused on the fact that the application implied "genocidal character of the Serb people." Media have for many days ran interviews with domestic experts for international law, but only few of them dared realistically interpret the reasons behind the BH application. Professor Vojin Dimitrijević tried to indicate that no-one claimed that Serbs were genocidal people, by pointing out that "we had faced a situation, in which the Serbs, as the strongest force with the Yugoslav People's Army on their side, that is, their most militant members, had been able to make the most damage and commit the most heinous, mass crimes."<sup>29</sup> However, Vojin Dimitrijević is also of opinion that Serbia and Montenegro should rely on the argument of non-jurisdiction of the International Court of Justice. If that strategy fails, then, according to Dimitrijević, Serbia and Montenegro "shall be left with only one option, that is to try to prove that genocide was committed by other groups, with no connection whatsoever to the Yugoslav authorities...or to try to prove that genocide was committed by the army of Republika Srpska, without involvement of the FRY army, without any assistance or approval from the FRY."<sup>30</sup> However, Dimitrijević also prefers an out-of-court settlement by dint of ensuring damage compensation to families of genocide victims.

Media were obviously tasked with creating a picture of Serbia's good performance in the field of the facing process, whereas part of NGO sector kept insisting that "Serbia has not sufficiently condemned crimes committed on her

<sup>27</sup> *Politika*, 15 February 2006.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Politika*, 13. February 2006.

<sup>30</sup> *Ibid.*

behalf in the 90's." It was also pointed out that "NGOs think that the justice has not been dispensed and satisfied by placing behind the Scheveningen bars many high officials and officers, including Slobodan Milošević proper." But the focus, according to daily, *Politika*, "is no longer on Slobodan Milošević, his generals, and closest collaborators, but on the new authorities for their alleged failure to take a clear-cut position on their 'criminal' past".<sup>31</sup>

Strategy of Kostunica-led government is to wrap up its commitments towards the world and the Serb society by handing over all the war crimes indictees to the Hague Tribunal. Aleksandar Fatić, Director of Institute for International Politics and Economy, is of opinion that by dint of filing the application before the International Court of Justice, Serbia is additionally punished and that the foregoing "results from a well-known propinquity of immoral people to punish and humiliate those who are co-operative." He thinks that the Bosnian claims against the FRY are a failure from the moral standpoint, for "the then political leaderships of Croatia, the FRY and the Muslim one spearheaded by Alija Izetbegović are responsible for the Bosnian tragedy." He went on to note that "Serbia is not guilty for that tragedy, for she, like other protagonists was simply thrown into the machine from hell." Fatic also maintains that "Serbia is the most constructive country in the Balkans" and that the time is up "for sobering, for drawing a line under the Balkans rows, for penitence and pardon, but also for patriotism." He also underscored that "there are no intellectuals without patriotism" and that "the NGO sector should rally intellectuals".<sup>32</sup> Djordje Vukadinović, editor of the New Serbian Thought is of the following opinion: "If NGOs -that is Kandic and Biserko-are so openly concerned about the truth and reconciliation, then they should point out that the genocide-related claims cannot contribute to that end or goal...", for this process "shall only deepen misunderstandings and may even provoke new conflicts."<sup>33</sup>

One of the key commitments of Serbia towards the Hague Tribunal is the submission hand-over of documents relating to Ratko Mladic. However, Serbia hopes that it would manage to ensure that "those documents are discussed with special protection measures", that is "in a closed hearing" and that "they would not be used outside the Hague court-room, due to their close links to the national security issues." In fact Serbia is trying to prevent the use

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<sup>31</sup> Jelena Cerovina, A Heavy Burden of Anathema, *Politika*, 13 February 2006. She quoted the following statement of Žarko Korac: "But what about those who gave orders, how is it possible that they are so much glorified?! The courage and morality to speak about masterminds of that entire policy lacks. It is necessary to pursue an internal dialogue about the past events, in order to prevent their repeat, and the repeat of the ideas which fuelled them."

<sup>32</sup> *Ibid.*

<sup>33</sup> *Press*, 1 March 2006.

of those documents by the International Court of Justice, for it would make more difficult the position of Serbia and Montenegro.<sup>34</sup>

## Beginning of Public Hearing

In explaining BH claims, legal representative of Bosnia and Herzegovina, Sakib Softić, stated that the Bosnian side filed the application because "the Belgrade authorities intentionally took non-Serbs from BH on the road to hell, on the road strewn with dead bodies and broken up families, lost youth, lost future, destroyed cities, cultural and religious institutions...". He furthermore stated that BH was not aspiring towards any vengeance, for "Serbs were obviously misled by their leaders, who implemented what they had initiated in the 90's of the past century." He also underscored that the Bosniak side move was approved by many people in Serbia, notably NGOs who wanted to establish Serb-Montenegrin responsibility for the war in Bosnia and Herzegovina. However, he added that "the defence is trying to proclaim itself innocent. Having in mind the stakes, it is not a very honourable option."<sup>35</sup> Sofic stressed that the violence which hit Bosnia in 1992-1995 period, was a kind of a natural disaster, a kind of tsunami, which "heavily dented the very gist of Bosnia and Herzegovina, and managed to destroy a large part of non-Serb population in BH." Softić also stated that "it is impossible to develop good-neighbourly relations and sit in the European parliament on the basis of a persistent denial. The truth shall be painful for many in Serbia and Montenegro, but that pain cannot be likened with the intentional pain inflicted on non-Serbs in Bosnia and Herzegovina. Healing of that pain is an additional reason for wishing this court to render its judgment." Sofic did not deny that Serbs were also victims of war crimes, but suggested that "those developments did not result from the policy approved by the BH government." According to Sofic "the goal of the claims is not to incriminate individually citizens of Serbia and Montenegro and Republika Srpska...but we in fact want to establish the responsibility of the state which via its leadership and bodies committed the most brutal violation of one of the most sacrosanct institutes of law."<sup>36</sup>

Thomas Frank, an US professor, also a BH legal representative, espoused the way BH intended to prove that the FRY committed genocide in BH. For him the irrefutable evidence kept piling as many bodies kept being dug out from mass graves BH-wide. The Bosnian side shall ask the court to acknowledge some general, "notorious" facts, which need not be proved, unless denied by the defendant. One of those facts is the massacre in Srebrenica, committed in July 1995. Bosnian side shall not present witnesses

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<sup>34</sup> Ljubica Gojčić, Judicial Finals, *NIN*, 23 February 2006.

<sup>35</sup> *Politika*, 28 February 2006.

<sup>36</sup> *Danas*, 28 February 2006.

before the court, for there are thousands of them. Instead it shall show footage from their testimonies before the Hague Tribunal. Also presented shall be testimonies of some "leaders of genocide," notably the statement of Biljana Plavšić, then audio recordings of intercepted conversations between Karadžić and Milošević and other protagonists of the Bosnian tragedy. His evidence shall be also the video recording of killing of 6 Muslim boys at the hands of "Skorpion" military unit. A important part of evidence shall be reports and conclusions of the UN bodies, notably resolutions passed by the Security Council and the General Assembly, and also reports of Secretary General. Thomas Frank also indicated that Bosnia still does not have access to other important evidence, due to Belgrade's refusal to submit it. Some important documents have been recently submitted to the ICTY, but with a request "not to be made available to the Bosnian side and the International Court of Justice." Alain Pele, the French professor, also a member of the Bosnian legal team, out of sheer caution, espoused preliminary arguments on possible declaration relating to non-jurisdiction of the International Court of Justice. He thinks that the said jurisdiction over this dispute was confirmed four times. According to him the 2004 Court's non-jurisdiction judgment relating to the FRY claims against eight NATO countries "does not have any impact" on the current dispute. Pele said that "the said decision had a binding force only on the parties in the then dispute, and is not applicable to other parties and other disputes."<sup>37</sup>

Magda Karadjijjanikis, an Australian legal representative of BH, spoke about the Serb detention camps for Bosnian Muslims and Croats. She stated that in 50 Bosnian municipalities there were 520 such camps "in which thousands of Muslims were imprisoned and kept under inhumane conditions, tortured and killed...within the framework of an ethnic-cleansing campaign." She also expounded in detail the ICTY convictions of Dragan Nikolić and Milorad Krnojelac, commanders of the detention camp Sušica near Vlasenica and Foča penitentiary. Lora Doban, also a BH legal representative, stated that the Serb forces during the war in BH in a planned way and intentionally destroyed religious and cultural institutions of Muslims and Croats to permanently remove them from the Serb-occupied territories. She said that in Bosnia and Herzegovina 277 mosques were damaged and destroyed, and added that "the ethnic-cleansing campaign was followed by a barbarian destruction of cultural institutions, as another mode of killing the people and their spirit."<sup>38</sup>

Another BH legal representative Van den Bisen linked the siege and shelling of Sarajevo and a sniper campaign against civilians to the fifth strategic goal-division of Sarajevo into the Serb and Muslim parts, driven by

<sup>37</sup> *Danas*, 1 March 2006.

<sup>38</sup> *Politika*, 2 March 2006.

the intention "to impose such living conditions leading to partial or whole destruction of an ethnic group." BH legal representatives often touched on the 6 strategic goals proclaimed in May 1992 by the Bosnian Serb parliament. In a bid to prove that "Belgrade was always in one way or another present during the longest siege of an European city", Van den Bisen showed the video recording of Vojislav Kostunica's tour of the RS army positions, in the mountains above Sarajevo. The court then also heard the statement of the then opposition leader: "From these positions one can best see the outlines of the future Serbian borders, on both sides of river Drina."<sup>39</sup>

Key point of the Serb strategy before the International Court of Justice, as expounded by the legal representative of Serbia and Montenegro, Radoslav Stojanović, is that "there was no genocide against Bosniaks...the Hague Tribunal accepted a broad definition of genocide, but despite that could only prove the commission of genocide in Srebrenica, but not in whole Bosnia." Stojanovic stressed that the conviction of RS general Radoslav Krstić was based on a special theory denied by a legal doctrine, and which was not thereafter confirmed by verdicts of other ICTY trial chambers. Stojanovic arguments focused on the future relations in the region. Namely he maintained that the Court's judgement "cannot contribute to raising of awareness of what has happened, but may instead contribute to deepening of problems, notably among peoples in Bosnia and Herzegovina." He thinks that one side, or perhaps both sides, shall be dissatisfied, hence "the readiness of the Serb side for a political agreement, as the best path towards the reconciliation of the three peoples in Bosnia and Herzegovina proper, and the peoples of the two countries."<sup>40</sup>

Saša Obradović, co-representative of the Serb legal team, denied many documents proposed as evidence by the Bosnian side, and insisted that they were based on anonymous sources, unproven assertions, and even on media reports. He furthermore maintained that some events invoked by the applicant have never been mentioned in the charges dealt with by the Hague Tribunal. After stating that the prosecutor increased the number of victims in some localities (Zvornik, Trnopolje, Keraterm), Obradović said that "from the moral standpoint we cannot understand the wish of prosecutor to magnify that number" and "perhaps the prosecutor, in absence of better evidence, resorts to high figures, for without exaggerating the number of casualties he could not have filed the genocide-related application in the first place. He seems to be aware of his lack of credibility."<sup>41</sup>

<sup>39</sup> *Danas*, 2 March 2006.

<sup>40</sup> Stojanović; *We Deny the Claims, but Not the Suffering of Victims*, *Danas*, 9 March 2006.

<sup>41</sup> *Ibid.*

Tibor Varadi, also a member of the Serb-Montenegrin legal team, tried to prove non-jurisdiction of the court, in view of the two facts "each one of which is sufficient to make the court declare its non-jurisdiction": firstly, the FRY at the time of the claim-filing did not have the access to the court, for it was not an UN-member, and secondly, Serbia and Montenegro was not and is not duty-bound to answer those claims under Article 9 of the Convention on Genocide, which constitutes the basis of jurisdiction of the International Court of Justice.<sup>42</sup> Varadi also reminded the Court that the war in Bosnia was not only the conflict between Serbs and non-Serbs, for "there was also the conflict between the Muslims and Croats."

Xavier de Roux, the French lawyer and legal representative of Belgrade, in his argument, stated that "Bosnia and Herzegovina was not the victim of an external aggression. In that country the three sides, Serbs, Muslims and Croats, waged a civil war." In denying the BH claims about systematic killings of Bosnian Muslims, de Roux, indicated that "the victims, unfortunately, are inseparable part of every war or armed conflict" and that "intentional killings of civilians may be possibly qualified as a crime against humanity, but not as a genocide." He also floated the assertion that "President Izetbegović and the BH war propaganda were very successful in that game, to the extent that the people soon forgot their true war goals." The Serb team denied the number of victims and indicated "sheer exaggeration of figures." According to the Serb team to that propaganda succumbed also some international organizations which were collecting facts and figures on BH developments in 1992-1995 period.<sup>43</sup>

## Reactions

First responses to the Bosnian team arguments were negative. Thus Miroljub Labus, Vice President of the government of Serbia, assessed that the court's acceptance of BH claims, might have negative consequences: "After such a development I cannot see how BH shall be able to survive as a unified state, for then the Muslim side shall be very frustrated." He assessed the pursuit of judicial resolution of the dispute as "playing with fire, for it would have been much better if the Bosnian side had accepted our initiative to resolve the problem in a diplomatic way." On the other hand Professor Vojin Dimitrijević stated that it was too early to say whether the court shall retain its jurisdiction. In his opinion only an individual and not the state may be held responsible: "The state cannot have the intent to commit a genocide, and as regards genocide, the very intent is essential. Hence the FRY cannot be tried for genocide, but the claims may be voiced that the FRY enabled, participated

<sup>42</sup> *Ibid.*

<sup>43</sup> Genocid Is a Product of "War Propaganda", *Danas*, 16 March 2006.

and approved act someone else committed with that very genocidal intention."<sup>44</sup>

Tibor Varadi underscored that the war in Bosnia "was a conflict between people, and the court is dealing with a dispute between states". In other words, according to Varadi, "if the BH wins the lawsuit, and we are sentenced to pay reparations, then we would face a very bizarre situation, namely reparations would be paid by all citizens of Serbia and Montenegro, including Bosniaks from Sandžak and Kosovar Albanians to all citizens of Bosnia and Herzegovina, including Serbs from Republika Srpska."<sup>45</sup>

Uncertainty surrounding proceedings before the International Court of Justice, prompted many commentators to write about the need for reconciliation, for the sake of the regional future, which must rest on a just and stable basis-"to avoid that some are absolutely rewarded, while others would be absolutely punished" for the conflicts in which we all took part." In that context, it is maintained that the BH Application cannot constitute a step towards stabilization of circumstances in still volatile Balkans.<sup>46</sup> It is underscored that politics need great ideas and forward-looking stances, and the future "cannot be a small Serbia totally cut off from Kosovo and Montenegro and its fellow-nationals in Bosnia and Herzegovina." It is furthermore stressed that the Western Balkans "need Serbia as a regional force, which together with Croatia would form a rallying centre and be a focal point of regional balance." It is thought that "co-operation between Serbia and Croatia may help lay down the groundwork of the European, civil culture in this region, which would be beneficial for all the Balkans states."<sup>47</sup>

At the first hearing it was once again underscored by the Serb side that "our state took a too hasty decision to withdraw its counter-claims with respect to genocide committed against Serbs in BH." A three-tier line of defence before the International Court of Justice is being suggested. Firstly the Serb legal must insist that Serbia does not have a passive legitimization to be sued (one state cannot exist when it is sued, and not exist when it sues, the second is a reference to the FRY claim against NATO members). Secondly, attempts are to be made to show that the FRY was not directly linked to BH developments, that Republika Srpska and its army operated totally independently from the FRY authorities and army. It is to be stressed that Republika Srpska during the war bore all the hallmarks of a sovereign state and had all the state prerogatives in its territory. The third line of defence shall be that during the civil war in BH no genocide was committed. The foregoing is due to the fact that the Srebrenica case is the foundation stone of the

<sup>44</sup> *Politika*, 28 February 2006.

<sup>45</sup> *Politika*, 1 March 2006.

<sup>46</sup> Neven Cveticanin, Reconciliators Wanted, *Politika*, 2 March 2006.

<sup>47</sup> *Ibid.*

applicant's claim, but that the BH legal team lacks evidence to corroborate that claim. (Much smaller number of corpses has been exhumed, than mentioned in reports and arguments, and a number of casualties in fact perished in armed conflicts).<sup>48</sup>

Though the proceedings have only just started, the media are already dealing with consequences of a positive judgment, that is, the one favouring BH claims. London-based *Daily Telegraph* stressed that in that case "Serbia and Montenegro would face not only enormous war reparations, but also the fact that a series of generations would be proscribed." Many print media carried the following statement of Francis Boyle, the law professor from Chicago: "A positive outcome for BH in this dispute is easy to predict...thus it would acquire the right to part of mobile and immobile property of Serbia and Montenegro."<sup>49</sup> However, he suggested to the Bosnian authorities, in case of winning the dispute, to "institute proceedings for abolishment of Republika Srpska in the UN."<sup>50</sup> Beginning of the proceedings was also commented by Ala Jaskova, a Russian expert for the Balkans: "BH claims against Serbia and Montenegro for genocide during the civil war are absurd, and chances of Sarajevo before the International Court are slim." She added: "Genocide-related claims may be filed against certain personalities, notably former leader of Bosnian Serbs, Radovan Karadžić, or former Commander of the Republika Srpska Army, Ratko Mladić, but not against the state and people."<sup>51</sup>

But Ratko Mladić is in fact a key personality in the dispute before the International Court of Justice, notably as regards the BH genocide claims. That is why manipulation with his file is indicative. Namely the file contains many documents of importance for the International Court of Justice, that is, amply demonstrates many denied links between the state leadership of Serbia and the war leadership in Pale. It also indicates a political continuity, embracing even Prime Minister Vojislav Koštunica whose signature is found on the 2001 decree on Mladić's retirement.

Milorad Dodik, Prime Minister of Republika Srpska, during his visit to Belgrade, stated that "RS does not back the BH application against Serbia and Montenegro before the International Court of Justice", for those claims "do not contribute to stability and are not in the interest of integration processes". After his meeting with Dodik, Koštunica assessed that "the application is controversial, for there is no agreement of the three constituent peoples and and the two entities in BH, that is, there is not consent of the Serb people for the filing of that application." In his communiqué Koštunica also pointed out "the need to respect law and international agreements, as well as to preserve

<sup>48</sup> Milan Škulić, Three-Tier Defence, *Politika*, 3 March 2006.

<sup>49</sup> *Politika*, 2 March 2006.

<sup>50</sup> *NIN*, 2 March 2006.

<sup>51</sup> *Politika*, 2 March 2006.

and respect the Dayton Accord".<sup>52</sup> It is thought that such a stance of RS, or rather lack of consent of the three peoples and the two entities for the application-filing would be an unsurmountable obstacle for the International Court of Justice. Belgrade treats as the new argument the fact that no official application has been filed with the Court's registry barring the one filed in March 1993 by the BH Ambassador to the UN Muhamed Sacirbej and international law professor Francis Boyle under authorization of the then BH President, Alija Izetbegović.

In Belgrade it is thought that the death of Slobodan Milošević and the end of his trial before the ICTY shall positively impact the current proceedings before the International Court of Justice. International law experts think that Serbia stands a better chance to avoid a negative judgement, if the court's non-jurisdiction is proclaimed. Tibor Varadi thinks that Milosević's death shall weaken the BH arguments and position, since "of all charges against him, the only relevant one for the dispute was the genocide-related charge." On the other hand, Amir Ahmić, BH liaison officer with the ICTY maintains that evidence of BH shall not be weakened, though after Milosević death no other person from the political structure of Serbia and Montenegro has been charged with the BH genocide by the ICTY.<sup>53</sup>

Jurists in Belgrade think that the latest development shall smooth over the oversights noticeable in the first argument of Radoslav Stojanović. It is thought that he, by insisting on a deal, in fact denied the defence thesis on non-jurisdiction of the court, whose foundations had been laid by his predecessor, Tibor Varadi. Added to that the offer relating to the setting up of the Victims Damage Compensation Fund is considered contradictory with respect to denial of claims and the civil nature of war.<sup>54</sup>

Srdja Popović, Belgrade lawyer, thinks that many arguments against the BH claims, are foggy, for those "who are held directly responsible for that policy want to persuade the public that such arguments protect the general public, while in fact they serve to hide those truly accountable from the public scrutiny." As regards manipulation linked to the damage compensation/reparations, Popovic says: "Both damage and the financial standing of debtor are being assessed, but no debtor has ever been pushed into death in order to pay compensatory damage! Added to that the said reparations shall not be used by all-not even by family of Radovan Karadžić, as some are implying- but by those who prove that they have incurred some damage."<sup>55</sup>

<sup>52</sup> Controversial BH Claims against Serbia and Montenegro, *Danas*, 16 March 2006.

<sup>53</sup> Death Annuls All Auto-Goals, *Politika*, 17 March 2006.

<sup>54</sup> *Ibid.*

<sup>55</sup> Genocide and Playing with Fire, *Vreme*, 2 March 2006.

## CAMPAIGNING AGAINST NON-GOVERNMENTAL ORGANIZATIONS

The anti-NGO camp is very broad, it comprises the incumbent political authorities, opposition, political analysts, tabloids and "serious" media alike, representatives of "approved" NGOs and independent individuals. On the matter they speak with one voice, for they maintain that some NGOs, notably those dealing with human rights, compromise the civilian sector and contribute to radicalization of the society and consequently the rise in the popularity rating of the Radical Party. Starting point in vilification and denial of the NGO sector is the allegation that they are a modern invention, imported from the West, and consequently anti-Orthodox and anti-Serb. The authorities manifested not only the essential misunderstanding of the role of NGOs in protecting and championing human rights, but also misapprehension of the role of the state and the ruling structures as an ideological controller of freedom of association. Essentially at play is a genuine censorship of freedom of association, systematic misuse and limitation of freedom of thinking. In parallel, by backing the preservation of prejudices against NGOs the authorities show ignorance of international mechanisms and documents, notably of the UN Charter on Human Rights and Universal Declaration on Human Rights.<sup>1</sup>

Founding of a group of eight NGOs in early 2005 has substantively contributed to sensitization of the public with respect to the importance of co-operation with the Hague Tribunal, and raising of issue of responsibility for the war crimes. The eight NGO proposal of *Declaration of Srebrenica* provoked a series of responses notably of the incumbent authorities. The tenth anniversary of Srebrenica genocide prompted the whole world to address the issue of international responsibility for the Srebrenica crime. Serbia was also expected to make a move showing a kind of empathy for victims. Instead the government directly accused the group of 8 NGOs for undermining its strategy of „voluntary surrender.“ Then a campaign was mounted against those NGOs with the argument that they were illegitimately dealing with the political issues. The NGO Declaration was publicly depicted as a radical provocation

<sup>1</sup> See YUCOM's report on NGO's

aimed at undermining the government. Demonization of the NGO group, notably of the four women fronting four NGOs, was effected through well-proven stereotypes: the issue of their „non-transparent,“ their support to „illegitimate“ state of emergency, portrayal of NGOs as a factor of radicalization of Serbia, their illegitimacy, and identification of NGOs with „the female foursome.“

Mystification of financing of NGOs serves as a main argument against them and for their disqualification as „foreign mercenaries“. The foregoing calls into question their good intentions and patriotism. It is being implied that their activities are ordered by the Western colonizers who are bent on destroying the Christian Orthodoxy and identity of the Serb people. A genuine financial standing of those organizations is rarely mentioned, though the relevant data may be easily downloaded from the web sites of those NGOs, or obtained from the Public Revenues Directorate. Namely all donations are paid into local banks and consequently taxed as „income of producing companies“, which constitutes a genuine discrimination with respect to the NGO treatment in neighbouring country and in the world in general. <sup>2</sup> It is also frequently implied that some NGOs are funded by mafia, and most frequently by the Albanian mafia.<sup>3</sup> Duško Janjić, Co-ordinator of the Forum for Ethnic Relations, stresses that a play is an attempt to depict NGOs as organizations enjoying lucrative benefits from non-transparent financing. In fact, according to Janjić, „the syntagm of transparent funding is being used to place under control activities of allegedly "politicking" NGOs and thus limit their freedom of expression and their criticism of the existing situation in the society and state.“<sup>4</sup>

This anti-NGO- financing campaign is similar to the one recently mounted by Putin in Russia. In fact at play is an attempt to effect "putinization" of the NGO sector in Serbia. Such an extreme stand on the civilian sector most evidently indicates the weaknesses of the incumbent government and its extreme sensitivity to any critical opinion. However, the civilian sector has its weaknesses too. Part of NGOs is very close to government, does not have a critical distance, and often emerges as the most vocal detractor of the "disobedient part of NGOs." In fact at play is an attempt to control foreign donations and organizations perceived as internationally influential, notably organizations for human rights. Sonja Liht, presented to the

<sup>2</sup> Projects of NGOs are funded (mostly) by foreign donors in keeping with a strict procedure, that is if NGOs meet the conditions of the previously, publicly disclosed project. Thereafter the approved funds are paid into the current account of those organizations.

<sup>3</sup> Marko Nicović in an interview to *Svedok* of 29 November 2006, says :“ It is fairly easy to establish who is flirting with Shiptari, in terms of rendering support to their idea of independence. There are reported meetings, firm and public statements, contacts...But I can say that Shiptari fund over 70% of NGOs in Serbia. ”

<sup>4</sup> Politika,

public as a „veteran of NGO sector in Serbia", is the sharpest detractor with her thesis that the aforementioned NGOs are „necrophile, vengeful, bent on preventing Serbia's democratization." In fact that part of NGOs is used to undermine the second part of NGOs and discredit them before the eyes of the international community.

It is underscored that „private NGOs, funded by billions of dollars of George Soros, are publicly working on toppling of the regime which they don't like, mostly by dint of the local media funding", and „personalities like Nataša Kandić, Sonja Biserko and Biljana Kovačević Vučo, are paid by those very circles and institutions to do that..." Dr Srdja Trifković, Director of the International Relations Centre of the US Rockford Institute, deems that NGOs "should be abolished...or cease to exist." He thinks that the state bodies of Serbia and Montenegro and of Republika Srpska should examine sources of their financing, and close them down by a summary procedure, if it is proved that those NGOs are in fact politically motivated institutions.<sup>5</sup> Sonja Liht aired similar arguments: „for an average Serb Nataša Kandić, Sonja Biserko and Biljana Kovačević Vučo embody all those NGOs", for „they call into question the nature, the role and existence of NGOs".

The authorities blamed some NGOs for the 2005 decision of State Department to deprive Serbia of \$ 100,000 million worth of assistance on grounds of its non-cooperation with the Hague Tribunal. That accusation was also due to the following statement of the State Department representative: "That is why the sum of \$ 73 million shall reach only those reform-minded organizations and projects which are beyond the central authorities control."<sup>6</sup>

In the anti-NGO campaign oft espoused is the fact that some of them in principle backed the state of emergency as a way of preventing the collapse of the state. They are being accused of not having a critical stand on the government's violations of human rights during the Sword operation. That allegation is not only true, but also became the common denominator in the country and abroad. It is being manipulated by politicians, NGO activists, some intellectuals, and most often by representatives of authorities. The fact is that the Helsinki Committee and the Jurists' Committee backed the state of emergency deeming that after a coup d'état it was necessary, via legitimate measures and in keeping with international obligations stemming from the Pact on Civil and Political Rights and the European Charter Liberties, to re-establish security and human rights protection. The Fund for Humanitarian Law was against the introduction of the state of emergency for "without establishment of certain institutions such a state of emergency may contribute to cementing of criminalized services." However all those three organizations

<sup>5</sup> *Inter-Nacional*, 5 January 2005.

<sup>6</sup> *Inter-nacional*, Profiteers and Sanctions, 17 January 2005.

joined various groups for monitoring possible violations of human rights, and the authorities-taken measures possibly subject to political misuses. Those *ad hoc* groups were set up within the UN Committee for Human Rights, and embraced representatives of a larger number of foreign and domestic NGOs, as well as representatives of international organizations and relevant foreign embassies. In the immediate aftermath of proclamation of the state of emergency, nearly all domestic NGOs rallied in the Centre for Cultural Decontamination to launch a campaign "Stop the Crimes".

Under the pressure of international community the authorities were compelled to establish a kind of co-operation ("voluntary surrender") with the Hague Tribunal, which on the internal plane resulted in an increased repression against part of civilian society, notably NGOs dealing with human rights and facing up to the past, political opponents and political rivals.

Attacks on NGOs peaked after initiative of the eight NGOs aimed at prompting the Serb parliament to adopt Declaration on Srebrenica. That initiative was publicly demonized as "a cuckoo's nest" and allegation was floated that "adoption of that declaration would have a broader impact on the International Court of Justice in the Hague, before which the FRY was accused of aggression and genocide."<sup>7</sup> When the campaign peaked Dragoljub Kojčić (DPS), called on the Serb parliament to set up „a special committee to launch a probe into the NGO-led anti-Serb campaign", while Ivica Dačić (SSP) criticized the initiative of Vojvodina authorities that "the anniversary of Srebrenica crime, the 11th July, be proclaimed a day of mourning."<sup>8</sup>

Though the unwillingness of both the government and parliament to adopt the Declaration on Srebrenica was evident, the said document was nonetheless debated by the Serb parliament. MPs though failing to agree on adoption of the resolution on condemnation of war crimes nonetheless for 5 hours discussed the Srebrenica event, though it was not on the agenda. At the very beginning of the emergency session MPs of the Serb Radical Party, Democratic Party of Serbia, and the Socialist Party of Serbia, accused NGOs of being behind "the anti-Serb campaign". Aleksandar Vučić (SRP) accused the Chair of the Fund for the Humanitarian Law of fronting the „anti-Serb campaign" and stated that she „falsely accused Tomislav Nikolić of participation in a war crime". The column "Psychological Profile of Sonja Biserko" of daily *Glas javnosti* read: "Through her half-closed eyes, covered by an unusual hair-style, that woman watches over the results of her work, and thinks up other activity which would be liked better by her boss and those who evaluate her."<sup>9</sup>

<sup>7</sup> *Srpski nacional*, Cuckoo's Egg, 26 April 2005, page 11.

<sup>8</sup> *Kurir*, NGOs Pursue an Anti-Serb Campaign, 25 June 2005.

<sup>9</sup> *Glas javnosti*, Psychological Profile, 27 July 2005.

That campaign escalated after the screening of a documentary film on *Škorpion*, in the Hague Tribunal, and its later airing on most domestic TV stations. Patriotic camp immediately qualified that film as a "doctored video" and an attempt to disqualify Serbs. It was stressed that "as of late, by its intense activity, the video/film doctoring and political manipulation of the Srebrenica case, the "NGO government" in Serbia headed by the notorious Nataša Kandić, showed its true power. And it seems that the internal war for primacy among enemies systematically installed in Serbia, Natasa Kandic has finally won with a major score difference to her advantage. Thus the "silver medal" could go to "famous" Sonja Biserko and the bronze medal to the following media entourage: B92, „Danas“, „Vreme“... All others remained on the sidelines of the competition "How To Successfully Demonize Serbs and Serbia," though many are stubbornly struggling not to lose their place in the league of users of Soros-the US-, and the Shiptari drug mafia-funded projects. It is obvious that Natasa Kandic would so keenly train the Hague witnesses only for a solid sum of money! Thus the second-league NGOs, continue their training with the hope of joining the first league. And there are many of them: Biljana Kovačević Vučo, Borka Pavićević, Vesna Pešić, Latinka Perović..., the bereaved revolutionary Čeda Jovanović and „the ever-merry Žarko Korać“. „But when speaking about Natasa Kandic, her satellite Sonja Biserko and others from those leagues of rogues, Soros-funded Mudjahedins, to mention the hard facts and morals, is a useless venture." <sup>10</sup>

Eight NGOs on the 10th anniversary of Srebrenica genocide organized a series of manifestations, which were sharply criticized as being "anti-Serb," and leaders of those organizations were branded and demonized as traitors.

The NGO-staged rally to mark the 10<sup>th</sup> anniversary of Srebrenica in Belgrade's central square, ended with the police throwing tear-gas on the circle made up by NGO activists. Thus the protest "Let Us Not Forget" staged by the Women in Black was interrupted. Some anti-NGO militants before the police action chanted: „Knife, Wire, Srebrenica" Srebrenica", and „Nataša Kandić Is a Whore". Police detained 9 youngsters with shaved head, and the rally was protected by three police cordons. The rally was attended by NGO activists from Italy, Israel, the US, Germany and Serbia and also by the Chair of the Fund for Humanitarian Law, Natasa Kandic, the Helsinki Committee for Human Rights in Serbia, and its Chair Sonja Biserko, the Jurists Committee for Human Rights, and its chair Biljana Kovačević-Vučo<sup>11</sup> and Borka Pavićević, from the Cultural Decontamination Centre".<sup>12</sup>

<sup>10</sup> www.srpskenovineogledalo.co.yu, Who is in fact Natasa Kandić? No. 53.

<sup>11</sup> Both the media and judicial campaign has been mounted against Biljana Kovačević-Vučo. Namely, she, in her capacity of lawyer of Vladimir Popović protected his human rights during the media-bashing campaign targeting Popovic, at the time of the Sword Action. As a part of his defense strategy she made certain statements at a press conference. At a later date criminal charges were filed against her "for slander and

Initiative of the Young for Human Rights on 27 June 2005 placed over 30 billboards in Belgrade, Novi Sad, Niš and Čačak, with photos of the Sarajevo author, Tarik Samarah, originally from Srebrenica. The message next to the photo was the following: "To See, To Know, To Remember". Within a few days, all billboards were destroyed. The following was written with a black paint over them: Knife, Wire, Srebrenica; Ratko Mladić; There Shall Be Reprisals, etc. Campaign was commented by numerous public personalities, notably Dragan Kojadinović, the Culture Minister of Serbia: „We should speak about all crimes, instead of condemning only one people of all the wrongdoing." Savo Štrbac, President of Documentation Centre Veritas, thus commented the aforementioned billboards: "This is something that the late Jovan Rašković, called an aggression of conscience, when speaking about the Croat Democratic Community pressure on Serbs in Croatia, and that party's claim that everything was Croat, even the air and water." He ended his text with the following words: „It is odd that in our country we don't have a regulatory body, controlling contents of all ads and thus preventing the emergence of similar photos on the streets. Such a body exists in all European countries, but we, faced with its absence, leave everything to the free will of those who place such ads."<sup>13</sup>

Media in Serbia underscored that „one does not know whether such billboards insult more the dead people in their coffins, and their families, who thus become the object of a money-collecting marketing campaign of NGOs (I have never before heard of that organization the „Initiative of the Young for Human Rights"), or it is more insulting for citizens of this city and their children, for they are supposed to feel, like Germans in 1944, collective guilt, and are furthermore thus compelled to feel pain and repentance."<sup>14</sup>

There is much insistence on money donated for such actions: „Humanitarians who are humane only when they get some money, have adorned Belgrade with billboards relating to Srebrenica, probably with the idea of compelling us to continue to "genocidal actions", that is, of driving us to strangle anyone who even dares mention the genocide." <sup>15</sup>

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insult". Borislav Mikelić and Bogdan Tirnanić filed private charges against her "for slander and insult". Aleksandar Tijanić, director of Radio-Television Serbia, filed four lawsuits against Biljana Kovacevic Vučo, that is, against the Jurists' Committee for Human Rights publication compiling statements made by Tijanić. Tijanić also demanded damage compensation to the value of 8.5 million dinars for infringement of his copyright. He subsequently demanded a provisional measure tantamount to banning of the book "The Case of Clerk Aleksandra Tijanić", as well as further printing and sale thereof, until the end of the lawsuit.

<sup>12</sup> *Danas*, Tear-Gas against Srebrenica, 11 July 2005.

<sup>13</sup> *Glas javnosti*, Crime as an Advertisement, 2 July 2005.

<sup>14</sup> *Kurir*, Column Isidora Bjelice, 2-3 July 2005.

<sup>15</sup> *Glas javnosti*, column penned by Dragoljub Petrović, 8 July 2005.



The sharpest criticism and most virulent attacks come from the academic circles notably those anti-Western ones. In his interview to *Svedok*, academician Kosta Čavoški said: "Sonja Biserko is the person with the least moral right to criticize anyone on any ground. She has for a long time worked as a state, that is a diplomatic employee, and as such was vetted regarding her loyalty to the authorities. And that vetting was primarily done by the secret police. After an extensive vetting she was considered 'absolutely theirs', that is a true communist. She worked closely with Minister Lončar, who was, as far as I may recall, a minister during the time of Slobodan Milošević... Hence she does not have the moral right to take to task anyone."<sup>16</sup>

*Ogledalo* in a very cynical tone covered the initiative "Thousand Women for Nobel Peace Prize", and Sonja Biserko, Chair of the Helsinki Committee for Human Rights in Serbia, was among that group of all-female contenders: "By proposing those "activists" was someone "just having fun:" ...on the other hand the last thing Kandić's 'stooge' Sonja Biserko needs is a Nobel prize." That text, which is in fact a re-print of her alleged biography from *Internacional* (11 January 2005) reads: 'Sonja Biserko<sup>17</sup> is not terribly keen on questions related to her nationality, and she hides many other biographical data from the Serb public. However, it is known that she has worked in the Foreign Ministry as an aide to the former, famous Foreign Minister, Budimir Lončar, that she has no children and other family-related obligations, and that

<sup>16</sup> *Svedok*, It is more probable that Miloš Vasić was tasked by financiers to vilify and tell on their "foes," and since I am on that list he gave a free rein to his bashing of me, too. 15 March 2005, page 11.

<sup>17</sup> In the text ran on 8 September by daily "Tabloid" Sonja Biserko, was, inter alia, accused of being the Croat spy. Although some print media are constantly rife with lies and hatred relating to Sonja Biserko, this was a genuine call to lynch, for her private address (street, number of building and flat) was made public too. Added to that data concerning her immediate family-which may be only in the possession of the State Security Services- were disclosed too.

Throughout last year Sonja Biserko was repeatedly physically assaulted in front of her flat, and those assaults were reported to the police. Also her flat was burglarized. But the police investigation produced no results. After the burglary a police patrol in front of her apartment block kept securing her physical well-being for a month.

On grounds of the aforementioned text in "Tabloid", lawyers of the Helsinki Committee for Human Rights in Serbia filed a slander lawsuit against the said daily to the republican public prosecutor.

We are duty bound to caution the most responsible representatives of authorities of this country against the fact that the mood characterized by purges and physical assaults on public personalities does not contribute to creation of a tolerant environment, necessary for development of any democratic society. Passivity of elites in the face of pogrom-style methods destroys criteria/set of values/standards, and generates apathy, while the absence of the state bodies measures against violence calls into question the security of citizens and of the society.

she is entirely devoted to the aforementioned 'activities'" ("... that is to a continual and unlimited vilification of the most hated people on the Earth, - the Serb people").<sup>18</sup>

## Hate and Violence Incited

One of forms of the anti-NGO campaign is graffiti-writing. Thus on the night of 4 November 2004 over the name plate of the Fund for Humanitarian Law, next to the entrance to the NGO seat, a Nazi swastika was painted with a spray. On 22 March 2005. on the same plate the Star of David was painted, and on the wall facing the FHL entry seat's the following graffiti were painted: „Nataša Kandić is a Jewish stooge -an obedient servant of the Jewish World Order", „No to the Zionist occupation of the world", „In the combat for Serbia to the ultimate victory", "Serbia to Serbs"; on 11 July 2005 for the third time over the FHL name plate the Star of David was painted with a spray.<sup>19</sup>

Within the framework of the latest anti-NGO campaign the graffiti "Members of Sect Must Leave Serbia Immediately" was painted for months on the wall facing the office of the Helsinki Committee for Human Rights in Belgrade. On the office door and other walls the following graffiti were written: "Sonja Biserko - a Jewish stooge -an obedient servant of the Jewish World Order", "Serbia to Serbs" and "B92 = Star of David."<sup>20</sup>

Nataša Kandić's statement that Toma Nikolić, Vice President of the Serb Radical Party was accountable for the death of several old men in village Antin, in 1991, prompted the Radicals to mount a brutal, anti-NGO campaign, even in the Serb parliament. At a parliamentary session, Radical Party, DPS and SPS MPs sharply criticized NGO, and even accused them of being behind "the anti-Serb campaign." Added to that the Deputy Head of SRP MP group, Aleksandar Vučić, branded the Chair of the Fund for Humanitarian Law, Natasa Kandić "a gang-leader conducting an anti-Serb campaign".<sup>21</sup> Vučić also said that the Chair of FHL was „a pathological liar"....Vucic also accused Kandić of „mounting a campaign against all things and persons bearing a Serb hallmark" and expressed his conviction that she would "end behind the bars"<sup>22</sup> ...and according to him, "then, the others...all those con-men and con-women shall also end up in the only place they merit-the jail."<sup>23</sup>

<sup>18</sup> *Ogledalo*, 6 July 2005.

<sup>19</sup> Source: Fund for Humanitarian Law

<sup>20</sup> Source: Helsinki Committee for Human Rights

<sup>21</sup> *Srpski nacional*, Kandić Is a Gang- Leader, 25 June 2005.

<sup>22</sup> *Danas*, Radical Party Members were the Yugoslav Peoples Army Volunteers, 16 June 2005.

<sup>23</sup> *Srpski nacional*, Nataša Kandić and Veran Matić Must Go to Jail, 19 June 2005.

The leak of information that the Serb Secret Services were monitoring the work of NGOs was the last in a series of the authorities' actions aimed at both compromising and intimidating NGO activists. In other words, Head of the Security-Intelligence Agency of Serbia, Rade Bulatović, at the session of the Committee for Security and Defense of the Serb parliament stated that those services were monitoring the work of some NGOs. Daily *Danas* thus commented that statement: "When the first man of security services says that his services are monitoring the work of some NGOs and stresses that they "misuse the NGO status and are mostly funded by those foreign centers to later promote political and security tasks notably in the area of Raska and South Serbia," that the foregoing signals the beginning of a witch-hunt. One may quite effortlessly recognize those monitored NGOs: Centre for Cultural Decontamination, the Belgrade Circle, Jurists' Committee for Human Rights, the Fund for Humanitarian Law, Initiative of the Young, Women in Black, Civil Initiatives and the Helsinki Committee for Human Rights in Serbia."<sup>24</sup>

## II

# LEGAL SYSTEM

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<sup>24</sup> *Danas*, Witch Hunt, 7 July 2005.

## INSTITUTIONS IN THE CLUTCHES OF THE EXECUTIVE BRANCH

The establishment of a legal system that would bring Serbia closer to developed democracies is still underway. As it turned out, a genuine political will to have newly adopted laws and standards implemented did not follow in the footsteps of legislative activism. This is about a slow-paced process that almost stalled in 2005. Though the Serbian parliament passed scores of laws, what marked 2005 was that those laws were not implemented. For a transitional state and its functional reforms the legislation that lacks enforceable mechanisms and a new methodology is more of a regress than progress. The government failed to adopt bylaws that would secure enforcement of a number of laws, the same as it failed to establish necessary institutions and mechanisms of control. The much delayed Serbian constitution indicates a chronic absence of political will to finalize the necessary reforms and safeguard them by an adequate legal system. All this only moves Serbia away from European integrations.

The functioning of the State Union's institutions kept spiraling down throughout 2005. As in 2004 Montenegrin top politicians were focused on turning the issue of referendum into "the question of all questions," the one exceeding the Union's interests, the deadline for calling the elections for the State Union's Assembly was missed. In early 2005, the State Union's Assembly was legally deadlocked: parliamentarians' mandates were running out in February. Namely, Article 20 of the Constitutional Charter provides that over the first two years representatives shall be elected indirectly, in proportion with their representation in the member-states' assemblies. After that period, they shall be elected directly by voters in both member-states. The Assembly of the State Union is unicameral – out of 126 parliamentarians, 91 come from Serbia and 35 from Montenegro.

Montenegrin leadership took that calling direct elections made no sense against the backdrop of an unavoidable referendum that, as they expected, would result in Montenegro's independence. Therefore, in early 2005 the Union's Assembly was faced with illegitimacy, which not only seriously questioned the Union's functioning but also fueled citizens' distrust in state institutions.

International mediators had to intervene. Namely, Javier Solana in his capacity as the EU's high representative for the common foreign and security policy made Serbia's and Montenegro's political leaders agree on the manner in which to overcome this absurd situation. Amendments to the Constitutional Charter were agreed on April 7 and subsequently adopted by the member-states' assemblies on June 29, 2005. The amendments invested the composition of the Union's Assembly with legitimacy by providing that direct elections would be called in both constituencies in parallel with their regular parliamentary elections.

Though a solution as such made it possible for the Assembly to function smoothly, its activity was practically invisible and hardly effective. Montenegrin MPs became less and less present at parliamentary sessions. Moreover, they introduced a novelty unprecedented in democratic practice – voting by phone. Due to the very fact that, in keeping with the Constitutional Charter, Serbia's share in the common budget amounts to 95 percent, the balance of power of political parties represented in the Serbian parliament was soon mirrored in the functioning of the Union's Assembly.

The startup of the negotiations on the status of Kosovo made things even more complicated in 2005. Serbia's political parties failed to reach a consensus on the matter, while Montenegrin parties claimed the issue had nothing to do with the State Union as such.

Speaking of legitimacy and citizens' trust in institutions, it should be noted that the Serbian parliament kept compromising itself throughout 2005. Actually, what singles out the present composition of the parliament is a longstanding discrepancy between the period of its power and the level of citizens' trust. The scandals that marked parliamentary proceedings in 2005 raised scores of questions about the political system, parties, parliamentarians, ethics, corruption, the parliament-government relationship, informal centers of power and, in particular, "bad" or "good" laws. Things culminated in late 2005 when the budget for 2006 was on the parliamentary agenda – actually, that was the seventh confidence vote for the government (preceded by the budget vote in 2004, rebalance of the budget for 2004, rebalance of the budget for 2005, and the August 2005 vote for the set of the laws deriving from the arrangement with the IMF).

What mostly marked the work of the Serbian parliament in 2005 were split coalitions and parliamentarians' transfers to other caucuses, even those formed by non-parliamentary parties. It was only natural that the general public more discussed the highest legislative body from the angle of the parties making it than from that of their policies and the quality of the laws it passed. Throughout the year the public was also bombarded with corruption affairs within the parliament, speculations about financial arrangements and "purchase of MPs."

Split coalitions are not phenomena unknown to developed democracies. Corruption is also omnipresent, but developed democracies have institutions and mechanisms to combat it, the same as they possess the mechanisms of civilian control over parliamentarians' work. For their part, parliamentarians have to constantly struggle for citizens' favor by meeting the promises they had made, by their efficiency, consistency of their actions and competence. The Serbian parliament manifested none of those democratic standards.

Split coalitions in the Serbian parliament additionally jeopardized the government that has been existing as a minority one from the very beginning. By comparison with the situation in the wake of the 2003 elections, in late 2005 the government enjoyed the support of the MPs from the Democratic Party of Serbia (53), the G17 Plus (31), the Socialist Party of Serbia (22), the New Serbia (17) and the so-called "9+9" independent MPs. Speaking about the MPs without a caucus of their own, the government is supported by those loyal to Vuk Draskovic's Serbian Renewal Movement and one from the ranks of the Social Democratic Party. With its 80 MPs, the Serbian Radical Party is still the most powerful oppositionist party. Thirty-three MPs from the Democratic Party withdrew from the parliamentary proceedings. On the other hand, some parties on the Serbian political arena united. The Social Democratic Party emerged from the Social Democratic Union and a faction of the Social Democracy. Having passed the electoral threshold on the G17 Plus' list, the party united with Nebojsa Covic's Democratic Alternative (which failed to pass the electoral threshold) and then in August 2005 walked out on the ruling coalition. Vuksanovic's New Democratic Party joined the Democratic Party of Serbia. As for the Democratic Party, it united with Micunovic's Democratic Center, broke with Cedomir Jovanovic's Liberal Democratic Faction, admitted several members of the Civic Alliance of Serbia and took in the Coalition for Sandzak on its electoral list. In August 2005 the latter sided with the government (the case of MPs Esad Dzudzevic and Bajro Omeragic).

Blurred and ill-defined rules on ownership of mandates just added fuel to the fire. The Supreme Court's decision of 2003 whereby MPs are owners of mandates (passed in the case of the Democratic Party of Serbia's MPs deprived of their mandates at the request of the Democratic Party) added to the confusion over the matter and opened the door not only to disputable moves of some MPs, but also to gross corruption affairs. Namely, the legality of at least five parliamentary mandates was questioned in 2005. Following the newly established concept that MPs are sole owners of their mandates, Esad Dzudzevic and Bajro Omeragic decided to support the government though they had been elected on the list of the Democratic Party, now in opposition. Later on, they were appointed assistant ministers, which, under the law, should have put an end to their parliamentary mandates. However, the two kept attending parliamentary sessions and securing the government's majority.

On the other hand, having walked out on the Democratic Party of Serbia (DSS), one MP was deprived of his mandate under the pretext that he had actually submitted his resignation. The complaint this MP lodged before a court of law has not been decided for ten months now. In the meantime other DSS member occupies his parliamentary seat. Two MPs from the ranks of the G17 Plus, who also decided against making their mandates available to the party, were given the red light. So the party simply reassigned their mandates, i.e. appointed other people MPs. As in the case of DSS' MPs, it is more than obvious that parties use "blank resignations" to bypass rules and regulations. Such parliamentary practice unprecedented in democratic states testifies of the government's intention to remain in power at all costs, and of foul play with both electoral and parliamentary rules that depends on whether or not a political party is in the ruling coalition or in opposition. The issue of ownership of mandates is crucial for the stability of any political system and the development of democratic culture, rather than just a technical one. Moreover, one should bear in mind that, under the former parliament, the parties making today's ruling coalition used to harshly criticize such practices while promising to restore dignity to institutions once in power.

Unfortunately, the actual outcomes of their work are far from democratic values. For, those outcomes opened up the question of citizens misguided in the elections and the right of MPs elected on party lists not only to walk out on their parties and keep their mandates, but also to join non-parliamentary parties. Having the parties that have not passed the electoral threshold or have even been non-existent at the time of elections in parliamentary life seriously questioned both the ethics of today's Serbian society and the respect of citizens' electoral will that crucially determines the stability of any political system.

The Serbian political elite's indifference to see the issue through to the best interest of Serbia's citizens culminated in the establishment of Bogoljub Karic's political party, the Force of Serbia Movement, and the "purchase" of MPs that, in late 2005, grossly endangered the government's parliamentary majority. A showdown with Karic and the tycoons and 1990s profiteers close to the Milosevic regime remained in the shade of petty party interests. The showdown came on the agenda only once their ratings were seriously threatened. What also marked the end of 2005, therefore, was the startup of the Belgrade District Public Attorney's official investigation into alleged bribes offered to Serbian MPs to vote against the government's budget proposal for 2006.

The ever louder protests against misuse of the judiciary for political purposes, threats to MPs and misconduct - that fuel the suspicion about corruption at the chronically instable political arena - coming from the ranks of

the Democratic Party and the Socialist Democratic Party nothing but put a finishing touch on the Serbian parliament's bad performance in 2005.<sup>1</sup>

## **Serbia's Constitution**

Though Serbia's leading politicians kept making promises and claiming that a new constitution was on their priority list, its drafting was still underway throughout 2005. In January 2005, President Boris Tadic put forth another draft the definitions and provisions of which differed the government's model. Unlike the government's draft that still defines Serbia as "the state of the Serbian people and the citizens inhabiting her," Tadic's version determines Serbia as "the state of all its citizens, based on unalienable human rights." Further, President Tadic's draft provides more distinct criteria for the establishment of autonomies and is more clear-cut when it comes to presidential authority that gives the upper hand to the government's competence and, to a certain extent, to the Constitutional Court. The draft also provides interpellation as an instrument of keeping the control over the government primarily by the opposition.

Regardless of the facts that a sufficient number of constitutional drafts were in circulation, that the Constitutional Commission begun to deliberate back in 2003 and that three sub-commissions were set up, the attempt made in September 2005 to revive the entire procedure was of no avail - it testified of the absence of political will to see the project through.

The Court of Serbia-Montenegro started to work in June 2005. Amendments and supplements to the relevant law that invested the Court with the authority to decide on member-states constitutions' adjustment to the Constitutional Charter were adopted in early 2005. Besides, the Court was authorized to decide in jurisdiction disputes involving the two member-states and common institutions. The amendments also provide that the Court shall decide citizens' complaints in keeping with the Constitutional Charter. The outcomes of the Court's performance have not been brought to the public eye by the end of 2005.

## **International Obligations**

Though the great majority of leading politicians kept parroting that the state's international obligations were not on their priority list, it was in that domain that Serbia actually made the biggest progress in 2005.

Serbia-Montenegro's adoption of a feasibility study on April 12, 2005 was the first tangible step the Union made in its movement towards the European Union. Since the European Commission concluded that Serbia-

<sup>1</sup> *Vreme* No. 778, December 1, 2005 and No. 780, December 15, 2005.

Montenegro was ready enough for the start of stabilization and association negotiations, on April 25, 2005 the EU Council of Ministers gave the green light to the feasibility study and ordered the European to set instructions for the talks.

The negotiations on the Stabilization and Association Agreement were officially launched on October 10, 2005 at a ceremony assembling leading politicians from the two member-states and the European enlargement commissioner, Olli Rehn. The first, November 2005 round of negotiations dealt with the Agreement's preamble: general principles and political issues relevant to Serbia-Montenegro's relations with the European Union. The second round, scheduled for December, was postponed till February 2006 and conditioned by the Union's cooperation with The Hague Tribunal.

The obligations the state took upon itself by ratifying the European Convention on Human Rights in March 2004 were not duly met – i.e. the state failed to meet the deadline for appointing a state agent that would represent it before the European Court of Human Rights in Strasbourg. A year later, in March 2005 the Serbia-Montenegro's Council of Ministers passed a decree on the state agent, providing that Serbia should appoint the agent, while Montenegro his/her deputy for the period of 4 years, i.e. that the agent and his/her deputy should rotate in a 2-year interval. The decree also provided the establishment and functioning of the State Agent's Office within the Ministry of Human and Minority Rights. Though the competition for the state agent was called as early as in April 2005, the procedure of short-listing the candidates for the office lasted till September 2005 when the state agent was actually appointed. The fact that the information was publicized in the Official Gazette of Serbia-Montenegro only testified of the state's sluggishness in this matter as it practically kept the general public in the dark about both the agent and the Office. The issue of the state's representation before the European Court is growingly pressing, given that some 1,000 citizens of Serbia-Montenegro have already lodged complaints for the Court's consideration.

On October 22, 2005, the State Union's Assembly ratified the Convention to Combat Corruption and on December 1, 2005 the Optional Protocol of the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. By signing the Optional Protocol the state committed itself to establish the system of regular, independent international and domestic monitoring of prisons and other facilities accommodating persons deprived of their liberty, as well as to set up one or more national bodies authorized to conduct such monitoring with a view to prevent torture and other degrading treatment. Further, the state took upon itself the obligation to establish – within a year from the day the Optional Protocol was signed – national preventive mechanisms and allow visits to any facility housing the persons deprived of their liberty either by an authorized body of *ex officio*.

## HUMAN RIGHTS AND LEGISLATION

### Conscientious Objection: Civilian Army Service

Firstly regulated in 2003, the terms of the civilian army service were amended under a relevant decree enacted in January 2005. Though even the 2003 law had not been in compliance with international standards – as reported in detail by the *Amnesty International*<sup>1</sup> – the said amendments additionally jeopardized the rights of draftees. By amending the Article 26a of the Law, the Article 4 of the Decree provides a draftee opting for the civilian service shall submit the relevant request within eight days from the day he is summoned for the army service. The provision practically deprived recruits of the right to civilian service, as it restricted the latter to the period prior to the draft. As pinpointed by the *Amnesty International*, the Decree stipulates that an appeal for the review of a ruling does not postpone the execution of the ruling, i.e. a draftee is obliged to show up for the army service. Thus all draftees who have opted for civilian service have to wait in their respective units until their appeals are decided on.

Further, the Decree fails to provide that members of armed forces shall be entitled to conscientious objection, which is, as the *Amnesty International* put it, contrary to Recommendations 1518 of the International Agreement, Chapter 5.2. stating that all citizens shall have the right to conscientious objection, including members of armed forces, who can opt for it at any time during their service.

The January 2005 Decree also amended the Law's Article 27a providing that certain categories of persons shall not be entitled to civilian service (those with licence to bear arms, the persons convicted for violent crimes within the period of three years from the day they applied for civilian service, members of sports and hunting societies, as well as those whose jobs imply sales or repair of firearms). Such regulation not only deprives the persons who have ever used arms or have had anything to do with them – e.g.

<sup>1</sup> Source: [www.amnesty.org/library](http://www.amnesty.org/library)

as members of sports or hunting societies – of the right to conscientious objection, but also bluntly disqualifies them as conscientious objectors. Even the new provision that the right to conscientious objection shall be restricted in the case of the persons convicted for violent crimes nothing but blurs the fact that those persons too may be conscientious objectors.

## Ombudsman

After endless deliberations and unjustified postponements, the Serbian parliament eventually, in September 2005, passed the Ombudsman Law. Under the Law, the Ombudsman is appointed by the parliament for the period of five years and may be reelected. The parliament also appoints four deputies each in charge of specific domains such as the rights of convicted persons, gender equality, children's rights, minority rights and the rights of marginalized groups and disabled persons.

The Law provides that the Ombudsman shall be authorized to supervise and control the respect for human rights by state bodies, i.e. the Ombudsman shall be entitled to scrutinize their performance, decisions, actions or failures to act. The Ombudsman shall not have the control over parliamentary proceedings, the President of the Republic, the Serbian government, the Constitutional Court, as well as courts of law and prosecutions, says the Law.

The Ombudsman's competence includes the right to initiate amendments to laws and passing of new regulations, as well as to comment the draft laws concerned with human rights that have been submitted to the parliamentary consideration.

The Law authorizes the Ombudsman to demand disposal of a person responsible for any violation of human rights, and to initiate disciplinary proceedings against a public servant accountable for certain actions or failures to act appropriately. If he/she suspects that a crime has been committed, the Ombudsman may also initiate criminal or misdemeanor proceedings against the suspect.

In spite of a number of adequate solutions, the Law is not fully compatible with the idea of an Ombudsman. It is an obvious product of the accommodation of different political interests within the Serbian parliament. What strikes one's attention is that before turning to the Ombudsman a citizen must exploit all legal means available to him/her. A provision as such minimizes the role of the Ombudsman – contrary to the very idea behind the institution, the Ombudsman thus becomes the last step on the ladder towards protection of human rights.

Though passed in September, the Law has not been implemented by the end of 2005. The government failed to initiate the procedure of appointing the Ombudsman and his/her deputies, and did nothing to secure human and

material resources necessary for functioning of the Ombudsman office. The same as in the case of the public information commissioner, the government trends towards normativism, while lacking genuine commitment for the respect of legal and political standards the would speed up the society's democratization. Conflicting interests of the political parties that support the government at this point considerably contribute to such state of affairs.

## Law on Associations

The draft law on associations was practically deadlocked throughout 2005. The only step taken was the one by the Ministry of State Administration and Local Self-government – actually, the Ministry adopted the recommendations of the expert team of the Council of Europe and amended the first version of the law drafted in November 2004. It was only in November 2005 that this amended version was brought before the public eye and presented to non-governmental organizations and citizens' associations. Though much improved by comparison with the first draft, this one is still under par. This primarily refers to the blurred definition of a non-profit organization and the powers invested on the state. Many provisions have not been adjusted with other domestic regulations – notably those dealing with non-profit organizations' ownership rights or financial obligations – and with relevant international standards and conventions. For instance, the article providing that *"in the event an association ceases to exist, its property, according to its statute, shall be passed only to another non-profit legal person"* is incompatible both with the Inheritance Law and the European Convention on Human Rights that guarantees the right to dispose of property by free will. Further, the Article 74 of this Law collides with the 1995 Law on the Republic of Serbia's Real Property that is still in force. The latter provides that all real property used by local self-governments (towns and municipalities), other organizations and legal person shall be proclaimed the property of the Republic of Serbia. In this context, lawmakers did not have any authority whatsoever to lay down state ownership over the "public property" used by public organizations, which they did in transitory and final provisions of the Draft Law on Associations. This opens the door to arbitrary implementation of the Law on the Republic of Serbia's Real Property, i.e. to state ownership of the property that has remained out of the Law's reach so far. Further, the same article provides that a local self-government body *shall set down the criteria for the lease of real property*, but fails to define any valid criterion. The article's provision that the terms under which an association uses leased property *"shall not be more disadvantageous than those under which a local self-government body rents out the real property of similar quality and size to other associations and organizations pursuing similar or same goals"* is also unacceptable. Apart from being contrary to general obligational rules providing that a leaser shall not change the terms

of a lease in his favor, the same article raises the question of the comparative criteria to be applied if there is no other association with “similar or same goals” in the territory of a local self-government. Moreover, lawmakers had no justifiable reason whatsoever to regulate the issue in any different manner than laid down in the Law on Local Self-Government – they should have simply taken over the latter’s provision on leases of premises. Besides, lawmakers were notable restrictive when it came to the provisions dealing with the bans on associations. The draft’s Article 64 practically annuls the right to appeal by stating, “*The Supreme Court of Serbia shall decide on the ban*” – i.e. it turns null and void one of fundamental rights guaranteed under the European Convention on Human Rights. According to the Law on Organization and Jurisdiction of Courts in the Republic of Serbia, the Supreme Court of Serbia is the highest appeal body and its decisions are final since the Constitutional Court of Serbia deals not with constitutional appeals.

The very fact that only one meeting with the organizations mostly concerned with the draft has been convened clearly indicates the government’s intention to keep a tight hold on the civil sector and its unreadiness for an open dialogue that could lead to better solutions.

### Access to Information

Having delayed for long the implementation of the Law on Access to Information of Public Interest passed back in 2004, it was only in June 2005 that the government subsidized the launch of the Office of the Commissioner for Information of Public Interest. The Office came public with its 4-month findings at a press conference in November 2005. In brief, the number of applicants was practically in reverse proportion with the information provided by state bodies and the latter’s cooperativeness. The great majority of applicants complained of state bodies’ failures to respond within the set deadline, in spite of the fact that their applications had been approved and properly processed.

*Transparency Serbia* conducted a ten-month survey to determine the state’s readiness to implement the Law on Access to Information of Public Interest. Actually, the organization applied to a variety of state bodies and governmental agencies for specific information related to their domains. The outcome of its action mirrored devastating effects – over 40 percent of ministries and governmental agencies and over 60 percent of local self-government authorities in Serbia did not even trouble to reply, while those that did mostly manifested that they had misunderstood either the requests or the Law’s provisions. At the same time, findings of the survey showed that citizens were rather unaware of their rights under the Law and its provisions.

The fact that the government failed to develop appropriate methodology and efficient mechanisms for the implementation of this law that

figures as a major regulation in the anti-corruption legislation (including the Law on Cross Ownership, the Law on Financing Political Parties and the Law on Public Procurements) testifies of the Serbian political elite’s unreadiness to come to grips with some of most delicate issues.

### Set of Criminal Laws

The new set of criminal laws adopted by the Serbian parliament in September 2005 includes the Criminal Code of Serbia, the Law on the Execution of Criminal Sanctions, the Law on Juvenile Offenders and the Law on the Protection of the Parties in Criminal Proceedings.

The Law on Juvenile offenders – a novelty in Serbia’s legislation – differentiates juvenile offenders both in terms of relevant criminal proceedings and sentences that can be ruled to them. As for the Law on the Protection of the Parties in Criminal Proceedings, it introduces for the first time the institution of witness protection. The law lays down the terms and the procedure for the protection of the persons whose testimonies before a court of law may jeopardize their lives. The protection as such may be given to suspects, defendants, collaborating witnesses, eyewitnesses, experts and victims. Witness protection programs include protection of property and person, relocation, transfer to other detention facility, concealed identity and property information, as well as a change of identity. The latter may be partial or total, implying the possibility of bodily or facial transformation. .

The law provides that its administration shall be entrusted to a special police department – the special protection department in charge of both the protection procedure and the protection of confidential information and records. The law posits that a special commission shall decide on the protection procedure, its duration or termination.

The newly passed Law on the Execution of Criminal Sanctions is more detailed than its predecessor when it comes to prisoners’ rights and duties, and their appeals to courts of law against prison administrations’ decisions. The Law considerably leans on international standards for the quality of life in detention facilities, particularly on the standards laid down by the Council of Europe’s Committee for the Prevention of Torture (CPT).

Serbia’s new Criminal Code lays down for the first time crimes such as torture, and provides protection of intellectual property, environment and computer data bases. Though generally in keeping with international standards, this newly passed law raised certain doubts and dilemmas – it shortened sentences for some crimes (theft, robbery and trafficking of narcotics) and provided maximal imprisonment of 30-40 years in specific cases. As for fines, the new law for the first time takes into account a convicted person’s overall financial situation. A fine is thus expressed in daily amounts



in accordance with the convicted person's average earning the information about which is provided by the Public Revenue Service.

## Police Law

After many dilemmas, controversial drafts and, in particular, commentaries and recommendations provided by international institutions and experts, the Serbian parliament adopted a new Police Law in November 2005. This much delayed law testified on the one hand that the parliament had to overcome scores of problems before endorsing international standards for the functioning of the Serbian police and laid bare conflicting interests of some political parties on the other. Generally, the law was perceived as a step in the right direction leading to the reform of the police and their transformation into a professional service subjected to public control. And yet, some provisions questioned such general perception and prompted the civil sector to raise hue and cry.

Namely, the Law invests the Minister of the Police with too much discretionary power. The Minister is authorized to determine the police's performance through mandatory instructions and orders. Though the Law generally provides that the Minister's instructions shall be based on law, none of its provisions relates to the review of the legality of such decisions.

The access to the information about the effects of the police's performance is regulated contrary to the provisions of the Law on Access to the Information of Public Interest. In this context, lawmakers were not only restrictive, but also created a confusion about which of the two laws is applicable. Further, some segments of the provisions dealing with the police's authority are contrary to other regulations that are in force. This primarily refers to the protection of juvenile offenders, treatment of juveniles in general, the use of firearms and physical force and searches of premises, which contradicts the provisions of the Law on Criminal Proceedings.

By the manner in which it treats juveniles and younger adults, the Article 38 of the Law grossly violates other regulations dealing with the rights of juveniles. Domestic legislation provides that any action against a juvenile by state bodies shall be taken in the presence of his/her natural or custodial parents. Article 38, para 4, of the Law, however, provides that in the exercise of the police authority shall call for the presence of a representative of a custodial agency in the event the presence of natural parents might be detrimental for a juvenile or so irritating to him/her as to endanger the police's duty. The provision's definition opens the door not only to discretionary authority, i.e. arbitrariness that breaches a juvenile's rights, but also invests a police officer with the power to decide on matters beyond his professional competence.

The Article 43, para 2, quoting that the police can assert a person's identity on the grounds of a statement given by that person whose identity has

already been checked questions other paragraphs dealing with "checking of a person's identity" and the Article 50 providing that a person may be taken in for the purpose of asserting his/her identity. The law fails to justify why a person whose identity cannot be checked via his/her identification card or other documents bearing his/her photo shall be taken in at all when his/her identity can be asserted on the grounds of a relevant statement. Further, the police's authorization to take in a person whose identity cannot be asserted otherwise, opens the question of the circumstances under which any person can assert his/her identity by providing a relevant statement.

The legal solutions referred to in the paragraphs above open the door to arbitrariness on the part of the police and, therefore, threaten individual rights and freedoms.

The Law's provisions on the police's authority to use physical force (Article 88) are disputable in the sections specifying permissible use of force as the use of the methods of martial arts in the event of passive resistance, i.e. a suspect who sits down, kneels or lies prostrate. The bottom line here is that those forms of passive resistance cannot be treated as physical resistance, which lawmakers probably had in mind while listing the cases of authorized use of force.

The Article 90 loosely defines the use of the instruments of restraint for the purpose of preventing escapes. Prevention of an escape is in itself a loose phrase - "prevention of an attempted escape" would be more appropriate the more so since the Criminal Code defines in detail the notion of attempted escape. In other words, the Law should have provided the use of the instruments of restraint by the police in the event of an attempted escape. As it is, any movement can be /arbitrarily/ interpreted as an escape and imply the use of the instruments of restraint against the person making such movement.

Also, disputable are the Law's provisions dealing with the police's authority to use of arms against a number of persons. The same refers to the Article 100 providing that firearms can be used to prevent "*the escape of a person caught in flagrante delicto, who is already prosecuted ex officio for the crime punishable with up to ten-year imprisonment, as well as the escape of a person who has been legally deprived of his/her liberty.*" A provision as such is hardly acceptable since it places a burden of responsibility on an authorized officer who must instantaneously decide whether or not a person caught in flagrante delicto is being prosecuted ex officio for the crime punishable with up to ten-year imprisonment with longer incarceration. It goes without saying that a police officer on duty is neither qualified nor in the position to qualify a perpetrator's action as a specific crime.

The Law, for the first time in domestic practice, provides the establishment of an internal control department. The director of the department, under the law, has the rank of an assistance minister and is responsible to the Minister of the Police. The director is authorized to initiate

proceedings ex officio or at a complainer's request, to take appropriate measures on his/her own or inform the Minister of authorized bodies if there is a reasonable doubt of the guilt calling for criminal, misdemeanor or disciplinary proceedings against a police officer.

However, the Law indicates that the internal control director can hardly act independently since it is the Minister who supervises the department's performance, and issues orders and instructions. Moreover, the director is obliged to ask for the Minister's permission before taking some actions or measures. Further, the provision that entitles a suspected police officer to deny internal control without the Minister's consent - without specifying what is to be done in the event such consent is never given - considerably impairs the efficiency of internal control over the police performance. Against Serbia's complex political backdrop wherein all offices are highly politicized, legal solutions as such are more than inappropriate guarantees for democratic and independent control over the police.

## Reform of the Judiciary

It was more of mere rhetoric than concrete steps that marked the reform of the Serbian judiciary in 2005. The ambitious strategic project for the judiciary reform, developed years back, was not completed in spite of all promises. Since the assassination of Premier Zoran Djindjic, the incumbent, "legalistic" government has been announcing fundamental reforms of the judiciary. And yet, while the reforms have not been even launched, the politics has one again stepped in all judicial institutions. Disgraceful rulings, filibustering of major trials, corruption and the executive branch meddling in ongoing proceedings were earmarks of the domain in 2005.

Though a number of organizational and procedural laws related to the judiciary were passed, none of major judicial postulates of a transitional society - an independent judiciary equal to the other two governance branches, and institutionally and financially independent judges and public prosecutors - was attained.

Overt attempts of the executive branch and even the parliament, as the highest legislative body, to influence judges' rulings seriously challenged the judiciary's declarative independence. Powerful and affluent individuals and groups - from the financial oligarchy symbolized by Bogoljub Karic to the Zemun and other "clans" - openly and, to all appearances, successfully influenced the judiciary. Such overt tempering with the judiciary was perceived almost as normal at the everyday political arena.

In 2005, the state continued to endeavor to hold the judiciary under control. At the peak of the actual government's reformist "inspiration" it took the parliament only one day, July 15, to adopt over 30 laws and amendments, including those to the Law on Judges and the Law on Public Prosecution

Office. The said amendments entitled the Minister of Justice to decide on judges and prosecutors' salaries, a practice totally incompatible with so much invoked independent judiciary. Ever since he came to office, Minister of Justice Stojkovic has been so concerned with the matter that he firstly attempted to shut down the Belgrade District Court's Special Department under the pretext that its "overpaid judges and prosecutors make other colleagues feel inferior" and then announced criminal charges against the ex-minister of finances for having allowed the judges of the Supreme Court's Trial Chamber to grab "exorbitant salaries."

The Law on Judges providing that the Minister of Justice can also propound dismissal of judges also mirrors the state's, i.e. executive branch's impermissible interference. By invoking an earlier decision of the Constitutional Court (made at the time of ex-minister Vladan Batic) stating that the Minister of Justice cannot propound deposition of judges, the Lawyers' Association for Human Rights (YUKOM) demanded constitutional assessment of the Law. However, the Constitutional Court overruled the motion and adjourned the deliberation of the provision dealing with the Minister of Justice's authority. It was evident that the Constitutional Court tried to buy time unwilling to cross the swords with the executive branch.<sup>2</sup>

Practically, throughout 2005 all moves the government persistently labeled reformist boiled down to personnel reshuffles.

In early 2005, the Supreme Judicial Council forwarded a list of candidates for the judges of municipal and district courts, as well as of the Supreme Court, to the parliamentary Judicial Committee. The list caused hue and cry, particularly by a group of senior advisers working for the Belgrade Second Municipal Court, whose public protest against the Supreme Judicial Council's choice brimmed with accusations of disrespect for the set criteria such as professional experience, competence, etc. that even resulted in nepotism. The parliamentary committee asked the Supreme Judicial Council to provide the list of all senior advisers out of which the latter had short-listed 34 candidates. As the Council never responded, the Committee practically annulled the list of candidates proposed for municipal judges and asked the Council to reconsider it.<sup>3</sup> The Committee gave its support to 16 candidates for the Supreme Court's judges and 14 for the judges of the Belgrade District Court.

The candidates for public prosecutors also protested, while senior advisers of the Belgrade District Court sent letters of protest to the Ministry of Justice, the Supreme Judicial Council and heads of parliamentary caucuses.<sup>4</sup> The situation culminated when the representatives of the Democratic Party

<sup>2</sup> *Ekonomist* magazine, No. 297, January 30, 2005.

<sup>3</sup> *Danas* daily, February 18, 2005.

<sup>4</sup> *Novosti* daily, February 16, 2005.

walked out on the Judicial Committee's session to manifest their disagreement with the proposed list of highest judicial officers. The proposed candidates and the actual state of affairs in the society, as they put it, indicate that the Democratic Party of Serbia was intent to hold the reins for the showdown with its political opponents. Before that, the DS MPs questioned candidacies for prosecution offices' military departments – their point was that civilians who could have competed for those offices were discriminated by the very terms of the competition. According to them, the government wanted to safeguard military courts at all costs, regardless of law, relevant political decisions and the standards Serbia was obliged to adopt as a member-state of the international community.<sup>5</sup>

Public polemic and doubts about regularity of judges and prosecutors' election, along with ever louder protests against the executive power's blunt meddling into judiciary reached their peak in July 2005 when the candidates for some 100 prosecutors and judges were on parliamentary agenda. The MPs from the ruling coalition and the Democratic Party on the one hand, and those from the Socialist Party of Serbia on the other clashed swords over Ratko Zecevic, nominated for a deputy municipal prosecutor in Kursumlija, and Milovan Bozovic, nominated for the office of the Belgrade district prosecutor (candidacies opposed by the Democratic Party) and Gordana Mihajlovic, nominated for the president of the Second Municipal Court in Belgrade (a candidacy opposed by the Socialist Party of Serbia).<sup>6</sup>

All in all, the parliament voted down 20 out of 100 candidates. The Supreme Judicial Council was thus "doubly" discredited – it was rebuked for not having nominated the candidates in keeping with professional standards, while the parliamentary vote testified that the ruling majority did not perceive it as a professional, let alone independent institution. An overview of the newly elected presidents of municipal courts and certain judges and prosecutors shows that the ruling coalition removed most cadres appointed by the previous government while reassigning responsible offices to the people compromised in Milosevic's era. Expert circles were those that reacted in the first place. In an open letter, a group of renowned judges (Vucetic, Karamarkovic, Ivosevic, Vasilic, Rasic, etc.) alerted the public that the manner in which some presidents of courts had been deposed was hardly propitious to the reform of the judicial system. The language MPs used while referring to some judges could have hardly boosted people's trust in legal system. Especially the fact that Gordana Mihajlovic – recognized by expert circles for her organizational capacity and genuine commitment to reforms – was not

<sup>5</sup> *Danas* daily, February 13, 2005.

<sup>6</sup> *Politika* daily, July 20, 2005.

reelected president of the Second Municipal Court in Belgrade threw bad light on the parliament.<sup>7</sup>

Nothing less scandalous was the deposal of Special Prosecutor Jovan Prijic whose mandate expired on July 23, 2005. However, his deposal had been firstly hinted at back in March under the pretext that he had been appointed on March 1, 2004. The fact that, under a new law, he had been assigned the office on July 23, 2004 was overlooked. In a letter to the Acting Prosecutor of the Republic of Serbia, Prijic indicated that his early deposal would seriously affect the motions the Special Prosecution had made in some ongoing trials. Ensuing statements by the responsible people in the Prosecution Office started an avalanche of public reactions that hardly contributed to the Special Prosecutor's unimpeded performance. For instance, Miroslav Milosevic, head of the Interior Ministry's Public Security Department, said, "The murderers of Police General Bosko Buha are still at large. In the months to come, the Ministry of the Interior shall concentrate its efforts on disclosing the circumstances under which Premier Zoran Djindjic has been gunned down. The trial to his assassins is turning into a farce, since the indictment is built on sand."<sup>8</sup> In other words, the Special Prosecutor was not up to his task and should be deposed. Milosevic's claim that the police had new clues about the Djindjic case drew public attention in particular. The atmosphere of lynch and stigmatization of the Special Prosecutor persisted till July 2005 when Jovan Prijic was reassigned deputy special prosecutor regardless of strong disapproval of expert circles and a number of non-governmental organizations. Slobodan Radovanovic from Kragujevac was appointed Special Prosecutor. Lawyer Rajko Danilovic labeled the act bad intention on the part of the government and a compromise between the United States, the European Union and the Serbian government enabling Prijic to complete his work.<sup>9</sup>

Apart from disputable personnel arrangements, general climate prevailing in courts of law, unprofessionally managed proceedings and rulings that questioned courts' competence and independence additionally aggravated the situation of the Serbia judiciary.

Illogical network of courts and distribution of cases were earmarked as major causes of courts' inefficiency and sluggishness. Serbia has 138 municipal courts and 1,653 municipal judges, out of whom 500-odd are in Belgrade. Out of 30 district courts with 429 judges, 100 judges work for the Belgrade District Court. Such outdated arrangement plagues commercial courts as well – out of 208 judges, 100 are assigned to the Belgrade Commercial Court. Judging by the number of processed cases, the Belgrade District Court is short of 150 judges, and metropolitan municipal courts lack some 500 judges.

<sup>7</sup> *Ekonomist Magazine*, No. 273, August 15, 2005.

<sup>8</sup> *Politika* daily, January 30, 2005.

<sup>9</sup> *Politika* daily, July 28, 2005.

The Belgrade Commercial Court processes 80 percent of the cases that are most complex from the angle of the state. At the same time, the Belgrade Higher Commercial Court, understaffed by 30 judges, tackles the cases from all over Serbia.

Absurdly enough, such organizational arrangements call for more judges, while official claim their number should be rationalized. With the executive branch's influence on judges and the judges covered with unsolved cases one can hardly expect an efficient judiciary. This is the more so since new courts – the Appeal Court and the Administrative Court – planned under the Law on Court have not been set up so far.

In 2005, some rulings and motions not only raised public anger, but also further deepened the doubts about illegal influence on judges and prosecutors' performance.

In June 2005, in the proceedings against Mirjana Markovic (wife of Slobodan Milosevic) charged in absentia for manipulating state-owned flats the Belgrade District Court – at her lawyers request and with the prosecution's consent – ruled that the arrest warrant against her should be annulled on the grounds of her lawyers' promise that she would show up for the trial scheduled for September 15. Expressing the feelings of the general public some political parties (G17 Plus, Social Democratic Union)<sup>10</sup> labeled the act a slap in the face of democratic public. President of the Constitutional Court of Serbia Slobodan Vucetic said having an arrest warrant annulled on the grounds of "scout's honor" was unusual, the more so since the court could have asked either the defendant or her lawyers to provide guarantees that she would appear.<sup>11</sup> Mirjana Markovic did not appear before the court in September. No one seemed to be surprised except for the District Court that once again issued an arrest warrant.

Two months later, in August 2005, the Pozarevac deputy district prosecutor, D Mitar Krstev, dropped criminal charges against /her son/ Marko Milosevic accused of abusing his townsman Zoran Milovanovic. Simultaneously, the prosecution lifted the international arrest warrant for young Milosevic. According to the deputy prosecutor, Milosevic was acquitted since Zoran Milovanovic claimed he could not recall whether or not Marko Milosevic had threatened him with a power saw but stuck to the statement that other accused had maltreated him. The deputy prosecutor admitted that Public Prosecutor of the Republic of Serbia Slobodan Jankovic had ordered him to drop the charges. Everything happened soon after Miroslav Vojinovic was not reelected president of the Pozarevac District Court, in spite of the Supreme

<sup>10</sup> *Danas* daily, June 1, 2005.

<sup>11</sup> *Danas* daily, June 2, 2005.

Judicial Council's recommendation, and the election of a new president who allegedly enjoyed the support of the Socialist Party of Serbia.<sup>12</sup>

The public and some political parties, the Democratic Party in the first place, once again reacted fiercely, calling the act a compromise between the Kostunica cabinet and the Socialist Party of Serbia that further destroyed Serbia's legal system and moved Serbia away from the European Union.

The judiciary was again compromised when on September 28 the police took in the ex-minister of justice, Vladan Batic, for questioning and kept him in custody for 48 hours. Actually, it was the incumbent minister of justice, Stojkovic, who had accused Batic of having ordered the former director of the Central Prison Administration, Dragan Vulic, to release certain Nenad Jovanovic from the Krusevac prison. Batic underwent a lie detector at his request but was nevertheless kept in custody under the pretext that, since he could have lied, he could influence other witnesses. After 48 hours the investigating judge released Batic without pressing any charge against him. The incident not only disgraced Minister Stojkovic for having attempted to eliminate a political opponent through influencing the police and judicial bodies, but also laid bare the fact that those institutions were too weak and unprofessional to resist such pressure. The polygraph is not regularly used in criminal investigations – one may ask for it and one may deny it – and the polygraph results cannot be used as evidence before a court of law. The decision on custody solely based on the polygraph results is illegal. Further, back on June 5, 2003 the Constitutional Court made a disputable decision in the form of a decree whereby it annulled the provision of the Law on Criminal Proceedings restricting the duration of the police custody to 30 days at the most. Consequently, on June 6, 7 and 8, 2003, the police released all persons who had spent more than 30 days in custody, including the said Nenad Jovanovic. Minister Stojkovic justified himself by stating that no decision of the Constitutional Court of June 5, 2003 had been publicized in the Official Gazette of Serbia, while for his part Vladan Batic indicated that, as a rule, the Constitutional Court's decisions made in the form of decrees were never publicized. At a press conference, Batic accused Premier Kostunica and Police Minister Dragan Jovic of framing up their political opponents and announced criminal charges against Minister Stojkovic for misconduct.

In September 2005, the judge of the Supreme Court of Serbia, Ljubomir Vuckovic, was arrested for revealing confidential information, while the deputy special prosecutor, Milan Radovanovic under the suspicion that he had received a bribe to intervene in the case of the so-called Jotka's group, i.e. to have a suspect released from custody and the ruling of the Special Department of the Belgrade District Court annulled. Zoran /Jotka/ Jotic and his gang were arrested for organized crime during the police Saber operation

<sup>12</sup> *Danas* daily, August 6-7, 2005.

launched after the assassination of Premier Zoran Djindjic. In November 2004, the first accused Zoran Jotic was sentenced to 12-year imprisonment, while the second accused, Goran Petrovic, to 11-year incarceration. Justice Ljubomir Vuckovic was arrested two days before the Supreme Court was supposed to decide on the group's appeal. Justice Vuckovic had been nominated a presiding judge in the case.<sup>13</sup>

The cases of corruption, misconduct and encroachment throw a bad light on Serbia's judiciary. According to the president of the Supreme Court of Serbia, Vida Petrovic-Skero, since 2003 criminal proceedings have been instituted against 27 judges. Three judges stood trial for corruption, eight for bribery, six for misconduct and ten for violation of law. All those proceedings have been instituted *ex officio*. Five accused judges were found guilty and sentenced – their appeals are presently processed. Three judges accused of misconduct and violation of law were given conditional sentences. Criminal proceedings against three presidents of municipal courts are underway.<sup>14</sup>

### Dissolution of Military Courts

Under the Law on the Transfer of Military Courts' Jurisdiction, the civilian judiciary completely took over the jurisdiction of the military judiciary on January 1, 2005. The said law provides dissolution of military courts and prosecution offices, as well as of the Supreme Military Court, and setting up of special military departments within district courts in Belgrade, Novi Sad and Nis. Under the law, a military department was also established in the Supreme Court of Serbia. District prosecution offices in Belgrade, Novi Sad and Nis took over the jurisdiction of military prosecutions, while the Public Attorney Office of Serbia took upon itself all the cases that used to be in the competence of the Military Attorney.

According to some estimates, the civilian judiciary was supposed to take over some 11,000 cases that were being processed by their military counterparts on the day the law came in force. The procedure had to begun immediately, i.e. the deadline provided under the law was December 31, 2004 for the pressing cases, and January 15 for the rest. However, the process begun in mid-January for all cases and was concluded only in late May.

The Belgrade District Court set up a military department and a reception commission in late 2004. The military department includes five judges who are, apart from their regular duties, tasked with military cases. The Belgrade District Prosecution Office also begun to overtake military charges in January. Deadlines were not met not only because of scores of cases that had to be taken over, but also due to the fact that the courts were understaffed and

short of space. The competition for the election of deputy prosecutors for military departments was called in January 2005 – three vacancies were announced in the Serbian Public Prosecution Office, three in the Belgrade District Prosecution Office, two in Novi Sad and three in Nis.

The authorities decided that the officers under sentences should be accommodated in the military ward of the Nis Penitentiary-Reformatory. The Minister of Justice was tasked with specifying their regimes. According to the same decision, the arrested officers standing trials were to be transferred to district prisons in Belgrade, Novi Sad and Nis.

<sup>13</sup> Danas daily, September 9, 2005.

<sup>14</sup> Blic daily, November 17, 2005.

## CONSCIENTIOUS OBJECTION

At first conscientious objection was looked upon as a religious belief (or choice) and it took several centuries for it to become accepted as a fundamental human right. As a 'modern legal institute', however, 'conscientious objection came into existence in Scandinavian protestant countries at the beginning of the twentieth century'.<sup>1</sup> 'The Council of Europe was the first international institution to take a clear and specific political and legal position on conscientious objection', as expressed in Resolution 337 (1967) of its Parliamentary Assembly.<sup>2</sup> It was only in the late 1980s that the United Nations adopted the first document elevating conscientious objection to the level of a fundamental human right, which the UN Human Rights Committee adopted in 1993.

The right to conscientious objection derives from the right to freedom of thought and conscience contained in the UN International Covenant on Civil and Political Rights and is also based on the European Convention for the Protection of Human Rights and Fundamental Freedoms and on other numerous documents (resolutions, declarations, recommendations) of the UN, Parliamentary Assembly and other bodies of the Council of Europe and OSCE.

As to the state union of Serbia and Montenegro (SCG), conscientious objection has followed a highly specific normative course and a still more convoluted path of practical realization. The fact that SCG was among the last countries in the region to acknowledge conscientious objection, among other things, is indicative enough. What is more, the SCG authorities did not recognize conscientious objection as an accomplishment of modern civilization, nor as an inevitable concomitant of the transformation of state and society (necessitating, of course, reforms of the armed forces, defence and security sectors); conscientious objection, as officially acknowledged in Serbia in particular, is the outcome of external and internal pressure on the ruling civilian and military sets in Belgrade.

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<sup>1</sup> Petar Milićević, representative of the Belgrade Office of the European Bureau for Conscientious Objection (EBCO Balkans), statement published in 'Dug marš kroz institucije', *Odbrana*, 15 January 2006.

<sup>2</sup> Dejan Milenković of the Lawyers' Committee for Human Rights, a Belgrade NGO, 'Dug marš kroz institucije', *Odbrana*, 15 January 2006.

On an external level, SCG has an obligation towards the Council of Europe (stemming from its membership) to bring the matter of conscientious objection and alternative civil service into conformity with the relevant European standards by 3 April 2006, meaning that conscientious objection and alternative civil service, among other things, will have to be regulated by law. Internally, in both member states, the non-governmental sector, notably the Helsinki Committee for Human Rights in Serbia, has exerted constant pressure on the authorities to regulate conscientious objection and alternative civil service according to European standards.

Regarding the normative regulation of conscientious objection, the first such instance is found not earlier than in Article 137 (2) of the 1992 Constitution of the Federal Republic of Yugoslavia, which states: 'A citizen who is a conscientious objector for religious or other reasons and does not wish to fulfil his military obligations under arms shall be permitted to serve in the Army of Yugoslavia without bearing arms or in civilian service, in accordance with federal law.'<sup>3</sup> However, at that time the federal state and its army did not recognize the institute of conscientious objection in practice, nor was conscientious objection recognized as a fundamental human right by that Constitution or in practice. This is borne out by the fact that the Constitution places conscientious objection in the section dealing with the Army of Yugoslavia, as a mode of discharging one's military obligation.

Article 137 (2) of the FRY Constitution was rendered specific by Articles 296 through 300 of the Yugoslav Army Law, these provisions themselves having later been amended by the 1994 Regulation on Performance of Military Service.<sup>4</sup> But it was only in 2003 that SCG regulated the right to conscientious objection according to at least a minimum of standards of developed world democracies; the piece of legislation in question was the Regulation on Amendments to the Regulation on Performance of Military Service,<sup>5</sup> adopted by the SCG Council of Ministers on 27 August (for the sake of clarity, hereinafter: Basic Regulation on Performance of Military Service).

### Conservative Mindset

The considerably flawed Basic Regulation on Performance of Military Service tailored by the Ministry of Defence and adopted by the SCG Council of Ministers barely survived the test of implementation during just over a year. Faced with traditionalistic military opinion and no less conservative military practice, the Basic Regulation on Performance of Military Service underwent substantial modification nearly all of which was at the expense of the

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<sup>3</sup> *Ustav SRJ*, Savremena administracija, Belgrade, 1992.

<sup>4</sup> *Službeni list SRJ*, No. 36/94.

<sup>5</sup> *Službeni list SCG*, No. 37/2003.

conscientious objector. The modifications came in the form of the Regulation on Amendments to the Regulation on Performance of Military Service,<sup>6</sup> adopted early in February 2005 in the same way as its predecessor. This new Regulation is incorporated in the Basic Regulation on Performance of Military Service which remains in force.

The military-political establishment of the state union of Serbia and Montenegro (formerly of the Federal Republic of Yugoslavia) long resisted the demands of many young recruits invoking the right to conscientious objection, of non-governmental organizations in Serbia and Montenegro concerned with human rights and directly with the matter of conscientious objection, and of non-governmental associations and other relevant actors in the international community to recognize this right of the conscientious objectors and introduce civil service as an alternative to military service. The resistance to these demands was so tough that SCG was among the last states in Europe to acknowledge this accomplishment of modern civilization.

The conservative and traditionalistic segment of Serbia accepted alternative civil service with the greatest resentment. Lamenting this 'ill fortune', Colonel Dušan Knežević, deputy editor-in-chief of the Army weekly *Vojska*, wrote: 'The other day, a man complained to his friend and former school mate about a shame that had befallen him in his old age. His grandson had applied for alternative civil service...The day on which the son comes of age and is ready for soldiering has always been a memorable event in the family. In many families, the send-offs of recruits have rivalled weddings festivities in terms of the number of guests, of feasting and merrymaking. We have no record of any "civilian soldier" organizing a send-off, nor have we heard of any such thing...Is it possible, in such circumstances, to wish your heir a happy soldiering life? There isn't going to be a soldier's photo to be displayed in the china cabinet or carried about in the wallet. No attending the swearing-in ceremony, no visits, no parcels or money orders. Will there be any unforgettable memories he can bring back to share at get-togethers with his pals or class reunions? These were the questions the disconsolate friend asked in his human grief, but he got no answers...'<sup>7</sup>

Fearing for their future among other things (the more recruits opt for alternative civil service, the less need there is for the already excessive officer corps!), the drafters of the Basic Regulation on Performance of Military Service – mostly officers – designed the documents in such a way as to pose serious obstacles for the conscientious objectors. For instance, each conscientious objector must appear before a board which decides on his application for alternative civil service though, to be fair, the Regulation lays down that no

<sup>6</sup> *Službeni list SCG*, No. 4/2005; 'Prigovor ne odlaže vojsku', *Politika*, 9 February 2005.

<sup>7</sup> 'Ispraćaji', *Vojska*, 6 May 2004.

professional soldier may sit on it.<sup>8</sup> Nonetheless, the boards are *de facto* under the control of the General Staff of the Army of SCG (VSCG) because they are, as a rule, set up at the proposal of the heads of draft departments who are all military personnel. In other words, the conscientious objectors' applications for alternative civil service are in the hands of the military almost from beginning to end. This is not only contrary to the basic idea of conscientious objection, but also makes for a selective attitude and even discrimination, as well as making possible other negative phenomena in the process of conscientious objection realization.

## "A Blow to the Defence Capacity of the State"

The traditionalistic mindset in Serbia and Montenegro suffered an even heavier blow with young men opting for alternative civil service on a massive scale. According to the Belgrade office of the European Bureau for Conscientious Objection (EBCO Balkan), there were about 20,000 conscientious objectors in SCG and a further 9,000 on a 'waiting list' in April 2005!<sup>9</sup> The office predicted that the number of conscientious objectors in SCG would level off only after reaching as much as 50 per cent of the conscript population.

Neither the Ministry of Defence, nor the Army, nor the state union and its members was fully prepared to provide adequate service conditions for even half the young men whose applications for alternative civil service had been granted.<sup>10</sup> The year-long experience of civil service in SCG has on the whole been positive in spite of obstructions and many bungles and even comical situations, e.g. where several conscientious objectors performed their civil service in a private factory in Smederevo, whose owner not only exploited them but complained that they did not work hard enough.<sup>11</sup> Such incidents reflect very badly on the institute of conscientious objection.

The opponents of alternative civil service in both members of the state union, particularly in Serbia, have risen to the defence of the traditional performance of military service almost in a body. The arguments against conscientious objection offered publicly vary from innocuous statements such as, 'Both my grandfather and father served in the army, so I'm going to serve

<sup>8</sup> Regulation on Amendments to the Regulation on Performance of Military Service, Article 21 (a), *Službeni list SCG*, No. 4/2005.

<sup>9</sup> 'Vojska bez vojnika', *Obrana*, 15 November 2005.

<sup>10</sup> Article 27 of the Regulation on the Amendments to the Regulation on Performance of Military Service provides that alternative civil service is performed in 'health, rescue organizations, organizations for the rehabilitation of disabled persons and other organizations and institutions engaged in activities of general interest which are financed from the budget and designated by the Minister of Defence...', *Službeni list SCG*, No. 4/2005.

<sup>11</sup> 'Vojska bez vojnika', *Obrana*, 15 November 2005.

too<sup>12</sup> to pathetic utterances charged with patriotism such as, 'Serving in the army is sacrosanct'.<sup>13</sup> But the most serious counterstroke came from the VSCG General Staff and the SCG Ministry of Defence.

In February 2005, the Defence Obligations Administration of the Ministry of Defence's Human Resources Sector hastily organized a 'Professional Debate on Criteria for Performing Military Service in Civil Service'.<sup>14</sup> The very subject of this 'professional debate' indicates that the military experts from the VSCG General Staff and SCG Ministry of Defence do not distinguish between the notions *military service* and *civil service*, because, for one thing, one cannot perform one's military service in a civil service (this being a contradiction in adjecto). Secondly, the military experts have demonstrated on this occasion too that they are disinclined to regard conscientious objection as a fundamental human right: the syntagm 'performance of military service in a civil service' occurs in every law and by-law of SCG (formerly FRY) dealing with conscientious objection, including the Regulation on Amendments to the Regulation on Performance of Military Service.

The critical remarks regarding alternative civil service in SCG of the representatives of non-governmental human rights organizations from Serbia and Montenegro who attended the debate failed to draw forth an adequate response, with nearly all the generals and colonels insisting in their papers that alternative civil service is detrimental to the defence of the homeland. All the same, one must not lose sight of the fact that a number of young men who have opted for civil service have shown a lack of responsibility and conscience regarding this alternative; that some of them have not only failed to grasp the essence of civil service and conscientious objection but they do not care either, their chief aim being to avoid serving in the army. By their improper conduct while working at some organizations and institutions, a number of them have cast a shadow on alternative civil service. For all these deviations and anomalies, however, there is no truth in the conclusions drawn at the 'professional debate' that 'civil service as an alternative to military service is a screen for avoiding compulsory military service',<sup>15</sup> as well as that alternative civil service has seriously undermined the defence capacity of the state union of Serbia and Montenegro.<sup>16</sup>

Already the next day, the Ministry of Defence proclaimed the aforesaid Regulation on Amendments to the Regulation on Performance of Military Service (actually the modified version of what we tentatively called

<sup>12</sup> 'Napred marš', *Ekonomist magazin*, 11 October 2004.

<sup>13</sup> 'Odbrana otadžbine je sveta dužnost', *Vojska*, 23 June 2005.

<sup>14</sup> 'Iskustva, kriterijumi, rešenja', *Vojska*, 10 February 2005.

<sup>15</sup> *Ibid.*

<sup>16</sup> 'Civilni ugrozili odbrambeni potencijal', *Danas*, 9 February 2005.

the 'Basic Regulation on Performance of Military Service'). This new Regulation 'went into force' on 5 February 2005.

## "Amendments and Supplements"

The non-governmental sector in both Serbia and Montenegro reacted sharply to the fact that the Regulation was enforced so soon after the aforesaid 'Professional Debate on Performance of Military Service in Civil Service'. Speaking on behalf of the Belgrade EBCO Balkan office and in his own name, Petar Milićević complained: 'The gathering which debated the criteria for alternative civil service was held a few days ago, which means that the Regulation on the Amendments to the Regulation on Performance of Military Service was already written, and that in secret. No member of the team which drafted the original Regulation was invited to attend the drafting of its amendments. Someone ought to be called to account for such human rights violations.'<sup>17</sup>

In spite of the NGO reactions, no one was called to account for the foregoing irregularities. The key points of the February 2005 'amendments' incorporated in the Regulation on the Amendments to the Regulation on Performance of Military Service, that is, in the 'Basic Regulation', were as follows: First, the right to conscientious objection had hitherto belonged to both conscripts and those already sent to serve in their units, whereas now the 'amendments' deprive the second category of this right; second, the deadline for conscientious objectors applying for alternative military service has been shortened from 60 to eight days; and third, under the February 'amendments', the civilian organizations and institutions providing civil service must pay the conscientious objectors 308 dinars a month, equalling a soldier's pay at the time.<sup>18</sup>

Colonel Petar Radojčić, head of the Defence Obligations Administration of the Ministry of Defence's Human Resources Sector and ardent advocate of the February 'amendments', alleged that the 'soldiers performing their military service in units and institutions of the Army are in an inferior position' to the youths opting for alternative civil service. 'A soldier in regular military service cannot chose the place of his military service, his working day is much longer, and in the performance of his duties he is subject to much greater strain day and night...'; 'Also, the hitherto practice whereby a soldier was granted the right to conscientious objection gave rise to serious

<sup>17</sup> 'Ograničeno pravo na prigovor savesti', *Danas*, 5-6 February 2005; 'Prigovor prigovoru savesti', *Danas*, 7 February 2005.

<sup>18</sup> 'Uredba o izmenama i dopunama Uredbe o vršenju vojne obaveze', čl. 26 (a), 27 and 27 (a), *Službeni list SCG*, No. 4/2005; 'Poštovanje ljudskih prava svih građana', *Vojska*, 24 February 2005.



problems in the discharge of duties by units and institutions of the Army. We had soldiers applying for civil service after completing their training, which highly complicated any planning on the level of units to which they were to be assigned...'

As a key argument in his defence of the February 'amendments' to the Regulation, Colonel Radojčić said: 'During the course of last year it was found that soldiers in alternative civil service had no problem substituting for employees of certain institutions, as a result of which, for instance, seventeen security staff of the Serbian Clinical Hospital Centre lost their jobs, and thirty employees were dismissed from the Psychiatric Hospital in Kovin...' 'Whereas cultural institutions are under considerable pressure to employ recruits, there is far less interest in hospitals, old people's homes and similar places,' he said.<sup>19</sup>

If anything, Colonel Radojčić's argument shows that he does not understand the fundamentals of conscientious objection, that is, he does not view it as a fundamental human right. At the same time, he is by virtue of his office in a position to decide on crucial problems of conscientious objectors, being part of the sector which formulated the February Regulation 'amendments'.

On the other hand, at a news conference in Novi Sad, a number of non-governmental organizations, including the Regional Conscientious Objection Centre in Vojvodina and the Helsinki Committee for Human Rights in Serbia, voiced a sharp criticism of the military and civilian authorities that adopted the February 'amendments' regarding alternative civil service, insisting that their key provisions were contrary to the Charter on Human and Minority Rights and Civil Liberties and the Constitutional Charter of the State Union of Serbia and Montenegro. Also, the representatives of these two non-governmental organizations called on the authorities in Serbia and the state union to 'publicly define their position' on the fact that the rights of conscientious objectors had been curtailed in the manner outlined above.<sup>20</sup> The officials ignored such criticism and alternative civil service continued to be regulated during 2005 according to the 'Basic Regulation' incorporating the February 'amendments'.

## Financial Problems

Under the February 'amendments' to the Regulation the 'pay' of conscientious objectors and their transport costs are to be paid by the civilian organizations and institutions in which they worked. However, quite a

<sup>19</sup> 'Ravnopravan tretman', boxed item in 'Poštovanje ljudskih prava svih građana', *Vojska*, 24 February 2005.

<sup>20</sup> 'Prekršena Povelja o ljudskim pravima', *Danas*, 18 February 2005.

number of these organizations and institutions could not foot the bill and had to close their doors to conscientious objectors.

These cases, including problems in Kragujevac, were duly covered by the media.<sup>21</sup> In 2004 there were in that town as many as '19 institutions which took on soldiers in civilian clothes regularly'; however, 'during September 2005' only four civilian institutions in Kragujevac decided to extend their contracts with the Ministry of Defence, that is, to continue employing conscientious objectors. One of those which discontinued alternative civil service was the local Clinical Hospital Centre: the 400,000 dinars a month it paid the young men performing alternative civil service was more than it could afford.

The non-governmental sector in Serbia and Montenegro also reacted on time to these negative effects of the 'amendments', calling on the military and civilian authorities to end the 'discriminatory attitude' towards the conscientious objectors by providing finance for their 'pay' and transport costs 'from the same source providing funds for soldiers doing their military service', namely 'from the same budget'.

Given that for these reasons many conscientious objectors have been unable to do alternative civil service in their places of residence, non-governmental organization officials warned the military and civilian authorities that this practice was in direct 'contravention of the international documents and recommendations'.<sup>22</sup> But the authorities did not appear overly worried over this either; on the contrary, the colonels and generals viewed the matter through a different prism: the fewer organizations and institutions providing alternative civil service, the greater the number of recruits opting for conventional service.

Because the civilian authorities, particularly in Serbia, showed almost complete lack of interest in the problems concerning alternative civil service, non-governmental organizations representatives engaged in dialogue with military authorities, that is, officials in the Ministry of Defence. They agreed as a result to conceptualize a draft law on alternative civil service, in view of the state union's commitment to the Council of Europe to treat the matter according to the relevant European standards by April 2006, that is, to regulate it by a law. The Ministry of Defence announced repeatedly that it was working on a draft law on alternative civil service but no such draft was offered publicly for examination. A Draft Law on Alternative Civil Service was drawn up by the experts of EBCO Balkan and, following a debate by experts on 19 October 2005, submitted for public appraisal.<sup>23</sup>

<sup>21</sup> 'Vojnici civili nisu svuda dobrodošli', *Danas*, 11 Oktobar 2005.

<sup>22</sup> *Ibid.*

<sup>23</sup> Draft Law on Alternative Civil Service, [www.ebcobalkan.org](http://www.ebcobalkan.org).

## Draft Law on Civilian Army Service

Article 2 of the Draft Law<sup>24</sup> includes the following definitions: 1) 'Alternative civil service is a service substituting for that segment of compulsory military service which relates to the performance of compulsory military service and to the reserve force and is performed in civilian institutions...'; 2) 'An institution in which alternative civil service is performed is an institution, a public enterprise or an organization performing a scientific, educational, training, cultural, sports, social, health, humanitarian and other activity of general concern, as well as a state organ or an organ of an autonomous province or of local self-government in the Republic of Serbia'; 3) 'A conscientious objector is a conscript (a recruit, a person performing military service or a person in the reserve force) who wishes on religious, moral, political, philosophical or other justifiable grounds of conscience to substitute alternative civil service for compulsory military service under the conditions laid down by this Law'; 4) 'A civil conscript is a person whose application has been granted to perform civil service or reserve force civil service...'; 5) 'A Civil Service Board is an organization within the Ministry of Labour which decides on the applications of conscientious objectors concerning civil service ("Board"); 6) 'A Civil Service Centre is an professional administrative body attached to a Board and conducting affairs and exercising functions in accordance with this Law'; 7) 'A responsible person is a person who, in an institution where a civil service is performed, exercises supervision of the work of a civil conscript according to the provisions of this Law...'

Unlike the current legislation regulating the performance of civil service in SCG, the Draft Law on Alternative Civil Service defines all the key notions relevant to the practice of civil service in the state union and helps to avoid any misunderstandings. Of special importance is the fact that it clearly distinguishes between *military service* and *civil service*, between a *military conscript* and a *civil conscript*, and so on.

The Draft Law devotes a whole section (Art. 25-37)<sup>25</sup> to the Civil Service Boards whose main duty it is to decide on the applications submitted by conscientious objectors who want to perform alternative civil service. Under the Draft Law, the Boards are removed from the Ministry of Defence and incorporated in the Ministry of Labour, that is, in a civilian ministry (the full name of the Serbian ministry being Ministry of Labour, Employment and Social Policy). The Board members (five under the Draft Law rather than eight as at present) are appointed by the minister at the head of the civilian ministry, a major step towards the full demilitarization of civil service.

<sup>24</sup> *Ibid.*, Article 2.

<sup>25</sup> *Ibid.*, Articles 25-37.

Article 3 of the Draft Law provides that a conscientious objector 'must be ensured service in a civil service for a period of eight months', naturally under the conditions specified by law. (At present this period is nine months.) Article 4 provides that a civil conscript 'shall enter upon civil service at the latest by the end of the calendar year in which he attains to the age of 30 years' or, in exceptional cases, by the end of the calendar year 'in which he attains to the age of 35 years'. Also, 'The civil service obligation of a member of the reserve force continues until the end of the calendar year in which the civil conscript attains to the age of 55 years.'<sup>26</sup>

Articles 15 and 16 lay down the procedure for applying to perform civil service. The most significant novelty in this section of the Draft Law is the restoration of the right to alternative civil service to recruits already sent to perform their compulsory military service in VSCG units and institutions<sup>27</sup> (a right denied them under the February 'amendments'!).

As to the matter of finance, the Draft Law has the following provision:<sup>28</sup> 'An institution organizing civil service shall provide a civil conscript with pay equalling the pay of soldiers performing their military service in their military units.' Also, 'Records of civil conscripts shall be kept by the professional service/Civil Service Centre of a Civil Service Board. A Civil Service Centre shall issue a civil conscript with a civil service book serving as proof of performance of civil service and of his identity while in alternative civil service.'<sup>29</sup> The Draft Law also provides for the training of civil conscripts, the mode of performance and supervision of civil service, the conditions under which alternative civil service may be terminated, complaints, punishment, penalties and other practical matters relating to the performance of alternative civil service in SCG.

Adoption of the Draft Law on Alternative Civil Service, which is conceptualized according to the relevant European standards, would be a major step by the state union and/or its members towards the demilitarization of state and society, and also a step nearer the societies characterized by developed liberal democracy.

## Conclusions and Recommendations

- In the state union of Serbia and Montenegro civil service as an alternative service is not grounded either in the minds of the citizens, or in normative acts, or in practice for that matter; on the contrary, it continues to be referred to as 'civil performance of military service' at all these levels.

<sup>26</sup> *Ibid.*, Articles 3 and 4.

<sup>27</sup> *Ibid.*, Articles 15 and 16.

<sup>28</sup> *Ibid.*, Article 10.

<sup>29</sup> *Ibid.*, Article 48.

Likewise, in the state union conscientious objection is not accepted as a *fundamental human right*; what is more, it has been shown that most conscientious objectors themselves look upon this right as an inferior right and act accordingly.

- Furthermore, evidence abounds that the traditionalistic conservative mindset – which prevails in both member states but is more pronounced in Serbia – looks upon alternative civil service as an ‘artifice of the so-called Western democracy’ and nothing if not ‘a pernicious method of destroying our Army’, as was often pointed out in connection with this topic during 2005 too.

- Nonetheless, the civilian authorities in Montenegro demonstrated an appreciation of the problems of alternative civil service. The Serbian authorities, on the other hand, took a markedly conservative line and let the Ministry of Defence deal with the matter. The military authorities acceded to conscientious objection not as an accomplishment of the modern civilization but as a necessary evil and obstructed its realization whenever they could.

- This negative fundamental attitude gave rise to all kinds of fallacies helping to at least push alternative civil service into the background. Accordingly, the thesis was launched that alternative civil service is ‘absolutely useless’ and only helps conscientious objectors to ‘avoid compulsory military service’. Another thesis in circulation has it that alternative civil service ‘is destroying our defence and national security’. The non-governmental sector in Serbia and Montenegro and relevant international actors, for all their substantial efforts in the domain of realization of the right to conscientious objection, failed to ‘reform’ the attitudes even of the more liberal segments of society.

- Alternative civil service in SCG manifested some substantial flaws. But they could be eliminated easily if the state itself were to change its attitude, thus enabling a new model of legislative regulation and practice of alternative civil service, including the training and education of civil conscripts to perform various jobs in a public-spirited civil service sector.

- The state union is moving in this direction only very slowly. The future of the Draft Law on Alternative Civil Service, which is based on modern European solutions, is still uncertain. Therefore, the Draft Law may not be adopted by the SCG Assembly by the end of 2006, let alone during its spring session.

## ORGANIZED CRIME TRIALS

### The Trial of the Accused of the Zoran Djindjic Assassination

The defendants charged with the assassination of Prime Minister Zoran Đinđić have been on trial for full two years now. During the first year nearly all the participants in the proceedings – above all the Trial Chamber, Prosecutor’s Office and Special Organized Crime Division – were under concerted pressure from certain Serbian Government representatives, politicians, lawyers (both those representing the defendants and others), various experts, representatives of a number of professional organizations, defendants and their supporters. In addition to this, the Special Prosecutor’s Office, Special Organized Crime Division, and Trial Chamber President were targets of a media smear campaign.<sup>1</sup>

Though the second-year proceedings passed in a somewhat calmer atmosphere, a number of developments could have had serious consequences. The first of these was the decision of the competent authorities to block the reappointment of Jovan Pijević as Special Prosecutor. In the words of the Republic Public Prosecutor, Slobodan Janković, Pijević was appointed Deputy Special Prosecutor at his own request. Explaining the decision to name Slobodan Radovanović Special Prosecutor for Organized Crime and Pijević his deputy, Janković said that ‘that was what he [Pijević] wanted because the job carries a lot of responsibility, it is extensive and always a focus of public attention. Believe me, this job is not easy to do. Pijević had served his term of office and wanted to keep working in that prosecutor’s office’.<sup>2</sup>

A second major development was the arrest of the Deputy Special Prosecutor, Milan Radovanović, who was Chief Trial Attorney at the Đinđić trial. Radovanović was arrested on 14 September 2005 on charges of disclosing an official secret relating to eavesdropping on Supreme Court Judge Ljubomir Vučković. Vučković and Radovanović were arrested the same day, the first on

<sup>1</sup> Helsinki Committee for Human Rights in Serbia, ‘Ljudska prava i kolektivni identitet’, pp. 165-215.

<sup>2</sup> *Danas*, ‘Slobodan Radovanović novi specijalni tužilac, Pijević zamenik’, M. Torov, V.Z. Cvijić, M. Miloradović, 28 July 2005.

charges of taking a bribe in return for which he was to quash a first-instance judgement against members of a Kruševac criminal group led by Zoran 'Jotka' Jotić.<sup>3</sup> A few days following the arrest of the Deputy Special Prosecutor, Nebojša Maraš, another Deputy Special Prosecutor and Trial Attorney, resigned and immediately set up as an attorney. Commenting on this, Rajko Danilović, who is representing the Đinđić family at the trial, said, 'Maraš's request to be relieved of his prosecutorial office on the eve of the termination of the first-instance proceedings against the defendants charged with the assassination of Prime Minister Đinđić was astonishing. I know Maraš and I am sure that he wouldn't have done that without a strong cause and motive...one's immediate assumption is that he is under pressure from the people against whom the proceedings are conducted. It is possible that he is under pressure from a lobby behind the BIA [Security Intelligence Agency], given that the Special Court and Prosecutor's Office have been under pressure before. I am sure that this too is a form of pressure on the court.'<sup>4</sup>

In spite of the fact that Government and party officials have, under public pressure, stopped openly advocating the closure of the Special Division and a revision of the Đinđić trial indictment, certain actions by the Serbian Ministry of Internal Affairs (MUP) can be interpreted as pressure on the Special Division and the Trial Chamber President, Marko Kljajević. Thus, on 4 November 2005, the MUP issued a statement in which it accused holders of judicial office of clocking excessive mileages in official MUP cars. The statement said this, among other things: 'To be fair, the Ministry members provide security to nine holders of judicial office, who have at their disposal ten official MUP vehicles of which a number are armoured. The activities of the police officers involved usually come down to driving them to work and back, to their flats or such other addresses as are given. Although no instance of any activity directed at jeopardizing their personal safety has been registered so far, it has been noted that the official MUP vehicles placed at their disposal have clocked an excessive mileage, in some cases approximately 50,000 kilometres in a relatively short period of time.'<sup>5</sup> Several weeks later, the MUP decided to deny the Trial Chamber President, Marko Kljajević, access to an armoured car and the use of an official telephone, as well as changing his personal bodyguards. On 22 December 2005 the Humanitarian Law Centre issued a statement characterizing the MUP action as a pressure on the court and Kljajević.<sup>6</sup>

At the beginning of December 2005, the Serbian Supreme Court President, Vida Petrović-Škero, requested the Belgrade District Court

<sup>3</sup> *Kurir*, 'Uhapšeni sudija Vrhovnog suda i zamenik specijalnog tužioca!' Lj.K., G.K., 15 September 2005.

<sup>4</sup> *Danas*, 'Nebojša Maraš prelazi u advokate', V.Z. Cvijić, 28 September 2005.

<sup>5</sup> *Danas*, 'MUP: Sudije mnogo troše', V.Z. Cvijić, 5-6 November 2005.

<sup>6</sup> *Danas*, 'FHP: Pojačan pritisak na sudsko veće', R.D., 22 December 2005.

President, Siniša Važić, to establish whether the trial chambers presided over by Kljajević were guilty of any omissions, in view of the length of their proceedings. For instance, three persons suspected of belonging to the 'Zemun gang' (Pažin, Gavrić and Maletić) had to be released owing to the expiration of their detention period. In his reply to Petrović-Škero, Važić wrote: 'There is no reason for me to react in my capacity as Court President, above all because the Special Prosecutor has let it be known expressly and in no uncertain terms that Judge Kljajević is conducting the proceedings efficiently and promptly. Of no less importance is the fact that the attorneys representing the injured party have stated the same. Also, even counsel for the accused have raised no objections as to the efficiency and promptness of the Trial Chamber. Quite the contrary.'<sup>7</sup>

Independently of the action taken by Petrović-Škero, the Serbian Supreme Court Supervisory Board itself examined the case papers of the trial chambers presided over by Kljajević and its President, Nikola Latinović, said: 'The Supervisory Board has established that Judge Marko Kljajević has broken no law while conducting proceedings in connection with the Zoran Đinđić assassination and 'Zemun gang' membership trials...He also acted correctly in discontinuing the detention of Pažin, Maletić and Gavrić because, as a judge, he was duty bound to comply with the provisions of the Criminal Procedure Code relating to the length of detention. The law, such as it is, has to be obeyed.'<sup>8</sup>

After Kljajević had to discontinue the detention of the three defendants in accordance with the Criminal Procedure Code, the Serbian Government under an emergency procedure adopted a draft law amending the Criminal Procedure Code in order to extend the detention of persons charged with the gravest offences in proceedings initiated by the Special Prosecutor from two to four years.<sup>9</sup>

Although the media pressure on the court and the Special Prosecutor was not as severe as it was in 2004, the weekly *NIN* and the journalist Nikola Vrzić continued trying to prove the groundlessness of the Đinđić assassination trial indictment. In a succession of articles published in November intended to refute witness and expert evidence, Vrzić insisted that Đinđić had been shot by a third unidentified sniper. The launch of this version followed a media controversy, itself triggered by the statement of the Interpol Secretary General, Ronald Noble, that Đinđić was known to have been shot dead by a man in possession of a stolen Croatian passport bearing 26 stamps of six European countries and Singapore. Noble made the statement to Agence France Presse

<sup>7</sup> *Večernje novosti*, 'Nema razloga da reagujem', 8 December 2005.

<sup>8</sup> *Večernje novosti*, 'Marko Kljajević nije kriv', Dragica P. Veljković, 8 Decembar 2005.

<sup>9</sup> *Danas*, 'Vlada za produženje pritvora', S.Č., 9 November 2005.

after addressing the Counter-Terrorism Committee of the UN Security Council in New York on 3 November 2005.<sup>10</sup>

First the daily *Večernje novosti* published an article headlined 'Who is shielding the "Croatian connection"?'. The author, identified by the initials V.N., wondered whether Noble was referring to Milorad Ulemek or some other person.<sup>11</sup> Five days later, in a *NIN* article headlined 'Foto-robot iz Legije stranaca', Vrzić wrote: '*NIN* has the sole privilege to disclose the identity of the hitherto unknown participant in the assassination of Zoran Đinđić, whose features are built into the forgotten identikit. Although this man with a Croatian and a French passport, a former member of the Foreign legion, was known to the police as early as the evening of 12 March, his existence has been kept secret until today...'<sup>12</sup> In the article Vrzić refers to two Croatian citizens who crossed the Croatian-Serbian border at Bajkovo-Batrovci on 11 March. Soon afterwards, however, it was established that the two Croatian citizens who had entered Serbia the day before the assassination could not have taken part in it: they were identified as Rajmond Rojnik, a conductor from Varaždin, and Nedeljko Duduković, an entrepreneur from Kurmrovec.<sup>13</sup> But in spite of immediate denials in the Croatian press and electronic media, a number of dailies and weeklies, such as *Svedok*, continued to insist on the 'involvement of the identikit [man] in the murder of the Prime Minister'.<sup>14</sup>

Early in November 2005 the daily *Večernje novosti* published a series of texts trying to prove the involvement in the assassination of people who did not like the fact that prior to his death Đinđić had established himself as a 'national leader'. Under the superscript headline 'Was Đinđić actually murdered over Kosovo and which parts of his "Kosovo platform" could be of use to our negotiating team', the daily wrote: '...The complete truth about the assassination will be known only after it is established who in the country and abroad resented the fact that Đinđić had grown into a "national leader" and begun to oppose most resolutely the idea of the international community turning Kosovo into an "eighth passenger" corroding Serbia from within'. In this way, *Večernje novosti* implicitly backed the conspiracy theory alleging foreign intelligence service involvement over Kosovo.<sup>15</sup>

Interestingly, the late Prime Minister's bodyguard Milan Veruović, who was wounded in the incident, took a very prominent part in the efforts to

<sup>10</sup> *Glas javnosti*, 'Legija - čovek sa pasošem Hrvatske', D.Ć. - Agencije, 5 November 2005.

<sup>11</sup> *Večernje novosti*, 'Ko skriva "hrvatsku vezu"?', V.N., 5 November 2005.

<sup>12</sup> *NIN*, 'Foto-robot iz Legije stranaca', Nikola Vrzić, 10 November 2005.

<sup>13</sup> *Blic*, 'Kako je varaždinski dirigent postao ubica Đinđića', Tamara Marković-Subota, 12 November 2005.

<sup>14</sup> *Svedok*, 'Da li plavokosi Hrvat i Skandinavac sportski građen imaju veze sa ubistvom Zorana Đinđića', B.M., N.M., 15 November 2005.

<sup>15</sup> *Večernje novosti*, 'Koga je ujela "Kobra"', 7 November 2005.

prove that the present indictment does not relate to the real, direct perpetrators of the crime. Thus, in connection with Vrzić's identikit article, he said: 'That identikit corresponds to the description of a man who lived in [the] Bežanijska kosa [district of Belgrade]. The women working in the food store where that man, a foreigner, used to do his shopping went to the police station and identified him. He disappeared after 12 March.'<sup>16</sup>

Veruović went out of his way to pick holes in the indictment after Vladimir Popović testified before the Special Court. Popović pointed out that Veruović had first publicly mentioned having heard a third shot and having seen the bullet strike the wall of the Government building in a radio B92 interview in October 2003, rather than referring to this immediately after the incident, in which he was wounded by the second bullet (the first having killed Đinđić).<sup>17</sup> A day or two after Popović testified *NIN* carried an extensive interview with Veruović given to Vrzić.<sup>18</sup> In the interview, Veruović denied Popović's allegations and insisted that from the very start he had never departed from his three-shot account either in his interviews with the authorities and media or privately. Veruović not only challenged what Popović had said but also took issue with findings of the expert witnesses (how come the entry wound on his body was three and a half times as small as that on Đinđić's body), the appointment of Goran Petrović as BIA Director, etc.<sup>19</sup>

At the middle of September 2005, Veruović was given the job of guarding the Serbia and Montenegro embassy building in Paris. On the eve of his departure for Paris, he gave an interview to the daily *Kurir* in which he said that the 'speculation that my Paris job was my award for undermining the official indictment gave me the creeps.'<sup>20</sup>

In his subsequent interviews Veruović reiterated the points Vrzić was trying to put across in his articles. Thus, in November 2005, Veruović was quoted as wondering: 'The main point is, how come the witness from the building on Gepratova Street failed to identify Zvezdan Jovanović as the person leaving that building? There's something fishy about that, someone let him pass without making a check.'<sup>21</sup>

In an interview headlined 'I want the truth', published in *Kurir* on 22 November 2005, Veruović said this as to what he expected of a report by German experts from Wiesbaden: 'I expect them to state clearly whether there was a third shot, or whether I only heard an echo, whether the Prime Minister had his back turned to the door, or whether he faced it...I'm prepared to accept

<sup>16</sup> *Svedok*, 'Čovek sa fotorobota je živeo na Bežanijskoj kosi', B.M., N.M., 15 November 2005.

<sup>17</sup> *Večernje novosti*, 'Narušio kredibilitet', Nataša Bjelić, 18 May 2005.

<sup>18</sup> *NIN*, 'Hoću da se suočim sa Bebom', Nikola Vrzić, 19 May 2005.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Kurir*, 'Pariz nije nagrada', Danijela Isailović, 10-11 September 2005.

<sup>21</sup> *Kurir*, 'Razjasniti Vrzićev foto-robot', Đ. Odavić, 22 November 2005.

an official account of two shots having been fired from the same place only if it is possible substantiate this'.<sup>22</sup>

At the middle of January 2006 the Special Division of the Belgrade District Court received the report from Wiesbaden corroborating the findings of the Serbian experts who maintain that at the critical moment two rather than three shots were fired, both from the same place. Regardless of his promise to accept the Wiesbaden report whatever its conclusions, Veruović made the following comment: 'As to the existence of the third shot, which was fired at us on 12 March, there is no dilemma whatever. I have been insisting on this from the very beginning: the first bullet hit my late boss, the second hit me, and I heard the third and saw it smash into the corner of the building, I wasn't merely hearing or seeing things.'<sup>23</sup>

The damage caused the Special Division of the District Court by irresponsible statements of some officials and by tendentious and sensationalistic articles in some papers was summed up by the Division's spokeswoman, Maja Kovačević-Tomić in an interview with *Nedeljni telegraf* in November 2005: 'We are a state institution and we have formal support. However, in everyday life, one often hears questions such as "Was it necessary to set up that division at all?" or "According to what criteria was it set up?" I resent those newspaper headlines and the arguments that the Special Court ought to be abolished, which became increasingly frequent some time ago following [Justice] Minister Stojković's statement. In the event, he paid us a visit and said that he had never asked nor was going to ask that the Special Court be abolished. He explained that he had merely been misquoted. But the damage had already been done and we felt the consequences of such misinterpretations. Plots began to be hatched, there were all sorts of intrigues, there was talk that cases were going to be referred back to the regular courts in Požarevac, Kruševac, Novi Sad...Defence counsel started to request adjournments and disqualifications and defendants to complain about health problems...'<sup>24</sup> She further explained the ways in which media coverage could harm proceedings that are already under way: 'Newspaper headlines such as "Special Court to Be Abolished" and "Čume and Đura Mutavi to Appear in the Dock", which are designed to shake cooperating witnesses by holding out the prospect of their being indicted, are impermissible! This is what bothers all of us, all the citizens of Serbia. It is in the best interests of all the citizens that everything linked to Đinđić's assassination and organized crime should be ascertained to the last detail, brought to a close, determined, clarified...This is important for our future.'<sup>25</sup>

<sup>22</sup> *Ibid.*

<sup>23</sup> *NIN*, 'Trećeg metka nije bilo', N.V., 19 January 2005.

<sup>24</sup> *Nedeljni telegraf*, 'Sudijama upozorenja stižu indirektno', S. Vlajnić, 9 November 2005.

<sup>25</sup> *Ibid.*

Try as Judge Kovačević-Tomić did to demonstrate to what extent irresponsible statements by politicians and public officials jeopardized proceedings before the Special Court, the President of the Serbian Supreme Court, Vida Petrović-Škero, in an interview published in *NIN*<sup>26</sup> in May 2005, set out identical arguments against the Special Organized Crime Division to those put forward by Minister Stojković.<sup>27</sup> Judge Petrović-Škero said this: 'I recognize no specialization regarding organized crime at all. There's no specialization in that. A murder's a murder, here or there. While on the one hand people charged with typical organized crime offences (kidnapping, murder, rape) are tried by regular courts, on the other, for the assassination of the Prime Minister, those same people are on trial in the Special Court building...I am aware that specialization exists. But what kind of specialization? As to specialization regarding trying war crimes, it ought to exist by all means because a judge trying war crimes must be fully conversant with international public law, and often with international private law too...As to organized crime, it's classic crime, the only difference being that when it comes to the trial stage the risk is greater.'<sup>28</sup>

## The Proceedings

The testimony of Čedomir Jovanović and Vladimir Popović before the Trial Chamber of the District Court Special Division, presided over by Judge Marko Kljajević, attracted special media attention. Jovanović and Popović testified on 11-13 April, with Popović giving further evidence on 16-17 May 2005. Their evidence concerned the socio-political context and the circumstances leading to the assassination of Zoran Đinđić.<sup>29</sup>

The next to testify before the Chamber, on 18-19 May, was Goran Petrović, who served as Chief of Serbian State Security (DB) during 2001. He resigned following the mutiny of the Special Operations Unit (JSO) in November that year.<sup>30</sup> After his testimony, Kljajević read out a statement made during the investigation by witness Kujo Kriještorac, who was shot dead in 2004. On the last day of the week, 20 May, two expert witnesses, the ballistics expert Milan Kunjadić and the pathologist Dušan Dunjić, explained their findings. Based on the material evidence at their disposal, both witnesses said that two shots had been fired from the same place, the first killing Đinđić and

<sup>26</sup> *NIN*, 'Ne postoji specijalni kriminal', Slobodan Ikončić, 26 May 2005.

<sup>27</sup> *Balkan*, 'Ukida se Specijalni sud i ispituju se čelnici Specijalnog tužilaštva i MUP', Dragana Manilović, 23 March 2004.

<sup>28</sup> *NIN*, 'Ne postoji specijalni kriminal', Slobodan Ikončić, 26 May 2005.

<sup>29</sup> A representative of the Helsinki Committee for Human Rights in Serbia was present at the proceedings.

<sup>30</sup> *Danas*, 'Goran Petrović: Pobunu crvenih beretki organizovali Ulemek, Spasojević i Buha', V.Z. Cvijić.

the second wounding his bodyguard Milan Veruović. A video record of the on-site investigation outside the Government building, shot on 12 March 2003, was shown next.<sup>31</sup>

The trial was resumed on 11 July, after a break of nearly two months, with counsel for the defence examining the expert witnesses Milan Kunjadić and Dušan Dunjić. Although Special Prosecutor Jovan Pribić requested the Trial Chamber formally to grant Dejan 'Bagzi' Milenković the status of cooperating witness, the Trial Chamber took no immediate action.<sup>32</sup> The next day the court examined Zoran Đorđević, a physical chemistry scene of crime officer of the Serbian MUP Organized Crime Suppression Directorate (UBPOK), who had examined the clothes worn by Đinđić and Veruović.<sup>33</sup> On 13 July two BIA experts, Marija Đurić and Nataša Milivojević, gave evidence regarding blood samples collected outside the Government building, in the corridor, in the car in which Đinđić was taken to the hospital, on his and his bodyguard's clothes.<sup>34</sup>

At the hearing on 19 September, the Trial Chamber President, Marko Kljajević, announced the Chamber's decision to turn down the prosecution's request that Dejan 'Bagzi' Milenković be granted the status of cooperating witness. That day Kljajević read out the records of the on-site investigations carried out on 12 March 2003 outside the Government building and in the office No. 55 at 14 Admirala Geprata Street from which Đinđić was shot, according to the indictment. Kljajević also read out a record of a 17 March 2003 on-site investigation carried out in the same office. He also decided, on behalf of the Trial Chamber, to remove from the case papers records and photographs showing Zvezdan Jovanović pointing to the spot from which the shots were fired at Đinđić. He explained the move by saying that the record had been signed neither by the recorder nor by Jovanović.<sup>35</sup>

Following the arrest of Deputy Special Prosecutor Radovanović and the resignation of the other Deputy Special Prosecutor, Nebojša Maraš,<sup>36</sup> Miroljub Vitorović took over as Trial Attorney and made his first appearance before the Trial Chamber on 9 November. That day Judge Kljajević read out the MUP reports on the confiscated Volkswagen Passat and Audi A8 cars

<sup>31</sup> *Danas*, 'Veštaci utvrdili - dva hica iz Gepratove', V.Z. Cvijić, 21-22 May 2005.

<sup>32</sup> *Večernje novosti*, 'Čaure iz istog snajpera', D.P. Veljković, N. Bjelić, 12 July 2005.

<sup>33</sup> *Večernje novosti*, 'Prevideo tragove na pantalonama', N.B., D.P. V., 13 July 2005.

<sup>34</sup> *Danas*, 'Veštaci BIA zapažaju bolje od kolega iz policije', V.Z.C., 14 July 2005.

<sup>35</sup> *Danas*, 'Bagzi i zvanično bez statusa svedoka saradnika', V.Z. Cvijić, 20 September 2005.

<sup>36</sup> See the first part of the report dealing with Radovanović's arrest and Maraš's resignation.

believed to have been used during the assassination.<sup>37</sup> Next day Kljajević read out the MUP reports on the search of the flats the accused used before and after the assassination.<sup>38</sup> Because the reports on and analyses of fingerprints collected by police in those flats were flawed, Deputy Special Prosecutor Jovan Pribić, who on that day appeared in the courtroom for the first time in his capacity as Trial Attorney, requested a new, complete fingerprint report. Judge Kljajević agreed but remarked that the Prosecutor's Office ought to have submitted complete evidence before the opening of the trial. Kljajević also complained that the Serbian MUP did not respect the court: 'The court requested the Chief of UBPOK to submit to it the confiscation receipt for the rangefinder and to find out whether it had been taken away from the JSO sniper team leader Željko Pavlović. The Chief submitted a photocopy of the receipt stating that the item had been taken away from a person named Željko Pavlović. The request was repeated but the original rangefinder confiscation receipt has not been submitted to date. So much for respect for the court on the part of the Serbian MUP.'<sup>39</sup>

On 21 December 2005 evidence was taken from members of the Belgrade Police Department (SUP) Dactiloscopia Unit. The head of the unit told the court that on 24 March 2003 a fingerprint left by Zvezdan Jovanović on a copy of the daily *Nacional* was compared with Jovanović's fingerprints taken at the Central Prison the same day. Jovanović objected to this, saying he was fingerprinted shortly before midnight on 24 March, so the two sets of fingerprints could not have been compared the same day. The court then agreed to Pribić's suggestion to examine the officer who fingerprinted Jovanović on the premises of the Central Prison.<sup>40</sup> The next day the Belgrade SUP experts completed their testimony regarding the fingerprints found in the flats.

The report of the Federal Bureau of Criminal Investigations in Wiesbaden arrived at the middle of January 2006. Because no Serbian translation of it was available when the trial resumed on 17 January 2006, Judge Kljajević read out the report from the Đinđić post-mortem examination, which was followed by the screening of the seven-minute footage taken by a B92 TV crew outside the Government building on the day of the assassination. Kljajević also informed those present that he had extended an invitation,

<sup>37</sup> *Danas*, 'Odbrana osporava izveštaje MUP', V.Z. Cvijić, 10 November 2005.

<sup>38</sup> *Danas*, 'O "štekovima" atentatora', V.Z. Cvijić, 11 November 2005.

<sup>39</sup> *Danas*, 'Sud nezadovoljan radom tužilaštva i MUP', V.Z. Cvijić, 14 December 2005.

<sup>40</sup> *Danas*, 'Spor oko otisaka Zvezdana Jovanovića', V.Z. Cvijić, 22 December 2005.

through the Ministry of Human and Minority Rights, to the Wiesbaden experts to present their report in the Special Court building in Belgrade.<sup>41</sup>

At the beginning of February 2006 media reported that Dejan 'Bagzi' Milenković had offered new evidence to the Special Prosecutor in order that he might again apply for cooperating witness status in the Đinđić trial. The Trial Chamber's 16 September dismissal of the prosecution's request to this effect had meanwhile been appealed, the Serbian Supreme Court allowing the appeal and annulling the first instance ruling. The Trial Chamber was yet to decide on the repeated request.<sup>42</sup>

When the trial resumed on February 6 Judge Kljajević relayed to the parties the Wiesbaden experts' request that any questions they may have relating to their report were to be sent in advance. An Interpol letter was also read out saying that two Croatian passports had been found during a search of Ulemek's flat. The trial continues, with the Wiesbaden experts announcing their arrival in March 2006 to address the parties.

## Other Organized Crime Trials

After a year and a half, the persons charged with the murder of Ivan Stambolić and the assassination attempt against Vuk Drašković in the Montenegrin town of Budva were found guilty of both crimes on 18 July 2005 by the three-judge Trial Chamber presided over by Dragoljub Albijanić. In connection with the Stambolić murder, Milorad Ulemek, Branko Berček, Dušan Maričić and Nenad Bujošević were sentenced to 40 years in prison each and Radomir Marković and Leonid Milivojević to 15 years each. Regarding the Drašković assassination attempt, Ulemek, Berček and Nenad Ilić were given 15 years each, Milivojević 13 years and Marković 12 years. Furthermore, Ulemek was sentenced to 5 years for criminal conspiracy and Milorad Bracanović to 4 years for failing to report the preparation of a criminal offence. In accordance with the Criminal Code, the Trial Chamber brought down single 40-year prison sentences on Ulemek and Berček and 15-year prison sentences on Milivojević and Marković.<sup>43</sup>

Although the proceedings with respect to the accused, Slobodan Milošević and Nebojša Pavković, were separated, Judge Albijanić stated in his grounds for decision that it had been determined that 'as JSO commander, Milorad Ulemek established in Belgrade and Kula a criminal group with a

<sup>41</sup> *Danas*, 'Izveštaj iz Visbadena odgovara nalazu veštaka iz Srbije', V.Z. Cvijić, 18 January 2005.

<sup>42</sup> *Politika*, 'Bagzi očevidac ubistva Spasojevića i Lukovića', Dorotea Čarnić, 1 February 2006.

<sup>43</sup> *Večernje novosti*, '209 godina za ubistvo Stambolića', Dragica Veljković, Nataša Bjelić, 19 July 2005.

view to gaining wealth and power and to committing murder by order of Slobodan Milošević, each member of this criminal association being allocated a specific task. At Milošević's behest, the order for them to kill Vuk Drašković and Ivan Stambolić was issued at several meetings in Belgrade.<sup>44</sup>

On the same day as the judgment was announced orally at the main hearing, media published the following absurdity: 'The Socialist Party of Serbia has protested vigorously because in his oral grounds for decision the Trial Chamber President incriminated Slobodan Milošević.'<sup>45</sup>

The unanimous verdict of counsel for the accused was that the judgement was the result of pressure brought to bear on the court. On the other hand, the late Stambolić's wife Katarina Stambolić said: 'This is what I expected, I have no further comment to make.'

Vuk Drašković said that those who killed Stambolić and tried to kill him were sentenced according to the law, but that Radomir Marković and Milorad Bracanović got off lightly.<sup>46</sup>

In order to forestall any accusations of a political score-settling, Albijanić said in his oral statement of the grounds: 'As a court, we cannot accept that part of the Prosecutor's concluding argument that this was not an ordinary trial because it was a trial of the regime of Slobodan Milošević. If it were so, this would have been a political trial, something the court cannot accept. The importance of this trial lies in something else, namely in the gravity of the criminal offences – they are of the gravest kind and we dealt solely with the criminal responsibility of the accused. The court is not concerned with the question whether this judgement will have political implications too. The fact that the accused include Slobodan Milošević and Nebojša Pavković, who were tried separately, Radomir Marković, Milorad 'Legija' Ulemek and Milorad Bracanović gives no one cause to characterize this trial as political.'<sup>47</sup>

The trial of the persons charged with the murder of the Serbian Renewal Movement (SPO) members and officials on the Ibar highway ended in the pronouncement of the first-instance judgement on 29 June 2005. The Trial Chamber presided over by Judge Bojan Mišić sentenced Milorad Ulemek, Dušan Maričić, Branko Berček, Nenad Ilić, Nenad Bujošević and Leonid Milivojević to 15 years in prison each. Radomir Marković was sentenced to 10 years and Mihalj Kertes to 3 years as accessories after the fact; the then Chief of Serbian Traffic Police, Dragiša Dinić, and the Chief of Belgrade Traffic Police, Vidan Mijajlović, were sentenced to 2 years and 1 year respectively as accessories before the fact. Belgrade DB Centre Chief Milan Radonjić and Belgrade SUP Chief Branko Đurić were acquitted.<sup>48</sup>

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> *Danas*, 'Ulemeku 15, Markoviću 10 godina zatvora', V.Z. Cvijić, 29 June 2005.



In his oral explanation of the judgement and especially of the sentences, Trial Chamber President Bojan Mišić said that 'the JSO members and Marković were given the maximum sentences prescribed by law in this particular instance, though a fundamental principle of the Criminal Code lays down that, should the law be amended during the proceedings, the penalty most advantageous to the accused shall then be applied.' The death penalty was abolished in November 2001 and the 40-year prison penalty introduced on 1 March 2002. In the interim, the maximum prison sentence in force was 15 years, the 20-year prison sentence substituting for the death penalty having been abolished too.<sup>49</sup>

Vuk Drašković commented on Judge Mišić's judgement as follows: 'The judge tried to becloud the obvious fact that the judgement is the result of a political deal following "Legija's" surrender...I'd like to ask those who subscribed to this chicanery, if some future government were to organize the murder of the present Prime Minister, of Jočić, of Rade Bulatović, of a number of others, would the maximum sentence still be 15 years? You could find lots of volunteers offering to murder people in Serbia for such a maximum penalty...To announce to all and sundry that the Belgrade police conducted the investigation brilliantly is a whopping lie and an insolent act. The investigation was conducted by the SPO trying to break the blockade by Đurić.'<sup>50</sup>

Shortly afterwards, political parties and individuals (the Civic Alliance of Serbia, Liberal Democratic Fraction, Biljana Kovačević-Vučo) in their announcements and media statements characterized the judgement as proof that the judiciary was powerless to free itself from political influence and pressure. Vladan Batić said: 'This is not a surprise, given Vojislav Koštunica's protective attitude towards Rade Marković, as well as the sympathy Milorad Ulemek enjoys within the present government.'<sup>51</sup>

On the other hand, some legal experts and officials condemned such opinions as pressure on judges. Thus the President of the Serbian Supreme Court said: 'The judiciary will not be independent as long as public officials think they have the right to publicly comment and pass opinion on judicial decisions. If they encourage the lynching of those who conduct judicial proceedings, then they do not want an independent judiciary.'<sup>52</sup> The Socialist Party of Serbia issued a protest announcement in a similar vein,<sup>53</sup> and the Serbian Society of Judges took the following position: 'The right to publicly criticize the work of state organs and officials is the constitutional right of

<sup>49</sup> *Ibid.*

<sup>50</sup> *Danas*, 'Drašković: Presuda posledica nagodbe Vlade sa Ulemekom', V.Z. Cvijić, 29 June 2005.

<sup>51</sup> *Danas*, 'Prve reakcije na presudu', V.Z. Cvijić, 29 June 2005.

<sup>52</sup> *Večernje novosti*, 'Ne pretite više sudijama!', E. Radosavljević, N. Bjelić, 2 July 2005.

<sup>53</sup> *Večernje novosti*, 'Oštre kritike', E. Radosavljević, N. Bjelić, 2 July 2005.

every citizen. However, this must be done in such a manner as to ensure respect for the dignity of the court and judges and not to jeopardize their independence.'<sup>54</sup>

Although the Trial Chamber President, Bojan Mišić, announced the judgement on 29 June 2005, he produced the written copy of it only on 22 November the same year. Impatient at the delay, the SPO early in November called for 'energetic action on the part of Minister Zoran Stojković and Serbian Supreme Court President Vida Petrović-Škero because Judge Bojan Mišić has not put that judgement in writing four months after it was pronounced, although the statutory prescribed period is eight days after its rendition.'<sup>55</sup> Acting on the request, the Belgrade District Court President, Siniša Vazić, asked Mišić to state the reasons for the delay in writing. Mišić wrote back saying the case was large and complicated, he was dealing with many other cases too, and besides his father had died recently.<sup>56</sup> In the opinion of attorney Dragoljub Todorović, the SPO was fully justified in raising the question of the delay: 'There is again the danger of the accused, especially Rade Marković, being released from prison because the Serbian Supreme Courts has a year to render its decision. If it does not render its decision within that period, Marković will be set free. However, four months have passed already, the appeals procedure is very long, by the time the judgement is delivered half the term will have passed.'<sup>57</sup>

The attorneys of the accused have appealed the judgement and it is now up to the Serbian Supreme Court to decide the matter. This decision, as well as the decision on appeal regarding the Stambolić and Drašković cases, will be of considerable importance in that it will reflect the Serbian Supreme Court's position on the correct interpretation of the Criminal Code concerning the maximum penalties that could be imposed on the accused. The two Trial Chambers have, namely, taken two completely different positions on the maximum penalty applicable, the one under Judge Mišić opting for 15 years and the other under Judge Albijanić deciding on 40 years.

## Recommendations

- The state organs and officers who represent them ought to refrain from any pressure, action, public commentary, interpretation, opinion aimed at defeating the efforts of the Special Organized Crime Division, Special Prosecutor's Office and some Division judges;

<sup>54</sup> *Večernje novosti*, 'Ugrožena nezavisnost', E. Radosavljević, N. Bjelić, 2 July 2005.

<sup>55</sup> [www.b92.net](http://www.b92.net) 'SPO: Šta je sa presudom za Ibarsku?', 6 November 2005.

<sup>56</sup> *Danas*, 'Preopterećenost i smrt oca', V.Z. Cvijić, 9 November 2005.

<sup>57</sup> [www.b92.net](http://www.b92.net) 'SPO: Šta je sa presudom za Ibarsku?', 6 November 2005.

- The competent state authorities ought to react, in conformity with the law, to any commentary, text, newspaper article, statement publicly disclosing and passing judgement on evidence before it is presented at the trial.

## WAR CRIME TRIALS

### Responsibility Denied

At the time of the controversy surrounding the extradition of Army and police generals to the International Criminal Tribunal for the Former Yugoslavia at The Hague, the opponents of the Tribunal insisted that all members of the Serbian forces who had committed crimes in Kosovo had been prosecuted. The military courts in Niš and Belgrade presented statistics on the prosecution of perpetrators of Kosovo crimes from 1 March 1998 until 26 June 1999, when the jurisdiction of war military courts and prosecutor's offices in Third Army units ceased.<sup>1</sup> In addition to this report, the Military Prosecutor's Office in Niš issued an item, dated 11 April 2001, in which it said that '...during the war operations in Kosmet [Kosovo and Metohija] a total of 245 persons were reported, 183 of whom were charged, with 47 persons being investigated at the time...The number of criminal offences resulting in death and in imperilment of life and limb was inconsiderable, the number of criminal offences of crimes against the civilian population being negligible in particular...Proceedings in connection with the criminal offence of war crimes against the civilian population were conducted in only three cases, two of which were discontinued owing to lack of evidence and the third being referred to a civilian court because the accused had been demobilized.'<sup>2</sup> The item also stated that the Prosecutor's Office had received charges against three persons in connection with the criminal offence of unlawful killing and wounding of enemy in war, only one of whom was prosecuted or, more correctly, referred to a civilian court. The Military Prosecutor's Office also received charges against four persons accused of rape; proceedings against two were discontinued owing to lack of evidence and the remaining two were referred to a civilian court. At the time the item was announced (11 April 2001), none of the cases had been closed and therefore no first instance judgement rendered.<sup>3</sup> The majority members of the Serbian security forces had been

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<sup>1</sup> *Nedeljni telegraf*, 'Ratni sudovi sudili zločincima nad civilima', M.A., 2 February 2005.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

prosecuted for criminal offences against property: out of 169 criminal complaints 90 per cent had been prosecuted and sentenced for criminal offences against property and 8 per cent acquitted, with the Military Court disclaiming jurisdiction over two cases and referring them to civilian courts.<sup>4</sup>

The concluding section of the Niš Military Court's report contains the following statistics: '...of the 200,000 or so members of the Third Army only 0.005 per cent were charged with criminal offences of war crimes, that is, 0.003 with rape, 0.01 with murder and 0.14 with theft.'

Although the foregoing applies only to reported cases, and in spite of the fact that at the time of writing none of the persons being prosecuted for war crimes of rape and murder (6) had been found guilty even in first-instance proceedings, the report ends as follows: 'The conclusion begs to be made that the officers at all levels of the Third Army and its soldiers and conscripts absolutely respected and ensured respect for the laws of war in all the circumstances. The commanders of the Third Army, Priština Corps and military districts set up military courts and military prosecutor's offices which prosecuted and tried the perpetrators of all the aforesaid offences.'<sup>5</sup>

An analysis of the foregoing statistics reveals that the military courts convicted only perpetrators of criminal offences against property and none for war crimes, murder or rape. These reports are significant also in that they demonstrate explicitly that the state actually never had the intention of preventing and genuinely punishing the perpetrators of the heinous crimes committed by the Serbian security forces in Kosovo, also implying that the state organized and encouraged all these crimes.

## The War Crimes Prosecutor's Office

The War Crimes Prosecutor's Office was established on 1 July 2003, and the Special Prosecutor for War Crimes, Vladimir Vukčević, was appointed on 23 July 2003. Two and a half years later the prosecutor and the team of his deputies soldier on amid pressure and threats as well as praise. Thanks to necessary legislative amendments the Prosecutor's Office succeeded in intensifying its efforts and rendering them more effective. In this connection, of special importance were the Amendments to the Law on the Organization and Jurisdiction of State Organs in Proceedings Against Perpetrators of War Crimes, passed at the middle of December 2004.<sup>6</sup> The amendments enable the Hague Tribunal to refer certain cases to the War Crimes Prosecutor's Office, as well as permitting evidence collected by the Hague Prosecutor to be used directly as evidence in proceedings before domestic courts. Following the

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Službeni glasnik Republike Srbije*, No. 135/04, 21 December 2004.

adoption of the amendments, the Hague Tribunal referred to the domestic Prosecutor's Office a case against persons charged with committing war crimes in Zvornik in 1992.<sup>7</sup> In October 2005 Prosecutor Vukčević gave an interview to the daily *Politika* in which he said: 'Our cooperation with the Tribunal is excellent. We are the only institution in this region which may access their databases and their entire documentation. They can take away from us any case whenever they want because they are a supranational court, they can even adjudicate a case already decided by our court if they are not satisfied with our prosecution or believe that we tried to help the perpetrators. But this has not happened and we are the first prosecutor's office in the region entrusted with a case by the Hague Tribunal, Carla del Ponte having personally delivered the case papers to me when she first came here.'<sup>8</sup>

Up till now the special Prosecutor's Office has brought several indictments against persons with respect of whom there is ground for suspicion that they committed war crimes in the territory of the former SFRY. The trial in connection with the war crime at the Ovčara farm near Vukovar was completed with most accused found guilty in the first-instance judgement. Proceedings dubbed 'Ovčara IV' against Saša Radak are still pending, as are those in connection with the Zvornik crime and the trial of the members of the Škorpioni paramilitary formation charged with the execution of six Srebrenica Bosniaks in the summer of 1995. First-instance proceedings are also in progress on charges brought by the Prosecutor's Office against Antun Lekaj, who stands accused of committing war crimes against civilians in Kosovo in 1999.

A group of members of the Serbian Ministry of Internal Affairs (MUP) are being investigated over a crime against Albanians committed at Suva Reka in Kosovo in 1999. A member of the paramilitary formation Munje (Lightning), Nebojša Minić, is under investigation on suspicion of being responsible for the killing of a six-member Albanian family in Peć in 1999; members of the formation are also under investigation in connection with crimes which occurred that year at Zahač, Čuška and Pavljan.<sup>9</sup>

Investigation is also under way in connection with war crimes committed against civilians in Orahovac, Meja, Meja Orize, Bistražin, Izbice, Gnjilane and Bitići, and pre-trial proceedings are in progress over crimes committed in Povlen and Pusto selo.<sup>10</sup>

Summing up on the results thus far regarding continuing and completed investigations, Vukčević said: 'The war crimes prosecuted by the Prosecutor's Office left a total of some 2,500 victims, men, women and children cruelly deprived of their lives during armed conflict in Croatia, BiH and

<sup>7</sup> *Vreme*, 'Optužnica za zločin u Zvorniku', T.T., 18 August 2005.

<sup>8</sup> *Politika*, 'Suočavanje sa zločinom', Aleksandra Petrović, 7 October 2005.

<sup>9</sup> www.tuzilastvorz.org.yu, *Danas*, 'Specijalnost - etničko čišćenje', R.D., 6 June 2005.

<sup>10</sup> www.tuzilastvorz.org.yu

Kosmet.<sup>11</sup> As to the position of the Prosecutor's Office and his own position, he said in his interview with *Politika*: 'It hasn't been easy, given the attitude of the public. I felt like the captain of a ship being tossed about far out at sea by the wind, lightning and huge waves from all sides, and I knew I had to bring that ship to a calm harbour - to trials and judgements.'<sup>12</sup>

## The Executive Branch and the War Crimes Prosecutor's Office

Vladimir Vukčević and the spokesman for the War Crimes Prosecutor's Office, Bruno Vekarić, spoke repeatedly of various obstructions as well as of direct pressure brought to bear on the office by government officials and some ministry officers. This is what Vukčević had to say about the present position of the Government of the Republic of Serbia on the work of the Prosecutor's Office and on the war trials before the domestic court: 'The previous government was more appreciative and enthusiastic. The present government is focused on the extradition of indictees to The Hague.'<sup>13</sup> Asked whether he expected to encounter so much resistance when he accepted the appointment, he replied in an interview with the weekly *Vreme* in December 2004: 'I knew there would be obstruction, but I did not imagine it would be so great. I must say that the political climate today is less favourable than it was at the time I began to work. This is borne out by certain articles and media statements of certain people, as well as by what one hears said in the Assembly.'<sup>14</sup> The attitude Vukčević was referring to is best illustrated by what the present Minister of Justice, Zoran Stojković, said: 'The War Crimes Prosecutor's Office jeopardizes the national interests by not bringing indictments against the generals, finding it easier instead to have us ship people off to The Hague.'<sup>15</sup> Regarding the pressure and threats the office encountered daily while investigating war crimes, Vukčević told *Vreme*: 'There is more pressure coming from various political power centres believing they have every right to judge how and whom I can prosecute.'<sup>16</sup> As to his cooperation with the Ministry of Justice and Minister Stojković, Vukčević said: 'Since the start of his term of office Minister Stojković has not bothered to

<sup>11</sup> *Politika*, 'Suočavanje sa zločinom', Aleksandra Petrović, 7 October 2005.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Nedeljni telegraf*, 'Optužnice za Batajnicu do kraja godine', Vojislava Crnjanski Spasojević, 13 April 2005.

<sup>14</sup> *Vreme*, 'Možemo da sudimo i Šešelju', Dejan Anastasijević, 15 December 2004.

<sup>15</sup> www.tuzilastvorz.org.yu/drugi o nama.

<sup>16</sup> *Vreme*, 'Možemo da sudimo i Šešelju', Dejan Anastasijević, 15 December 2004.

contact us, nor has he shown any interest in what the Prosecutor's Office is doing, other than publicly criticizing us.'<sup>17</sup>

The present Government is cutting the Prosecutor's Office's budget as a means of exerting pressure on it. Or, as Vukčević put it: 'Last but not least, we are coming up against financial pressure. The Ministry has cut our budget by 13 per cent and we have been passed over for pay increase on three occasions. It was only thanks to the appreciation of the Ministry of Finance that we have been able to improve our performance through international projects.'<sup>18</sup> Regarding the 2005 budget, Vukčević confirmed that it had been reduced by one-third: 'We are occasionally short of such trivial things as staples and paper. There's only so much of everything we're allowed to have. One would've thought there was a lobby...The Supreme Court President says the judges are sore over our pay. I'd like to ask those malcontents to change places with us, let them come and administer justice here. Do you think that Kljajević, who's in charge of the Đinđić assassination case, or Albijanić, who's in charge of the Stambolić murder case, is having an easy time of it?...I wish to assure you that no one has come here because they've been attracted by high pay...But for the US donation I'm not sure that we'd be able to travel anywhere. They also provided the equipment. Things being as they are, we're underrated. I think that the Prosecutor's Office's greatest achievement lies in its cooperation with the Hague Tribunal and that we're of great use to the state, though it treats us as if it were our stepmother.'<sup>19</sup> The Prosecutor's Office spokesman, Bruno Vekarić, said this about the international community's donations for the Office's projects: 'We are helped by international institutions as well, but we cannot ask them to finance our investigations. That would be counterproductive and would compromise our independence.'<sup>20</sup>

On several occasions Vukčević specified the Prosecutor's Office's problems in its day-to-day cooperation with the MUP. A major complaint concerns the MUP's total passivity whenever the Prosecutor's Office needs assistance with various investigative activities aimed at identifying war crime perpetrators and securing evidence. Vukčević described the cooperation with the MUP as follows: 'There are problems with the institutions, especially with the MUP. Although the law was passed as early as July providing for the setting up of a special police service to work on war crimes, this hasn't materialized yet. Reluctance on the part of police officers to apply for the job is one of the reasons why there isn't a full complement yet. Although the job is

<sup>17</sup> *Vreme*, 'Možemo da sudimo i Šešelju', Dejan Anastasijević, 15 December 2004.

<sup>18</sup> *Vreme*, 'Možemo da sudimo i Šešelju', Dejan Anastasijević, 15 December 2004.

<sup>19</sup> *Nedeljni telegraf*, 'Optužnice za Batajnicu do kraja godine', Vojislava Crnjanski Spasojević, 13 April 2005.

<sup>20</sup> *Večernje novosti*, 'Svako da sudi svojim', E. Radosavljević, 3 August 2005.

dangerous and demanding, there's no provision for them to be better paid and to have more benefits than, say, their colleagues regulating traffic. Also, there is the embarrassment of encountering in the course of their work a great many of their colleagues who figure as perpetrators. The fact that the police do not want to take the initiative regarding war crimes is another problem. To be fair, they do everything you tell them to do, but if you don't, they do nothing on their own initiative. Which is how they ought to be working.<sup>21</sup> In April 2005 the situation was not much better compared with 2004: the special MUP unit supposed to be assisting the Prosecutor's Office numbered only five, receiving no benefits and no support from the relevant Ministry.<sup>22</sup>

Regarding this unit, things came to a head on 1 January 2006 when Slobodan Borisavljević was appointed its head: it will be recalled that from 1 January until 20 June 1999 Borisavljević was *chef de cabinet* of Vlastimir Đorđević, the Serbian Deputy Minister of Internal Affairs and Head of the Public Security Department of the Serbian MUP. In this connection, the Humanitarian Law Centre (HLC) announced that it had requested Borisavljević's replacement from the post and dismissal from the MUP, as well as filing a criminal complaint against him with the War Crimes Prosecutor's Office. In explanation of the complaint, the HLC said in the announcement: 'The grounds for suspicion that Borisavljević was involved in war crimes in Kosovo stem above all from the written statement Slobodan Borisavljević made on 23 May 2001 at the request of Captain Dragan Karleuša, then head of the Serbian MUP working group conducting the investigation into the refrigerator truck that was packed with bodies and found in the Danube, the statement having been submitted as a document to the Hague Tribunal and produced in the case against Slobodan Milošević.'<sup>23</sup> Media reported later that Carla del Ponte had personally insisted that Borisavljević should be removed from the post of head of the MUP war crimes detection unit. Borisavljević was replaced at the middle of February under public pressure.<sup>24</sup>

### Non-Governmental Sector and the War Crimes Prosecutor's Office

Proceedings of the War Crimes Prosecutor's Office have been criticized by non-governmental organizations and individuals representing victims' families. Šefko Alomerović, President of the Helsinki Committee for

<sup>21</sup> *Vreme*, 'Možemo da sudimo i Šešelju', Dejan Anastasijević, 15 December 2004.

<sup>22</sup> *Nedeljni telegraf*, 'Optužnice za Batajnicu do kraja godine', Vojislava Crnjanski Spasojević, 13 April 2005.

<sup>23</sup> www.hlc.org.yu/saopstenja

<sup>24</sup> *Kurir*, 'Koštunica smenjuje Borisavljevića', R.K., 14 February 2006.

Human Rights in Sandžak and attorney for the victims' families in the Sjeverin case, pointed out that Vukčević had at the last moment renamed the paramilitary formation Osvetnici (Avengers) an 'armed group'.<sup>25</sup> HLC analyst Jovan Nicić explained that calling the Osvetnici an armed group or a paramilitary organization was an attempt to avoid linking them to the Army of Republika Srpska (VRS), that is, to avoid referring to the fact that they belonged to the VRS Višegrad Brigade. Nicić says that this fact is of great importance given that the VRS commanding officers were once members of the Yugoslav People's Army (JNA). Nicić says: 'Thus the commanders of the Višegrad, Gorazde and Rudo brigades (Dragičević, Metrašinić and Tuba) were JNA officers assigned to the VRS by decision of the General Staff, after which all three were assigned duties in the then Army of Yugoslavia following the signing of the Dayton Agreement...This close cooperation between the VRS and the JNA, later the Army of Yugoslavia, points to one of the main reasons for avoiding reference to regular VRS units in the context of these crimes, since this would almost certainly raise the question of responsibility of the superiors and of the participation of the state in them.'<sup>26</sup>

Commenting on the first-instance proceedings and judgement against the persons indicted for the Ovčara crime, HLC Executive Director Nataša Kandić availed herself of the opportunity to say what she thought of the indictment: 'The indictment was calculated to show that others were to blame; even one of the defence attorneys, Đorđe Dozet, wondered today whether the object of the trial had been to find guilty persons other than the officers indicted at The Hague. So, the objection of both the victims' representatives and defence counsel was that the indictment had been calculated to shield the officers from criminal responsibility. It applies selectively to the Šešeljites and territorials, in spite of the fact that the investigation yielded sufficient proof that officers in high positions were heavily involved in the execution at Ovčara. The prosecutor obviously had been given a political assignment, to make sure the indictment doesn't apply to the officers.'<sup>27</sup>

On 12 January 2006 the HLC announced that Executive Director Nataša Kandić had written to Vladimir Vukčević and asked him to revise several important points of the indictment against six members of the Škorpioni charged with the execution of Srebrenica Bosniaks. The HLC insists that the unit be qualified as one belonging to the Serbian MUP and operating under the immediate command of Serbian State Security (DB), given that there is ample proof of this in the amended ICTY indictment against Jovica Stanišić and Franko Simatović of 11 January 2006. The HLC also said it had asked

<sup>25</sup> *Danas*, 'Činjenice nema ko da čuje', Milanka Šaponja-Hadžić, 25 February 2005.

<sup>26</sup> *Danas*, 'Dug je put do pravde', Jovan Nicić, 25 February 2005.

<sup>27</sup> *Danas*, 'Briljantno suđenje po manjkavoj optužnici', B. Tončić, 7 December 2005.

Vukčević to define the armed conflict in BiH in the indictment according to international law and to specify its character. In the end, the HLC pointed to several facts which are misinterpreted in the indictment: 'The indictment against five members of the Škorpioni is replete with interpretations of events aimed at revising history and the past. Thus it is said that the oilfields at Đeletovci are situated alongside the border with Croatia, with which the Republic of Serb Krajina was in armed conflict, although it is common knowledge that Đeletovci is in the Republic of Croatia.'<sup>28</sup>

An analysis of the hitherto work of the War Crimes Prosecutor's Office based on the foregoing examples shows that the war crimes indictments apply only to members of various paramilitary formations, armed groups or territorial defence units. For all the wealth of evidence contained in the accessible archives of the Hague Tribunal, the domestic Prosecutor's Office avoids linking these paramilitary formations with the official structures of the Serbian state, above all with the Army and the police. Furthermore, the Prosecutor's Office avoids instituting proceedings against members of the Army although some proceedings have demonstrated strong grounds for suspicion that Army officers too are involved in crimes in respect of which others have either been convicted or are currently on trial. From the indictments brought to date it follows that the crimes committed in Croatia and BiH were individual, isolated incidents caused by paramilitary groups gone off the deep end or by obscure individuals. This is elaborated in the following chapter.

## PROCEEDINGS BEFORE DOMESTIC COURTS

### Vukovar territorial defence and the 'Leva supoderica'

The trial of members of the Vukovar territorial defence and the Leva supoderica paramilitary formation charged with the execution of about 200 prisoners at the Ovčara farm near Vukovar started on 9 March 2004 before the Trial Chamber of the Special War Crimes Unit presided over by Judge Vesko Krstajić. The trial ended on 12 December 2005 in a first-instance judgement sentencing the accused as follows: former Vukovar territorial defence commander Mirosljub Vujović, his deputy Stanko Vujanović, 'Leva supoderica' commander Milan Lančuzanin, Predrag Milivojević, Predrag Dragović, Ivan Atanasijević, Đorđe Šošić and Miroslav Danković to 20 years each; Vujo Zlatar, Jovica Perić and Milan Vojnović to 15 years each; Predrag Madžarac, 12 years; Nada Kalaba, 9 years; and Goran Mugoša, 5 years. Marko Ljuboja and Slobodan Katić were acquitted for lack of evidence.<sup>1</sup> Saša Radak was indicted in 2005 and the case is still pending.

According to the participants in the proceedings as well as the professional public, the trial was conducted with exemplary professional skill thanks mostly to Judge Krstajić. 'The Trial Chamber prosecuted the case brilliantly; at every step presiding Judge Vesko Krstajić took account of the rights of the accused and showed special consideration for the victims in an impeccable manner. He accomplished something which is characteristic of the Hague Tribunal and is absent from our domestic practice, namely he clarified the context in which the crime occurred,' said Nataša Kandić who represented the families of the victims at the trial.<sup>2</sup> Although the indictment did not encompass the commanding officers and soldiers of the then JNA, the trial established that the Army 'left the prisoners at the mercy of the territorials and others'.<sup>3</sup> It is in this light that one should interpret the words of the Trial Chamber president, Vesko Krstajić, who said in his explanation of the

<sup>1</sup> *Vreme*, 'Sudska overa zločina', Tatjana Tagirov, 15 December 2005.

<sup>2</sup> *Danas*, 'Brijlantno suđenje po manjkavoj optužnici', B. Tončić, 7 December 2005.

<sup>3</sup> *Vreme*, 'Sudska overa zločina', Tatjana Tagirov, 15 December 2005.

<sup>28</sup> [www.hlc.org.yu/saopstenja](http://www.hlc.org.yu/saopstenja).

judgement: 'The culprits are not all here, there are many of them who are not in this courtroom.'<sup>4</sup> Most witnesses, who were members of the JNA, including Aleksandar Vasiljević, head of the Security Administration of the Federal Secretariat for National Defence, alleged they had only learned of the crime from the media. The evidence presented during the trial included a two-minute video recording by Radio Television Belgrade shot on 19 November 1991 and a special programme broadcast on 20 November. Regarding the video footage shot outside the Vukovar hospital, Rajko Danilović, attorney for the Vukovar victims' families, said: 'We have today been shown shots of the great orator Veselin Šljivančanin and, standing next to him, of the late Momir Gavrilović, then a colonel, a man assigned to Arkan, a man from Serbian State Security. There was also Nebojša Pavković, then *chef de cabinet* of Minister of Defence Veljko Kadijević. So, the Army and the police were behind all that; the paramilitary formations didn't do the killing on their own initiative, which isn't to say that they didn't relish it. But someone had to have ordered that.'<sup>5</sup>

Trying to predict the reaction of the Serbian public to the judgement, Obrad Savić, the President of the Belgrade Circle, said: '...it is probably going to be conflicting and some will consider it unjust.'<sup>6</sup> And Aleksandar Vučić, a deputy of the Serbian Radical Party in the Serbian Parliament, said: 'Who on earth are Nataša Kandić, Sam Nazzaro and Brankica Stanković? Why is Bruno Vekarić the said untouchable?'<sup>7</sup>

The proceedings and judgements in connection with this crime ought not to be limited to the sentencing of the direct perpetrators. The top commanding officers (Šljivančanin, Mrkšić and Radić) are at The Hague and will be tried by the Tribunal. It remains to be seen whether the Prosecutor's Office will investigate and indict every member of the Army in the middle of the chain of command between the executors and the commanders. In this connection, Prosecutor Vukčević said: 'The list of persons in whom we are interested is not final regarding any of our cases, even with respect to Ovčara. Such is the nature of these criminal offences that a great many people are involved, so we keep obtaining ever new information and are on to more and more people who are direct participants in war crimes.' ('Pravda u tranziciji', No. 2)<sup>8</sup>

<sup>4</sup> *Ibid.*

<sup>5</sup> *Danas*, 'Danilović: Neko je morao da naredi ubijanje', B.T., 25 November 2005.

<sup>6</sup> *Danas*, 'Presuda i komentari', Bojan Tončić, 17-18 December 2005.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Vreme*, 'Sudska overa zločina', Tatjana Tagirov, 15 December 2005.

## The Scorpions

At the moment there are two trials in Serbia of members of the Škorpioni (Scorpions) paramilitary formation in respect of whom there is reasonable suspicion of committing war crimes in BiH in 1995 and in Kosovo in 1999. Saša Cvjetan was tried by the Belgrade District Court in connection with the killing of Albanian civilians in Podujevo in March 1999 while another indictee, Dejan Demirović, is in Canada and is expected to be extradited in due course. Under the first-instance judgement passed on 17 April 2004 Cvjetan was given a 20-year prison sentence. The Serbian Supreme Court quashed the judgement on 22 December 2004 and ordered a retrial. The retrial was conducted in 2005 by a trial chamber of the Belgrade District Court presided over by Judge Biljana Sinanović.<sup>9</sup> On 17 June 2005 the Trial Chamber found Cvjetan guilty of the crime and imposed on him the maximum sentence of 20 years imprisonment.<sup>10</sup>

The end of the retrial and the passing of the sentence more or less coincided with the arrest on 1 June 2005 of four other members of the unit. Its commander Slobodan Medić, Pero Petrašević, Aleksandar Medić and Aleksandar Vukov were arrested for executing a group of Srebrenica Bosniaks at Godinske Bare near Trnovo in July 1995.<sup>11</sup> At that time a number of TV stations in Serbia broadcast footage showing the execution of the six Srebrenica Bosniaks. At one time the video recording was distributed to video clubs in Šid where some of the unit members took up their residence after 1995.<sup>12</sup> A resident of Šid, Jovan Mirilo, spoke out about many of the things that went on in the town in the post-war years, including about the conspiracy of silence among the residents. Mirilo was accused by some of talking Goran Stoparić, a former member of the unit, into testifying against Saša Cvjetan in connection with the Podujevo 1999 execution.<sup>13</sup> Mirilo told of the execution video cassettes, which could be obtained from the local Laser video club, as well as spoke about the relationship between the Škorpioni and Serbian DB: 'The man in charge of liaison between the Škorpioni and DB in 1995 was Milan 'Mrgud' Milovanović, a member of the Serbian MUP, and it was he that took them into the field in Bosnia. He is now in Belgrade. If the state wants to show that it is willing to get done with this thing it ought to arrest Milovanović; if it does not, it means that the state regards this as an embarrassing incident which has come to light and must somehow be covered up. Several Škorpioni members

<sup>9</sup> *Danas*, 'Cvjetan isključen iz sudnice', Beta, 10 June 2005.

<sup>10</sup> [www.freeb92.net](http://www.freeb92.net) 'Cvjetanu ponovo 20 godina', 17 June 2005.

<sup>11</sup> *Politika*, 'Četvorica uhapšena, trojica u bekstvu', D.T., 4 June 2005.

<sup>12</sup> *Blic*, 'Snimak zločina mogao da se iznajmi u video klubu', Željka Jevtić, 4 June 2005.

<sup>13</sup> *Blic*, 'Snimak zločina mogao da se iznajmi u video klubu', Željka Jevtić, 4 June 2005.

have boasted knowledge of Mrgud carting money to and fro, of the going rate being public knowledge. One of them shot his mouth off about being dispatched by Mrgud to the Security Institute in Belgrade, where the boot of his car was stuffed with packets of money, in support of the things the Škorpioni were doing.<sup>14</sup>

On Sunday, 5 June 2005, media published an open letter from the Humanitarian Law Centre to the Minister of Internal Affairs, Dragan Jočić, and the War Crimes Prosecutor, Vladimir Vukčević, in connection with the threats which had been made against Jovan Mirilo for some time. To avoid the threats, Mirilo found it necessary to flee abroad for a while. The HLC quoted Mirilo as saying that the intimidation intensified after Jovica Stanišić and Franko Simatović were provisionally released from detention at The Hague and that he had been threatened on behalf of some important persons. The open letter said this, among other things: ‘...thereupon the head of the Operations Department of the Šid OUP [Internal Affairs Organ – police station], Nedeljko Makijević, put out a contract on his life. He was told this personally by Vladimir Trbojević, a former member of the Škorpioni from Šid...Before leaving the country Jovan Mirilo reported all this to the OUP commander in Šid, Predrag Koviljan, including his information that Operations Department head Makijević had hired Đorđe Armbašić to liquidate him. Mirilo claims to have received a message from Armbašić saying, "Your days are numbered."<sup>15</sup>

Although the shocking footage of the execution drew an immediate response from many politicians, individuals, public figures and associations, Prime Minister Vojislav Koštunica remained conspicuously silent. In this connection the President of the Liberal Democratic Party, Čedomir Jovanović, said: ‘He didn’t do it [react], just as he never spoke about Sarajevo, Dubrovnik, Vukovar, Peć and Priština, though he harped daily on who tore down [the building on] Šilerova [street – the headquarters of the ‘Zemun gang’ demolished after Đinđić’s assassination]. Koštunica, we’re asking you who razed all those graves and murdered the hundreds of thousands of innocent people!’<sup>16</sup>

The War Crimes Prosecutor’s Office brought an indictment against seven members of the Škorpioni on 7 December 2005. The proceedings before a trial chamber of the Special War Crimes Unit of the Belgrade District Court, presided over by Judge Gordana Božilović-Petrović, started on 20 December 2005. Those on trial in Belgrade are Slobodan Medić, Aleksandar Medić, Branislav Medić, Pera Petrašević and Aleksandar Vuković; Milorad Momić is

<sup>14</sup> *Blic*, ‘Mrgud veza “Škorpiona” i “DB”’, N.M.J., 4 June 2005.

<sup>15</sup> *Večernje novosti*, ‘Nezgodni svedoci na meti’, B.B. Mijić, 5 June 2005.

<sup>16</sup> *Blic*, ‘Koštunica ćutao’, Beta, 5 June 2005.

at large and Slobodan Davidović is on trial before the County Court in Zagreb.<sup>17</sup>

War Crimes Prosecutor Vladimir Vukčević has signalled that three more indictments were likely to be brought in connection with this crime: ‘We are going to be hunting round for all the perpetrators, there isn’t going to be any selectivity regarding responsibility.’<sup>18</sup>

All the same, one ought to keep in mind that the indictment has been criticized for failing to characterize the Škorpioni as a unit under the direct command of Serbian DB and to link the execution to the then authorities in Belgrade. This is discussed in the previous section of the report entitled ‘Criticism from the non-governmental sector’.

## The Revengers

The retrial of Milan Lukić, Oliver Krsmanović, Dragutin Dragičević and Đorđe Šević in connection with the kidnapping and killing of 16 Muslims from Sjeverin took place before the Belgrade District Court. According to the indictment of the Belgrade District Prosecutor’s Office, on 22 October 1992 at Mioče in Republika Srpska, these four members of the Osvetnici (Avengers) paramilitary formation kidnapped the Muslims from a Pljevlja-Priboj bus and liquidated them the same day after cruelly torturing and humiliating them. On 29 September 2003 the Belgrade District Court found them guilty and sentenced the first three to 20 years in prison each and the last to 15 years.<sup>19</sup> Dragičević and Šević were present at the trial while Lukić and Krsmanović were tried *in absentia*. In September 2004 the Serbian Supreme Court quashed the first-instance judgement and ordered a retrial. The retrial opened on 17 January 2005 before a trial chamber presided over by Judge Vinka Behara and lasted until mid-July 2005.<sup>20</sup> At the hearing on 14 July, attorney Dragoljub Todorović said in his closing argument that the four accused ought not to be treated as members of a paramilitary formation that had allegedly got out of hand, but as part of the Army of Republika Srpska. After all, Momčilo Grubač, appearing as witness, declared that General Ratko Mladić had told him personally that he occasionally used this unit. Todorović remarked that Mladić must have controlled the unit if, by his own admission, he used it. Todorović also noted that the responsibility of the then President of the FRY, Dobrica Ćosić, had not been raised during the trial.<sup>21</sup>

<sup>17</sup> *Kurir*, ‘Suđenje Škorpionima’, Beta, 20 December 2005.

<sup>18</sup> *Danas*, ‘Vukčević: Nove optužnice za ubistvo šest Bošnjaka’, Aleksandra Roknić, 21 December 2005.

<sup>19</sup> *Danas*, ‘Ubicama 75 godina zatvora’, B.T., 16-17 July 2005.

<sup>20</sup> *Politika*, ‘Proces zbog Sjeverina’, M.D., 17 January 2005.

<sup>21</sup> *Danas*, ‘Svirepost, hladnokrvnost, nečovečnost i okrutnost’, A Roknić, 14 July 2005.



The Trial Chamber passed the first-instance judgement on 15 July 2005 founding guilty all four and sentencing Lukić, Krsmanović and Dragičević to 20 years in prison each and Šević to 15 years.<sup>22</sup> Commenting on the judgement and proceedings, the attorney of the victims' families, Šefko Alomerović, said in an interview with *Danas*: 'Throughout the proceedings no one referred to the existence of a paramilitary formation called Osvetnici, or to the existence of any document about that. One is astonished to find that the purpose of this trial was to cover up the real perpetrators – the Army of Republika Srpska. On 16 October 16 Serb fighters were captured on the bank of the River Drina and, as Colonel Luka Dragičević confirmed, the Muslims were kidnapped for the purpose of an exchange. But since the exchange fell through – they were killed.'<sup>23</sup>

The appellate proceedings are under way.

### The Zvornik Territorials and "Yellow Wasps"

The trial of members of Zvornik Territorial Defence and of the Žute ose (Yellow Wasps) paramilitary group accused of war crimes committed in 1992 was the first case the Hague Tribunal entrusted to the domestic War Crimes Prosecutor's Office. On the basis of evidence made available by the Tribunal, the Prosecutor's Office brought an indictment against the then Major of Zvornik, Branko Grujić, the then Commander of the Territorial Defence Staff, Branko Popović, and the members of the Žute ose paramilitary formation forming part of Zvornik Territorial Defence, Duško Vuković, Dragan Slavković, Ivan Korać, Siniša Filipović and Dragutin Dragičević. The indictment was brought on 12 August 2005.<sup>24</sup> The aforementioned persons are accused of forcibly relocating 1,882 civilians of Bosniak nationality from the villages of Kozluk and Skočić to Hungary via Serbia. Another part of the indictment relates to the torture, mutilation, sexual abuse and murder of 19 Muslims out of 174 held inside the Culture Club in Čelopek.<sup>25</sup> The trial of this group began on 28 November 2005 before the first-instance Trial Chamber of the Special War Crimes Unit of the Belgrade District Court presided over by Judge Tatjana Vuković. All the accused were brought before the Trial Chamber except Duško Vuković who, according to Judge Vuković, was found dead in a Belgrade District Court toilet several days before the opening of the trial.<sup>26</sup> The proceedings are under way.

<sup>22</sup> *Danas*, 'Ubicama 75 godina zatvora', B.T., 16-17 July 2005.

<sup>23</sup> *Danas*, 'Ubicama 75 godina zatvora', B.T., 16-17 July 2005.

<sup>24</sup> *Vreme*, 'Optužnica za zločin u Zvorniku', T.T., 18 August 2005.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Politika*, 'Počelo suđenje "Žutim osams"', Aleksandra Petrović, 29 November 2005.

### The Trial of Anton Lekaj

The trial of Anton Lekaj, a member of the UCK (Kosovo Liberation Army), opened before the Special War Crimes Unit of the Belgrade District Court on 17 November 2005. Lekaj is accused of the murder of four civilians – one Serb and three Roma – and the kidnapping, rape and maltreatment of 13 Roma civilians in Đakovica in 1999. The first-instance Trial Chamber is presided over by Judge Olivera Anđelković, with Tatjana Vuković and Miroslav Alimpić as members. The hearing of evidence is in progress.<sup>27</sup>

### Investigations

There are two continuing investigations into war crimes in Kosovo, the first concerning Nebojša Minić and other members of the Munje paramilitary formation suspected of committing crimes around Peć in 1999. The members of this paramilitary formation are believed to be responsible for the deaths of some 70 civilians from the villages of Čuška, Zahač and Pavljan, Minić alone being suspected of personally killing six members of the Baljaj family from Peć on 12 June 1999. Minić was arrested in Argentina on 24 May 2005 for illegally entering the country and possession of false papers.<sup>28</sup> After his arrest the public learned that the paramilitary formation was established in 1997, consisting of the ablest members of the Special Police Units (PJP) and persistent offenders from the underworld specially trained in some police camps including the one at Leskovac. The unit, stationed in Peć, was on the Serbian MUP payroll. There are indications that the unit specialized in ethnic cleansing: during 1999 villages were routinely first shelled by the Army and then mopped up by the Munje.<sup>29</sup>

The other investigation relates to the massacre of 48 Albanian civilians from Suva Reka on 26 March 1999. There are grounds for suspicion that the massacre was committed by members of the Serbian MUP and DB. At the moment the investigation encompasses nine former and active MUP and DB members who were arrested on 26 October 2005<sup>30</sup> and detained after questioning by order of Investigative Judge Milan Dilparić. The difference between this case and the rest is that the investigative judge ordered that all information regarding the case be kept secret: whereas in other investigations the names of the suspects were known before the charges were made (i.e. Minić), Dilparić made clear that special care would be taken to prevent the

<sup>27</sup> www.lawinitiative.com, 'Brat i supruga žrtve optužuju Lekaja', 20 January 2006.

<sup>28</sup> *Danas*, 'Specijalnost – etničko čišćenje', R.D., 6 June 2005.

<sup>29</sup> *Danas*, 'Na platnom spisku MUP Srbije', 6 June 2005.

<sup>30</sup> *Danas*, 'Među osumnjičenima bivši pripadnik DB', Z.R., 14 November 2005.

leaking of the suspect's names: 'If they had known that they were being investigated, the suspects would probably have escaped across the border. But this is not the only reason why their names were not and cannot be made public until further notice. This was done for the sake of the victims and their families, as well as for the sake of the members of the suspects' families themselves. Besides, the object of the investigation is to find out whether there is any ground for bringing an indictment against them, not to pronounce them guilty.'<sup>31</sup> In the interview, Dilparić said that of the 1,110 or so bodies of Kosovo Albanians found in mass graves at Batajnica, Petrovo Selo and Perućac, a total of 641 had been identified.<sup>32</sup>

Nearly all who committed this crime are either retired or active MUP members (six of them). After the Serbian security forces pulled out of Kosovo they were transferred to eight towns in Serbia.<sup>33</sup> War Crimes Prosecutor Vladimir Vukčević explained why it was very difficult to conduct this investigation: 'My estimate is that there are still people in the ranks of the police whose conscience is not clear regarding the events in Kosovo. We shall have difficulty uncovering perpetrators until these ranks are weeded out.'<sup>34</sup> The crime was investigated by the Balkan Investigative Reporting Network in 2003. When its Director Gordana Igrić asked the MUP whether one of the suspects, who was a DB officer in Suva Reka, was still on the MUP payroll, she was advised by someone from the Ministry to 'concern herself with nicer things and forget this topic'. The next morning she found her front door boarded up and a threatening letter on her doormat.<sup>35</sup> The fact that a man who knew about the carting of bodies from Kosovo to Serbia was appointed to head the MUP war crimes detection unit lends credence to the following statement by a judiciary officer, who blames groups within the MUP for obstructing the investigation of the Kosovo crimes: 'I'm not talking about the organization as a whole, I'm talking about people who are linked together as perpetrators, accomplices or witnesses. They watch each other's backs, take care of each other and try to make sure that as little information as possible leaks out.'<sup>36</sup>

By establishing the War Crimes Prosecutor's Office and Special War Crimes Unit Serbia has made it possible to prosecute war criminals and thus free itself from at least some of the huge burden from its recent warlike past. However, the Government of the Republic of Serbia has shown no evidence of being genuinely interested in this process. The public utterances of Justice Minister Stojković, the controversy regarding the prosecutors' and judges' pay

<sup>31</sup> *Politika*, 'Pucali u civile', Aleksandra Petrović, 4 November 2005.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Večernje novosti*, 'Pohapšeni širom Srbije', E. Radosavljević, D.P. Veljković, 27 October 2005.

<sup>34</sup> *Danas*, 'Opstrukcija iz policijskih redova', Balkan Insajt, 28 October 2005.

<sup>35</sup> *Danas*, 'Opstrukcija iz policijskih redova', Balkan Insajt, 28 October 2005.

<sup>36</sup> *Ibid.*

launched by the Serbian Supreme Court President, the withholding of funds necessary for the work of the Prosecutor's Office, and the obstruction on the part of the MUP are unmistakable signs that genuine desire and need are felt to follow this course. Such investigations and judicial proceedings in connection with war crimes as there are are the result of the enthusiasm and diligence of individual members of the Prosecutor's Office and Unit and of the assistance of international institutions. This is why the indictments are not complete and do not encompass all who are to blame. The conclusion to be drawn from this is that the indictments and proceedings will remain incomplete until such time as the state wants and is ready, without any ulterior motives, to deal with all who are responsible without exception.

## Conclusions and Recommendations

- Thoroughly reform the Serbian MUP and remove from service all persons known to have been involved in war crimes in the territory of the former Yugoslavia;
- The Government should fully support to the work of the War Crimes Prosecutor's Office, including giving full financial support in investigating war crimes;
- The Government and other relevant institutions should take an uncompromising line on war crimes and should publicly define the character of the conflict in the territory of the former Yugoslavia, because this is the only way to enable the prosecution and the court to operate without obstruction and to do their job properly.

## POLICE TORTURE

The Police Law of the Republic of Serbia was adopted on 14 November 2005 and went into force eight days after its publication in the Official Gazette.<sup>1</sup> The fundamentals of preventing police torture and protecting citizens against it are built into the provisions relating to internal security. The Law abolishes the Service of the Inspector-General who had authority to exercise internal supervision of the work of the police. Under the Law this is replaced with the Internal Security Sector under the charge of the sector head. The jurisdiction of this organ is laid down by Article 172: 'The Internal Security Sector of the police exercises supervision of the lawfulness of police work, especially with regard to respect for and protection of human rights in the discharge of police tasks and the exercise of police powers.'<sup>2</sup>

Information is collected and facts ascertained in particular cases either in response to applications, representations and motions by physical and legal persons or on the initiative of the Sector itself. After the facts are ascertained, the Sector head must inform the Minister and the Director of Police about each case in a written report. A report must end in suggestions as to the type of remedial action needed. This means that the Sector head has no authority to institute proceedings before competent state authorities against officials found to have broken the law. The final decision thereon rests with the Minister and the Director of Police. The Minister is the only authority empowered to exercise supervision of the work of the Internal Security Sector, whereas the duty of the Sector is to discharge responsibilities falling within its competence and to take specific action according to directives, guidelines and orders of the Minister.<sup>3</sup>

The bottom line of this arrangement is that the Internal Security Sector is fully subordinated to the Minister of Internal Affairs, meaning that in the last resort the Minister exercises internal control of the lawfulness of police work. We hold that placing excessive powers in the hands of the Minister of Internal Affairs is not the best way to control police work when it comes to respect for and protection of citizens' human rights.

<sup>1</sup> *Službeni glasnik Republike Srbije*, No. 101/05, 21 November 2005.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

Article 137 of the new Penal Code of the Republic of Serbia,<sup>4</sup> which went into force on 1 January 2006, introduces a criminal offence termed 'abuse and torture', reflecting an effort to penalize any torture an individual or a group may perpetrate against others. The aggravated degrees of this criminal offence attach to officials who, in the course of their duty, apply any form of torture against citizens to extract confession or information or as a means of intimidation.

In one of his last Serbian media interviews, Inspector-General Vladimir Božović presented statistical information by way of summing up the work of his office: 'Since April 2004 we have received 6,343 representations and applications regarding police work, 4,207 of which have been processed (with 643 justified ones). During the same period, the Inspectorate has filed 97 criminal complaints against 124 MUP members and 11 citizens in connection with 181 criminal offences. Of these, 67 criminal complaints were filed against 95 MUP employees over 118 offences involving corruption, and 8 criminal complaints against 10 persons over 9 offences involving elements of torture.'<sup>5</sup>

What Božović's statistics did not reveal was the outcome of the criminal complaints filed against the police officers (the public does not know how many indictments were brought on the basis of these criminal complaints), the outcome of the judicial proceedings, if any, against the police officers concerned and, lastly, whether these people are still members of the police force.

Last year will be remembered for the first proceedings instituted against a former general and Belgrade police chief on charges of torture. Major-General Milan Obradović was prosecuted following a criminal complaint by the Organized Crime Suppression Administration (UBPOK) that he was suspected of having tortured a number of members of what is referred to as the 'Maka gang'. The Maka gang is an organized criminal group some of whose members were prosecuted in 2003-04 in connection with the assassination of police General Boško Buha. Aside from the UBPOK criminal complaint, the Inspector General too conducted an investigation in this connection and made a report. Since Obradović was among people trusted by the late Zoran Đinđić and occupied a top position in the police during the Operation Sabre following Đinđić's assassination, a number of politicians and NGOs saw the institution of the proceedings and especially Obradović's detention as an act of retaliation by the present regime for the arrest during the operation of close associates of Vojislav Koštunica, rather than as a genuine desire on the part of the state to deal with the problem of police torture effectively and consistently. 'Everybody owes something to everybody else

<sup>4</sup> *Službeni glasnik Republike Srbije*, No. 85/2005, 29 September 2005.

<sup>5</sup> *Svedok*, 'Istraga o istragama vodi ka konačnom odgovoru: Ko je ubio Čuruviju...', No. 288, 28 November 2005.

there, so Božović is in debt to his mentor Borivoje Borović,' said Čedomir Jovanović. He claimed that the report was the brainchild of Serbian Prime Minister Vojislav Koštunica, former head of the Security Administration of the Army of Serbia and Montenegro Aco Tomić, head of the Security Intelligence Agency (BIA) Rade Bulatović and the justice and interior ministers, Zoran Stojković and Dragan Jočić, with Gradimir Nalić and Vladimir Božović directly working on it.<sup>6</sup> The former minister of internal affairs in the Đinđić government, Dušan Mihajlović, said: 'This is why the reckoning continues with the dead Đinđić and with his "trusted" personnel who, according to Beba Popović, were installed in the MUP by him personally. We're by no means angels, but what the present government is trying to do is worse, revenge is the devil's own work.'<sup>7</sup> On the occasion of Obradović's arrest, the Civic Alliance of Serbia made an announcement including the following accusation: '...the arrest of former chief of the Belgrade police Milan Obradović was a "new strike" against the judiciary, the Special Court and the Special Prosecutor.'<sup>8</sup> The move was also denounced in a joint announcement by a group of NGOs (Helsinki Committee for Human Rights, Lawyers Committee for Human Rights, Women in Black, Belgrade Circle and Centre for Cultural Decontamination) which said: '...the arrest of General Milan Obradović is the work of a "political-criminal" lobby, it is a question of impermissible pressure by the executive power on the prosecutor's office and the court.'<sup>9</sup>

In response of such characterizations of the proceedings by politicians, political parties and NGOs, the District Prosecutor's Office said in an announcement: '...the investigation into the extraction of evidence from members of the "Maka gang" has no political background, and certain media and political allegations constitute obstruction of the investigation. We characterize the media and political manipulation of this particular criminal proceeding as direct obstruction of the investigation and impermissible pressure on the work of judicial organs.'<sup>10</sup>

The undeniable fact is, however, that this is the first case in Serbia's judicial practice of criminal proceedings being instituted against, and of custody being imposed on, a police official in so high a position in connection with alleged torture. Commenting on the practice of sanctioning police brutality in Serbia, attorney Rajko Danilović said: 'I don't recall a police officer being convicted throughout my practice; I have had cases of marathon proceedings dragging on and on and eventually becoming statute-barred.'<sup>11</sup>

<sup>6</sup> *Blic*, 'Jovanović: Neću biti priveden, meni će se suditi na ulici', N.M.J., 24 March 2005.

<sup>7</sup> *Blic*, 'Mihajlović: Nismo bili anđeli, ali ovo je osveta', N.M.J., 24 March 2005.

<sup>8</sup> *Večernje novosti*, 'Novi udar', 25 March 2005.

<sup>9</sup> *Kurir*, 'NVO: "Slučaj Obradović" pritisak na sud', Beta, 26-27 March 2005.

<sup>10</sup> *Kurir*, 'Tužilaštvo: Istraga nema političku pozadinu', Beta, 26-27 March 2005.

<sup>11</sup> *www.vreme.com* 'Uniformisani batinaši', Jovan Dulović, archive, No. 625.

In contrast to the Obradović case, the competent authorities of the Republic of Serbia have not yet established whether the police are or are not responsible for the death of Milan Ristić of Šabac. In view of this the Belgrade District Court has upheld the judgement of the Belgrade First Municipal Court awarding compensation to the late Ristić's parents, for in spite of the 11 May 2001 ruling of the UN Committee Against Torture the State of Serbia has failed to conduct a prompt and impartial investigation into the death of this young man.<sup>12</sup>

At the end of November 2005 the UN Committee Against Torture made two more rulings finding Serbian authorities in breach of Articles 12 and 13 of the Convention Against Torture for failing to carry out prompt and impartial investigations into allegations of police torture of Nikola Nikolić and Danilo Dimitrijević.<sup>13</sup>

The assurances that the prosecution of General Obradović is not an act of revenge and that no politics is involved are hardly tenable, if one takes a close look at the facts presented above. The present Government and competent ministries have not assured us that the Serbian state is ready to deal with police officers inclined to use violence against citizens by promptly and impartially investigating each case where reasonable suspicion exists and by punishing the perpetrators according to the law.

## Registered Cases

One of the most drastic cases of police torture was the beating of Zdravko Trivan in Kikinda on 21 October 2005. About 3 a.m. Trivan, who was under the influence, was stopped by a police patrol outside his house. The patrol consisted of police officer Saša Mijin, aged 22, and his colleague Tatjana Radišić, aged 25. According to one of the eyewitnesses among Trivan's neighbours who watched the incident from their windows, 'A man of medium height in uniform was saying something to our neighbour, who stood mute and still, not making a move. There was the echo of truncheon blows, of a savage beating. It was horrible. The police officer struck Zdravko mostly on the stomach. He fell under the force of the blows, but the man in uniform kept laying on. He would lift him up, then punch him hard in the lower back. During the hour or so this went on he only gave two or three moans of pain. The woman in police uniform stood a few metres away. She did nothing. At one point Zdravko was on his hands and knees. As if following a ritual, the policeman started to beat him methodically from head to feet. He struck him hard on the soles of his feet and the poor man gave a sharp cry of pain. Next

<sup>12</sup> *www.b92.net/info/vesti* 'Porodici Ristić milion dinara', 27 September 2005.

<sup>13</sup> *www.hlc.org.yu/tortura/izvestaji* 24/11/2005/CAT/C/35/D/174/2000 and 16/11/2005/CAT/C/35/D/172/200

thing he lifted Zdravko up, yelled at him to put out his tongue, and continued to beat him. At around half past three the policeman and policewoman dragged Zdravko away towards the nearby fountain. I thought that the torture might hopefully ceased...'<sup>14</sup> Next morning Trivan was found dead on a bench. The duty ambulance service doctor failed to detect visible marks of beating and attributed the death to an overdose of drink. However, a neighbour who had witnessed the incident told the family and it requested a post mortem to establish the cause of death. The post mortem examination attributed the death to liver fracture and internal bleeding, as well as establishing damage to other internal organs.<sup>15</sup> A few days after the incident, the Kikinda police filed a criminal complaint against Saša Mijin and he was detained. His colleague Tatjana Radišić, who had patrolled the town with him that night and looked on, was suspended, as were other police officers on that night shift: Lieutenant Blagoje Vlajkov who was in charge of the night shift, police station deputy commander Junior Lieutenant Dušan Glišin, and Sergeant Vasilij Đumić. These three police officers will have to answer disciplinary charges. Disciplinary proceedings were also instituted against the police station commander, Captain Radovan Kecman, and two police officers, Sergeant Radovan Arađanin and Junior Sergeant Uroš Ivetić.<sup>16</sup>

Soon after the incident media announced that Mijin and Radišić were trainee police officers, meaning they were taken on following only a brief period of training. Although Mijin had been punished for disciplinary offences on ten occasions within a very short time, until he brutally beat up Trivan no superior officer thought it necessary to dismiss him from the force.<sup>17</sup>

At the beginning of 2005 in Belgrade, police picked up eleven young women and men from a birthday party and brought them into the police station on Majke Jevrosime

Street. That night one of the youths, Aleksandar Zlatarov, aged 19, was brutally beaten at the station. Zlatarov's mother said this, based on witness evidence and her son's account: 'At the police station Aleksandar had his teeth broken and suffered numerous bruises and cuts on the head. The policemen handcuffed him, brought him down, kicked and beat him with batons - this for merely objecting to Jovanović's detention as he stood in the company of friends outside the police station.' Another youth, 19-year-old Borko Vujičić, was struck on the head two or three times by a member of an armed response team in the presence of his mother.<sup>18</sup>

<sup>14</sup> *Politika*, 'Batinanje do smrti', Biljana Živković, 24 October 2005.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Politika*, 'Policajci suspendovani, građani revoltirani', Biljana Živković, 28 October 2005.

<sup>17</sup> *Politika*, 'Negira batinanje do smrti', 29 October 2005.

<sup>18</sup> *Glas javnosti*, 'Sina su mi vezali i prebili u policiji', P. Rosić, 5 January 2005.

The Humanitarian Law Centre issued an announcement over yet another case of police torture which occurred in Belgrade on 5 July 2005. Following a complaint by a neighbour of loud music being played in a flat on 3 Fruškogorska Street, three police officers from the Stari Grad police station entered the flat of Aleksandar Petrović. The officers handcuffed and brought him to the floor, striking him all over the body with batons, as well as kicking and punching him. The torture continued in the police vehicle and the station to which he was taken. A man who was with Petrović in the flat, Ivan Marinković, was also brought to the station and beaten on the soles with batons so hard that an emergency medical service had to be called in. Petrović and Marinković were brought in in the early morning hours and released in the afternoon. Before being allowed to go, they were made to sign statements about the incident they had not written themselves or allowed to see. They had to sign the statements on pain of being charged with unspecified criminal offences.<sup>19</sup>

In Kragujevac on 17 September 2005, a police officer from the local police station, Simon Nedović, caused grievous bodily harm to Slobodan Badrljica, a taxi driver. He was on patrol duty when he stopped Badrljica and asked to see his papers, punching him several times as well as striking him with the door of the car in the process. Doctors at the local Clinical Hospital Centre established fractures in a cheekbone and the bottom of an eye socket, as well as a dislocation of the lower jaw. The Municipal Prosecutor's Office ordered an investigation of Nedović on charges of causing grievous bodily harm to Badrljica.<sup>20</sup>

The Helsinki Committee's previous reports stress the problem of passivity of the prosecuting authorities regarding police torture and cite several cases where the Helsinki Committee acted for the injured parties.<sup>21</sup> Practice in this domain has not changed other than in such cruel and extreme cases as the murder of Zdravko Trivan. In this case the incident was not hushed up thanks to the public pressure exerted on the state authorities by many citizens of Kikinda.

## Conclusions and Recommendations

The Helsinki Committee considers that:

- the provisions of the Police Law relating to the work of the Internal Security Sector and the organ's jurisdiction must be amended;

<sup>19</sup> *Blic*, 'Mladići prebijeni u policijskoj stanici', Željka Jevtić, 23 July 2005.

<sup>20</sup> *Blic*, 'Policajac mi je upropastio život', Nebojša Radišić, 5 November 2005.

<sup>21</sup> Helsinki odbor za ljudska prava u Srbiji, 'Ljudska prava i kolektivni identitet', p. 151.

- the Internal Security Sector must have greater independence in its work from the Minister and the Director of Police;
- the system of education of police officers must be fundamentally reformed, placing emphasis on problems of protection of citizens' human rights and on education of police officers about modern lawful methods of evidence collection;
- the education of judges and prosecutors must go on to familiarize them with the practice of the European Court of Human Rights and with judgements establishing breaches of Article 3 (prohibition of torture) of the European Convention on Human Right, as well as with other international conventions dealing with the subject.

## PRISON MONITORING

The new Law on the Enforcement of Criminal Sanctions (ZIKS) entered into force on 1 January 2006.<sup>1</sup> Compared with its predecessor, this Law in many of its segments offers more modern solutions and guarantees aimed at protecting the human rights of the prisoners. The very definition of the purpose of the enforcement of criminal sanctions in this Law is much clearer and more specific compared with the one it supersedes, as well as reflecting contemporary penological thinking. In brief, the purpose of criminal sanctions is to separate perpetrators of criminal offences from the social community in order to both protect the social community and fit these people by means of specific treatment for an independent existence upon their release.

The new Law contains a chapter generally regulating the status of the prisoners. The principles it upholds guarantee respect for the dignity of the prisoners as persons, protection of their fundamental rights in conformity with the Constitution and the rules of international law, prohibition of torture and of any form of discrimination. These basic principles also guarantee judicial protection regarding any individual act relating to prisoners' rights and duties in the course of their incarceration.

The Law provides that special care will be taken, consistent with the publicity of work and the entire sanctions enforcement system, to enable domestic and international organizations and bodies concerned with human rights protection, media outlets and scientists to visit the institutions in which custodial sentences are served.

The Law enumerates the rights of the prisoners and, in this context, lays emphasis on their right to health care, the legislator having decided that the hitherto arrangements had been inadequate. The duties of the prison doctor or rather his obligations towards the prisoners are specified with the object of providing better medical services and assistance. The Law expressly forbids the forced medical treatment and feeding of prisoners and guarantees the right of the prisoner and his relatives to know the information contained in the prisoner's medical record, something that had not been possible before.

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<sup>1</sup> *Službeni glasnik RS*, No. 85/2005, 6 October 2005.

The Law regulates the matter of prisoners' complaints by introducing the obligation of the prison administration director to reply to a complaint within 15 days.

Instead of privileges, the Law introduces special rights which prisoners may acquire during their terms of sentence.

For the first time the Law regulates the procedure for placement of prisoners in heightened surveillance units including the obligation to issue a placement order, the right of appeal, and the maximum duration of such placement. Further, the Law specifies the grounds for applying disciplinary measures against prisoners, defines serious disciplinary offences, and lays down the procedure for the conduct of disciplinary proceedings. It introduces judicial safeguards against disciplinary punishment orders and inaugurates the right of prisoners to engage the services of professionals in disciplinary proceedings.

A book of rules on the work of prisons and institutions is being prepared to give definite form to the foregoing legislative provisions. The new normative arrangements will no doubt be in conformity with the international standards and recommendations of the domestic and international organizations and bodies which have had occasion to study the relevant legislation as well as the practice of the enforcement of institutional sanctions in Serbian prisons.<sup>2</sup>

During the course of 2005 a team of the Helsinki Committee for Human Rights in Serbia visited 15 places in Serbia where persons are serving their custodial sentences. In common with the previous report,<sup>3</sup> we shall here present our basic findings and key problems identified during our visits.

## The Quality and Conditions of Life

### *a) Buildings and grounds, equipment, ventilation and lighting, sanitary conditions, and hygiene*

The institutions visited are architecturally so diverse as to defy a general description. Some of the buildings were erected towards the end of the nineteenth century (Sremska Mitrovica Penal-Correctional Institution - KPZ),

<sup>2</sup> In September 2004, a Committee Against Torture (CAT) team made a tour of places in Serbia where persons deprived of their liberty are held. The CAT report is completed but not yet formally published. At the end of May 2005 teams of the International Helsinki Federation and of several regional Helsinki Committees visited a number of institutions in Serbia housing persons deprived of their liberty. The report was formally presented in Vienna on 24 January 2005 and is available on the website of the International Helsinki Federation, <http://www.ihf-hr.org>.

<sup>3</sup> Helsinški odbor za ljudska prava u Srbiji, 'Ljudska prava i kolektivni identitet', p. 155, chapter 'Zatvori'.

others at the beginning of the twentieth century (Prokuplje District Prison - OZ, Kruševac Juvenile Correction Facility - VPD, and others), and others during the 1980s and 1990s (OZ Novi Sad, KPZ Sombor open unit). On the other hand, some of the institutions were built only last year (OZ Prokuplje open unit and KPZ Čuprija). Given the age and original quite different purpose of some of the facilities, the buildings are more or less inappropriate for modern standards relating to the enforcement of custodial sentences.

With the exception of OZ Leskovac, nearly all the district prisons visited are situated in town centres or in their vicinity close to commercial, municipal or high-rise residential buildings (OZ Užice OZ, OZ Kruševac OZ, Subotica, OZ Novi Pazar, and others), their and prison walls often abutting on each other. This does not make for security and does not allow the inmates sufficient privacy.

As to the open-type penal-correctional institutions, some have their administrative buildings and inmates' quarters inside towns and their open facilities outside (KPZ Čuprija and KPZ Sombor), or are completely outside inhabited places (KPZ Šabac and KPZ Padinska Skela).

VPD Kruševac is situated outside the town.

Because of their location, all the district prisons save OZ Leskovac suffer from inadequate buildings and shortage of space for both inmate accommodation and staff work. For this reason, most of these prisons lack day rooms, special rooms for visits by relatives and lawyers, and sports facilities.

Although untried and sentenced prisoners are not as overcrowded in the smaller institutions as they are in the bigger ones, this was still a problem in eight of the 14 institutions we visited last year. In three of the eight the impression of overcrowding is augmented by the large number of unused beds crammed into the rooms. However, the extent of overcrowding is hard to judge because there is still no data on real institution capacity according to international and ZIKS standards.

Owing to the age of the buildings and poor and irregular maintenance, most institutions suffer from plumbing problems and dampness is in evidence on the dilapidated, mostly brick walls.

The sleeping quarters are poorly equipped, mostly with a bed for each prisoner, a shared table, a couple or chairs or benches, and small lockers for personal items but often not for all.

For these reasons, hygiene is difficult to maintain properly. All the same, nearly all the institutions are making visible efforts to keep hygiene standards as high as possible through regular painting of walls, cleaning, change of bedding every two weeks and frequent small repairs and adaptations.

In nearly half the institutions visited inmates find it difficult to maintain personal hygiene owing to the poor state of repair of the sanitary

rooms and appliances. Also, a bath more than once a week is considered a privilege in some institutions.

In all the institutions visited except KPZ Čuprija untried and sentenced prisoners wear their own shoes and clothes, but prisoners who work are issued work clothes. As pointed out in the previous report, the inmates must provide their own means of maintaining personal hygiene (soap, shampoo, washing powder). Inmates must also wash their own clothes and these are often seen hung about the rooms because of lack of proper drying facilities.

*b) The kitchen, mess-hall and food*

Though the facilities and conditions in which food is stored, prepared and served vary from one institution to another, the level of hygiene is generally low to medium. This is due mostly to the age of the buildings, the inadequate location of kitchens (mostly in basements) and years of neglect.

In the majority of institutions food is prepared by professional cooks assisted by inmates. In all the institutions visited the kitchen staff undergo regular sanitary checks and the assistants are accommodated separately.

The quality of food varies from one institution to another but is generally bad. As pointed out in our previous report, the quality of food is better in institutions in Vojvodina.

The food is unappetizing, there is little or no milk and milk products, and no fruit whatever (other than occasionally during season).

In some institutions we noticed the impermissible practice of serving the same dish for lunch and dinner.

Generally, a special diet is available for individual inmates subject to the doctor's prescription, but this tends to be restricted to the elimination of fat, salt and spices during cooking.

In some institutions care is taken of the special food requirements of inmates of Islamic faith, whereas in others they are left to their own devices if they cannot eat the food prepared for the rest.

There are prison canteens in three institutions (KPZ Šabac, KPZ Padinska Skela KPZ and VPD Kruševac). In others, inmates make up their orders and the goods are bought once or twice a week in the local shops.

*c) The medical care of prisoners*

The organization of the health care services in prisons is a very important and delicate segment of prison life. In our system of the enforcement of criminal sanctions the existing health care model is its weakest point, being both inadequate and incompatible with minimum European standards.

We shall therefore first discuss the necessary parameters indicating the organizational arrangements the fulfilment of which constitutes the bare essentials for the functioning of a health care service.

In all the institutions we visited there is a minimum of medical care mostly provided by part-time doctors, KPZ Padinska Skela and VDP Kruševac alone having full-time medical practitioners. Having had no training in specific features of prison pathology, the part-time doctors provide services according to their individual ability and interest in their work.

Four of the nine district prisons and three of the four penal-correctional institutions visited had a paramedic (44 per cent and 75 per cent respectively); in KPZ Sombor this vacancy is temporary and we hope that very soon there will be a full complement of paramedics as far as the penal-correctional institutions are concerned. In this connection, we noted that the institutions employing paramedics are better rated in other respects too because their paramedics run the dispensaries, dispense drugs, and open inmates' medical record cards. The paramedics are also in charge of most drug therapy administration within the institution; such arrangements not only make for considerable savings but also simplify organization because fewer inmates have to be taken to the local health or hospital centre.

Some institutions (e.g. OZ Kruševac, OZ Subotica, KPZ Čuprija and KPZ Padinska Skela) employ paramedics also to keep accurate records of the health services rendered; this practice is praiseworthy and should further be improved by keeping track of any injuries and marks of violence. Unfortunately none of the institutions visited keeps such records although they would be invaluable in assessing the state of affairs in an institution and, especially, in preventing abuse and torture by both inmates and prison guards. This is why this matter requires immediate attention. Also, such records should be regularly presented, say once a month, at team meetings and/or submitted to the prison administration.

An out-patient clinic as a separate room exists in three out of nine district prisons and in all the penal-correctional institutions, making for better medical services and for safer keeping of drugs in more adequate conditions. Since the out-patient clinics in all these institutions are equipped with the bare necessities, even modest investments could go a long way towards improving the quality of their services.

Regrettably, privacy of examination out of the hearing and sight of other inmates and prison staff is not ensured even in out-patient clinics operating in separate rooms: the presence of guards during examinations was noticed in most institutions visited and we believe that this is so in those which gave us assurances to the contrary. Confidentiality of medical examination is vital for the development of inmates' trust in the medical staff; if inmates trust their doctors they will be more likely to complain of any violent behaviour and related injuries, in which case the doctor will have to note the injuries and



report them in general terms to the competent authorities. Information on specific cases should only be disclosed with the consent of the inmate concerned. The same policy should be pursued after any violent incident inside the prison and regarding any case of use of force. One must bear in mind that the prison doctor is an inmate's personal doctor and is bound by the rules of confidentiality.

Medical record cards are opened in 75 per cent of the institutions surveyed, but they do not necessarily accompany inmates upon their transfer to ensure continuation of treatment.

The first medical examination is very important for the future health care of inmates; but although they are formally examined for the first time upon admission to most institutions, these examinations are extremely perfunctory. Anamnestic history alone is almost the rule although a detailed examination is also necessary. Any marks of violence must be carefully recorded and accompanied by the inmate's relevant statements and the doctor's conclusions; also, the inmate must have access to this information but this is not always the case. The fact that any information about communicable diseases (AIDS/HIV+, hepatitis, B/C, TBC, etc.) or addiction to psychoactive substances and other psychiatric problems is obtained from patients and not on the basis of thorough laboratory tests or other means is a serious shortcoming. In this respect, the strategy should be modified on the level of all institutions.

Special mention must be made to the increasing number among inmates of addicts to psychoactive substances; there are no material conditions whatever for their treatment and no consolidated treatment programmes or, rather, no programmes at all.

The law is not respected in a high percentage of cases regarding daily examination of inmates in solitary confinement, and we had reason to suspect that the assurances we were given to the contrary were not completely true. This problem can easily be solved if the full-time paramedics are included in this activity.

Since most institutions visited have no infirmary, it is necessary to set aside a room and equip it to facilitate the separation of healthy and sick inmates, especially during respiratory infections and other highly communicable diseases.

The requirement that health care should include prevention is fully neglected in our penal institutions. None of the institutions visited had staff trained to recognize suicidal behaviour and only a few educated their staff and inmates about communicable and addictive diseases.

Institution staff were not trained either to recognize HIV and hepatitis C sufferers, and especially not to discriminate against them. The duties of the health workers include food and hygiene control and this is formally done in all the institutions, the staff concerned having to sign the book of records; but

we noticed no quality control regarding nutrition and inmates' conditions of life and work in any institution.

Another important matter concerns the organization of psychiatric care, which is highly necessary in these institutions. The arrangements vary from one institution to another, mostly depending on the attitude of the doctor concerned. With regard to psychiatric care it will be necessary to work out a strategy at the institutional level as a whole and to provide guidelines for advanced work, as well as to include psychotherapeutic activities and work therapy, something no member on the staff of the institutions visited was trained to do.

## Security

The district prisons, which accommodate mostly untried prisoners but also some prisoners serving their custodial sentences, have security arrangements which give them the appearance of closed establishments, whereas the open-type penal-correctional institutions have no barriers to prevent escape. All the same, except for KPZ Padinska Skela, those classed as open establishments also have their closed units which are used to keep untried prisoners and such sentenced prisoners as, in the opinion of the administration, require semi-open or closed-type treatment. The security arrangements regarding these closed units are such as to give them the look of closed establishments.

A great many district prisons as well as the closed units of KPZ Sombor and KPZ Čuprija are located in town centres. From the point of view of internal and external security, such location of district prisons is a considerable drawback. As a case in point, in OZ Novi Pazar, OZ Kruševac, OZ Subotica and OZ Užice the windows of neighbouring buildings have a clear view of the exercise yards. Prisoners from two of these (OZ Užice and OZ Subotica) have made escapes thanks to the proximity of the surrounding buildings.

As noted before, some of the buildings have been converted into prisons following alteration and adaptation. The closed unit of KPZ Sombor was a convent, the OZ Novi Pazar building served as a courthouse, and the close units of OZ Kruševac and KPZ Čuprija were built to serve as horse-stables. As a result of poor adaptation and security arrangements, a group of prisoners escaped from KPZ Sombor a few years ago through a hole in the prison building wall.

In our first report we stressed that the overcrowding of prisons and other establishments was a security risk. We noticed this problem in the establishments visited last year, especially in KPZ Čuprija (closed unit), KPZ Čačak, and OZ Prokuplje.

Also, nearly all the institutions we visited had a shortage of security staff, inadequate car pools, obsolete equipment and arms and antiquated video surveillance equipment or none at all.

In our opinion, in some institutions certain arrangements or administrative decisions either jeopardized security or were excessive. For instance, at OZ Subotica the problem of heating the pavilions was also a security risk. In KPZ Padinska Skela, the guard in the prison grounds outside the pavilions carried firearms, while the exercise yard in Negotin prison is fenced in with barbed wire in a manner likely to cause injuries to the untried prisoners or let them inflict self-injuries. The exercise yard in the KPZ Čuprija closed unit is not only walled in with barbed wire running along the top, but also has a wire structure serving as a roof over the entire area. In OZ Novi Pazar, the administration entrusted a prisoner with the keys to the gate separating the prisoners' quarters and the administrative area.

In our opinion a rigid attitude on the part of security staff towards inmates and insistence on a strict discipline even in cases where this is inappropriate and unprovoked do not make for better security. Although such practices are more characteristic of closed establishments, we noticed them also in KPZ Čuprija and OZ Pančevo. We hold that such practices do not contribute to the establishment of necessary mutual trust, nor are they conducive to a good climate between guards and prisoners.

## Legality of Prison Regime

This dimension is fundamentally determined by the new ZIKS, which entered into force on 1 January 2006. It supersedes the ZIKS from 1997 and a great many by-laws some of which date back to 1977 and 1978 and are naturally at great variance with relevant modern standards.

The negative effects of the outdated provisions of the existing ZIKS and by-laws are made worse by failure to respect them and to apply them consistently in day-to-day practice.

Although the law makes clear that untried and sentenced prisoners must be made familiar with the house rules on their admission, this is done only very perfunctorily and we often heard accounts of inmates saying they learned the house rules from others. Many institutions do not display the house rules at all or display only certain provisions, mostly inmates' duties; the original is either kept by a training officer or the director, or is said to be 'kicking around'. Copies of the ZIKS are about as much in evidence, and we saw no copies anywhere of the European Prison Rules or CAT Standards.

In the majority of institutions visited, neither external nor internal classification had been carried out according to law. It has become established practice to send to open establishments or district prisons prisoners who have less than a year to serve irrespective of the length of their sentences. These are

mostly inmates whose good behaviour has earned them such treatment, but there are among them others who do not qualify. This practice started in institutions about to be renovated, but also reflects efforts to deal with overcrowding where it has become a pressing issue. Whatever the reasons, the reassignments give rise to at least three kinds of problems.

First, inmates who are reassigned to another prison or open-type establishment often have to start all over again regardless of the type of their previous placement, which in most cases was an open-type unit. Their new place of detention is usually a closed-type unit and they resent the fact that their will have again to earn a more favourable treatment.

Second, newly arrived prisoners (mostly from KPZ Sremska Mitrovica and KPZ Niš) tend to impose themselves and show the others that they are the ones calling the shots, thus provoking the 'hosts' and possibly causing incidents and clashes.

Third, security staff as well as other services in open establishments and district prisons are not trained enough to deal with prisoners serving long sentences for serious criminal offences. Occasionally these people also have difficulty fitting into a much more liberal environment than the one from which they come.

The problem of inadequate classification is all the more significant and serious in view of the fact that in more than half the institutions visited inmates serving sentences for misdemeanour are not properly separated from other prisoners or not at all.

The indeterminate legal status of persons serving sentences while being subject to other criminal proceedings gives rise to considerable practical difficulties and great resentment among inmates. Such persons are mostly kept in enhanced surveillance units (where they exist) or in closed units. Although they are formally not under detention because there is no reason for that, the regime to which they are subject is very similar to detention, which is incomparably harder than any other category of prison treatment.

We would also like to draw special attention to the problems prisoners and institutions have with courts of law regarding conditional release. Members of staff say it often happens that their recommendations for conditional release are turned down by the courts, such decision discouraging both inmates and staff.

Consequently, in respect to prisoners whose conditional release applications have been turned down by the courts, most directors are increasingly reluctant to approve early release and some not at all.

As a result, on the one hand, the loss of confidence on the part of prisoners in staff, directors and courts weakens their motivation to be well behaved while serving their sentences; on the other, they are effectively deprived of their lawful right to sentence remission through institutes such as conditional and early release.

Lastly, we can reiterate our conclusion from our previous report that the theory and practice of dealing with inmates' complaints and applications remains deplorable and incompatible with adopted standards.

Although our data show only a small number of inmates' complaints and applications regarding disciplinary punishment, benefits and violations of rights, our inference is that inmates see no point in bothering to write complaints and applications because they believe that the system does not work and all is in vain.

## Social Rehabilitation

We wish to recall that the main point of incarceration as a punitive measure is to indispose the prisoner towards committing criminal offences in future. Although this means that the course and type of treatment during incarceration ought to fit the personality of the prisoner and be modified according as he is successful or unsuccessful on his road to resocialization, the practice of the institutions visited is quite the contrary. Lack of space and shortage of competent staff and lack of material resources in these institutions indicate that they are either not engaged in resocialization or only partially.

In the majority of the institutions, architecture, accommodation capacity, considerations whether an inmate arrived under escort or on his own, etc, carry far more weight in assigning the inmate to a unit and prescribing treatment (classification, reclassification) than the inmate's personality, behaviour and conduct.

Inmates convicted of misdemeanour and criminal offences are often not physically separated, and those serving long sentences (recidivists and committers of serious crimes) are increasingly, for various reasons, assigned to open and semi-open establishments where regimes are not suited to dealing with such prisoners.

Most institutions face serious problems of having to deal with more and more inmates addicted to psychoactive substances in the absence of adequately trained staff.

District prisons have either incomplete reception teams or none at all. The classification and reclassification of inmates is often the responsibility of the director or one or rarely two training officers who have to deal with the complete reception procedure, re-education, preparation prior to release, and aftercare. These officers are often in charge of the personal records, which consumes more of their energy and time at the expense of improved reformatory training work. As a result, inmates see and talk with their training officers only very rarely, their contacts in this kind of prison being reduced to submitting applications for various benefits. In the absence of proper resocialization work, inmates have far more frequent contacts with, and deal with their problems through, security staff. This practice gives rise to

corruption, privileged inmates, and classification and reclassification based on informal criteria.

The situation in the penal-correctional institutions regarding the number and competence of staff in charge of re-education is somewhat better. However, the main problem in these institutions is the lack of adequate programmes and activities coupled with inertia and listlessness on the part of the staff.

The activities offered the inmates should be varied and stimulating (education, library, sport, vocational work, etc.). Leisure time which is not organized properly and constructively leaves too much room for idleness and falling under the negative influence of certain inmates.

We wish to point out the lack of physical recreation of any kind. Relevant international standards specify that inmates must without exception be allowed to spend at least one hour a day in the open, as well as being entitled to adequate physical activity and recreation.

In most institutions one notices that inmates in closed units and those subject to open treatment (work on farms) have unequal opportunity for resocialization in nearly all its segments. In other words, inmates in closed units are denied almost all their rights in this respect because there is hardly any activity for them outside their rooms.

None of the institutions visited had a school although the law provides that inmates are entitled to elementary and secondary education. The absence of schools is attributed to lack of space and money and interest on the part of inmates. However, there is a crying need for at least literacy classes, given that a large part of the prison population has not finished even primary school.

It should be noted that schooling is compulsory at VPD Kruševac owing to the age of its population.

Important new developments in the schooling of juveniles concern improved premises and content, that is, activities aimed at encouraging juveniles to attend school in greater numbers (e.g., investment in and shift towards creative teaching methods, benefits linked to top marks, etc.). The facility currently provides elementary education but has plans for in-house secondary schooling in future.

The number of juveniles with special needs is still large, though there are still no school programmes tailored to these needs. Admittedly, there is a will to use alternative solutions (in the absence of a special institution provided by law). Some classes provide separate instruction for such juveniles with somewhat modified curricula, attitudes and grading. The institution is planning to employ a specialist in oligophrenics to work with these children.

In the prisons and penal-correctional institutions nearly all re-education work takes the form of individual work, the staff identifying obstacles to group work and other methods in a number of objective

difficulties (space, inmate structure, inadequate staff training). We were however encouraged to see that in most institutions staff were interested in new methods of work and education.

Since our previous visit VPD Kruševac has opened, at the end of 2003, a Mediation Centre. Although at present conflict mediation is a pilot project, we are confident that the very initiative is a very important and commendable first step in innovating re-education work methods.

In most institutions libraries or rather their stocks are old and inappropriate to contemporary interests, consisting mostly of classics and works written during the socialist period. A number of institutions have no library.

Work arrangements and vocational training of inmates as important components of resocialization are unsatisfactory in most institutions. Even where possible, no account is taken of the personal wishes and affinities of inmates, who are assigned such work as the institution needs done. A very few institutions have manufacturing workshops and programmes.

Other than in maintenance work, most inmates are employed in farming. The farms, doing only seasonal agricultural work, are often without modern mechanization and equipment. They do not offer proper opportunity for vocational training and no one likes working there. Where possible, inmates are employed outside the institution though this work is entirely physical and demands no skill.

Our general impression is that rather than being re-educated through work, inmates are used as cheap labour in poor working conditions without industrial safety measures to speak of. The exception is the juvenile correction facility which offers its inmates a wider range of occupations, though not attractive enough for its female population.

Most institutions have no space for religious service. Although most population of these institutions can exercise this right during frequent outings, this is not possible for untried prisoners and those kept in closed units.

## Contacts With the Outside World

The inmates communicate with the outside world mostly by telephone and less often by letter. The number of institutions having no pay telephones is negligible but they all have plans to install them soon.

Since treatment in closed units implies limited exercise of this right, telephone calls are made under the supervision of an officer. The length of calls varies from one institution to another, depending on the number of telephones and inmates.

The right to correspond is unrestricted though in most institutions letters of closed unit inmates are checked by retraining officers.

The procedure regarding visits, outings, contracts with attorneys and other contacts with the outside world is according to the law, i.e., determined by the treatment and regime in question. Inmates in some institutions complained to us that visits were shorter than they should be, to which management replied that visits were many and space limited.

The rooms set aside for visits by relatives and attorneys were inadequate regarding space, furniture and, often, heating. A room often serves several purposes and inmates not infrequently receive visitors in corridors or in the open.

Of the district prisons visited, that in Leskovac alone had separate rooms for visits by spouses and children, and the penal-correctional institutions were equally ill-equipped in this regard.

Television and radio are the most numerous means by which sentenced prisoners, and in some institutions untried prisoners too, receive their general information. Every institution has at least one TV set, and inmates are increasingly allowed to bring in their own sets.

Inmates are entitled to subscribe to daily newspapers and periodicals not supplied by the institution.

The cooperation with the local community leaves much to be desired. Contacts with local cultural establishments, social work centres and other relevant institutions are reduced to occasional purely personal contacts, so there is no established and continuous cooperation with them.

Though cooperation with the local community should exist also for the purpose of post-penal treatment, this unfortunately is still a dead letter as far as our system is concerned.

Preparations prior to release are reduced to a final interview with the inmate and sometimes with his family, and to notifying the police in the inmate's place of residence.

## Institutional Personnel

Finding staff, let alone qualified ones, to work in prisons is one of the administrations' main problems.

District prisons for the most part have no organized re-education, training and employment services because this is not envisaged in the job systematization act. On the other hand, in some institutions this work is done by staff not qualified according to the law or job systematization act, meaning that these highly sensitive and responsible duties are entrusted to people not fully qualified for the job.

On the whole, the re-education, training and employment services are better organized and staffed in the penal-correctional institutions visited, but these too are understaffed and lack mostly psychologists.

Members of these services often see themselves as auxiliary staff reduced to dealing with inmates' applications, rather than as members of services designed to play a leading role in the treatment of inmates from the time they enter the institution until the moment they leave it.

The state of affairs is even worse regarding staff of the training and employment services, which do not exist in all institutions. They are expected to oversee the work of inmates with a view to ensuring profit for the institution, rather than train them and thus fit them for life in freedom.

Our general impression was that the resocialization and treatment of inmates is pushed to the background, which accounts for and increases the lack of motivation of these people in their everyday work.

Also, very few members of the staff are in a position to keep abreast of modern trends or are interested at all in further training and the application of new knowledge in penology. The main responsibility for this state of affairs is borne by the competent members of the administration: the conduct of organized education and vocational training of staff ought to be their responsibility and duty, rather than depending on the enthusiasm and ambition of individual staff members.

There is still no organized education and vocational training of staff. Seminars are held occasionally to deal with specific topics, which is commendable, but is far from enough.

Lack of information and inadequate training of members of the security services is pronounced in particular and is especially disturbing given the service's central role.

There was hardly an institution in which we noticed that security staff keep abreast of, or are versed in, modern penological developments, methods of work and standards of conduct and treatment of inmates, though this is what membership of the Council of Europe implies. Although most security staff underwent basic training organized by the OSCE a couple of years ago, their ignorance of or disrespect for inmates' fundamental rights is still conspicuous. Save for individuals, members of the security service do not show any interest in personal improvement, nor do their superiors perceive any such need. However, most consider skills acquired during weapon drill and martial arts necessary in their everyday work.

We hope that the recent establishment of the Staff Education Centre in Niš, operating as part of the Administration for the Enforcement of Criminal Sanctions, will help improve the training of staff in every skill necessary for the proper and successful operation of the prison services.

In the end, we would like to point out that proper and conscientious work of prison services depends largely on adequate funding and other support. Unfortunately, for quite some time staff have not been paid in proportion to the high demands of their work, nor have there been any

incentives for employees standing out by virtue of their enterprise, dedication and skills.

## Recommendations

- Continue to realize the strategies for reforming the prison system with the participation of experts from the Ministry of Justice, international organizations engaged in human rights protection, and other relevant professional organizations and individuals;
- Train prison staff with a view to better and more effective implementation of the new ZIKS and of the rules regulating work and life in these institutions;
- Plan improvement of material conditions in prisons and set aside funds for this purpose.

**III**

**ECONOMIC AND  
SOCIAL TRANSITION**

## CONTRADICTIONARY ECONOMIC TRENDS: THE IMPOSED REFORMS AND INFLATIONARY SPIRAL

Serbia entered the last year, 2005, with an extremely significant reform move on an economic plane – it introduced the value-added tax (VAT). This move, which was postponed several times, revealed the weaknesses of the unfinished process of restructuring the economic system and started the new cycle of increased inflation. Namely, the initial inflationary shock, which is always caused by the introduction of VAT into the countries in transition, resulted in the strengthening of inflationary expectations throughout the year. This was all the more so, because the increasing state budget became the main instrument of "alleviating" transitional problems, so that there was almost no reaction to inflation by fiscal policy measures, while monetary restrictions proved to be almost counterproductive in this case.

In fact, the persistent inflation rate which, according to the official estimates, reached about 16.5 per cent at the end of 2005<sup>1</sup> (although single-digit inflation was planned), reflects the unfinished process of transition and exposes certain "hypocrisy" on the part of the leading people in the Serbian Government, emphasizing that they are able to reconcile the old concepts of the state of social justice and sustainable development with the need for macroeconomic equilibrium during the transition process. Since inflation is actually the poorly disguised form of the broadest taxation of the population (as was also proved in the Serbian case by the well-known analyst Vladimir Gligorov), its high rate problematized the allegedly crucial success of the Serbian economic policy makers in 2005 – a budget surplus. At the same time, it undermined all other, seemingly good economic results of Koštunica's Government.

The inflationary shocks came at a very inconvenient time for the Serbian Government, in the year in which it had to finalize its arrangement worth nearly one billion dollars with the International Monetary Fund, which started three years ago. The positive assessment of this arrangement means not

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<sup>1</sup> Most other analytical institutions estimate the inflation rate in 2005 at about 17.5 per cent or about 18 per cent.

only the write-off of nearly 700 million dollars from the write-off package, which was already agreed with the Paris Club creditors, but also the positive assessment of the Feasibility Study for Serbia's accession to the European Union, thus opening the negotiations on stabilization and association with the EU. Since the origin of every inflation should be sought, in essence, in public consumption, the year 2005 passed in a tug-of-war between the Serbian Government and the IMF relating to the continuation of those reforms which should consolidate, that is, cut public consumption (through more radical pension, army and health reforms, in particular) and initiate the restructuring of the real public sector (this is why there was so much manoeuvring concerning the beginning of the privatization of the Serbian Oil Industry - NIS).

Squeezed by political pressure and inertial inflation for all these reasons, the Serbian Government submitted to the IMF's requirements and, almost under compulsion, continued the reforms in 2005, which enabled it to make the first step towards European integration - the beginning of the negotiations on stabilization and association with the EU (early in October). Although it was made possible in such a way, the beginning of these negotiations carries great political weight and represents the significant obligation for the Serbian Government, since the suspension of the negotiations (due to a standstill in cooperation with the Hague War Crimes Tribunal, for example) would face the country with the new political crossroads and longer-term risks (this is still threatening Serbia).

If we return to the purely economic results in 2005, it must be noted that this essential contradiction between a high current inflation rate, as the synthetic indicator of the Serbian Government's (un)successful economic policy, on one side, and all other, mostly good economic indicators for 2005, on the other, leaves the debate about the ability of Koštunica's coalition government to complete the first phase of transition - whether voluntarily or under compulsion - open.

Namely, the officially estimated rate of growth of GDP of 6.5 per cent in 2005<sup>2</sup> is beyond all expectations and surprised all critics, who held that the exhaustion of industrial production and a fall in agricultural output would affect the planned growth rate of 4.5 per cent. Namely, during 11 months in 2005, industrial output rose by only 0.6 per cent (the final increase rate will reach "break-even point" thanks to power generation in December), while agricultural output fell by 5.3 per cent.

<sup>2</sup> This official estimate of the Republican Bureau of Statistics of Serbia is also disputed, since it is estimated that an increase in GDP will be somewhat lower. See the monthly *Makroekonomske analize i trendovi* published by the Economics Institute in Belgrade.

Consequently, the greatest contribution to the growth of GDP was made by the financial sector (the expansion of credit by 14.6 per cent) and retail trade (the increase of 22.5 per cent). According to Finance Minister Mladjan Dinkić, the high growth of GDP brought about an increase in per capita GDP to 3,183 dollars. An increase in GDP reduced the share of public expenditures in it from 44 per cent in 2004 to 40.8 per cent in 2005, as well as the share of public debt from about 72 per cent in 2003 to 48.6 per cent in 2005.

To this list of favourable results Minister Dinkić adds the already mentioned budget surplus - which was recorded in Serbia for the first time after many decades. According to the available data, the budget deficit in 2005 amounted to 26.8 billion dinars, or about 330 million euros. In 2005, according to the Serbian Ministry of Finance, 418.4 billion dinars flowed into the state treasury and 391.6 billion dinars were spent. The planned tax revenues were realized 99.3 per cent, while the planned public consumption was cut by 9 billion dinars. When the budgetary expenditures are compared with the estimated GDP, it turns out that their share was reduced by 2.7 per cent and that of the revenues by 1.4 per cent. Thus, it can be concluded that public consumption was reduced in relative terms.

Such favourable trends in the collection of government revenues were enabled, first of all, by the introduction of VAT, which increased the revenues from the earlier sales tax by even 38 per cent. A great contribution was also made by an increase in the revenues from tobacco excise taxes (excise taxes on the import of crude oil were lowered so as to offset an increase in the crude oil prices on the world market). Here mention should also be made of an increase in the revenues from the (less significant) profit tax, i.e. they increased by even 49 per cent. It should be noted, however, that the total profit generated by enterprises in Serbia is only 1.25 billion euros, which is a very small amount for the country of this size.

It seems that the record inflow of annual foreign investment to the amount of 1.5 billion euros also had an influence on a high rate of growth in general, in addition to the significant privatization revenues of 42.2 billion dinars (about 390 million euros). According to a statement by Minister for International Economic Relations Milan Parivodić (on 30 December 2005), this is also due to the credit given to the Serbian Government for its current policy by some of the leading international economic institutions. In 2005, Serbia and Montenegro was the first on the World Bank's list of 155 countries ranked according to the progress made in regulatory reforms. In addition, Serbia and Montenegro was ranked among the first 27 countries on the list of the European Bank for Reconstruction and Development for its reform moves. Such a high "reform rating" is not only the result of the mentioned introduction of VAT, but also of the adoption of a set of long-awaited reform laws, such as: the bankruptcy law, foreign trade law, mortgage law, etc. (regardless of the fact that, practically, they have not yet been implemented).



In 2005, apart from a relatively high increase in economic activity in general, exports were also extremely dynamized, i.e. they increased by about 17.5 per cent in real terms. At the same time, there was a slowdown in imports in relative terms. Namely, imports were reduced in real terms, since their increase was only about 5 per cent in nominal terms (the dollar appreciated relative to the dinar by about 20.8 per cent). According to the available data for 11 months in 2005, exports amounted to 4.09 billion dollars (they increased by 31.1 per cent in nominal terms), while visible imports amounted to 9.5 billion dollars (they increased by 4.7 per cent in nominal terms). According to these data, total foreign trade for 11 months in 2005 amounted to 13.6 billion dollars (it increased by 11.4 per cent), but the trade deficit of 5.4 billion dollars was significantly lower. Consequently, the trade deficit was reduced by 9 per cent, which will certainly cut the current account deficit – and that was one of the Fund's main requirements vis-à-vis Serbia in 2005. Namely, since Minister Dinkić estimates that the 2005 exports and imports will be valued at about 4.5 billion dollars and slightly over 11.5 billion dollars respectively, he forecasts that the share of the balance of payments deficit will decline from about 15 per cent to less than 10 per cent of Serbia's GDP. Such a cut was explicitly requested by the IMF Mission.

In 2005, foreign exchange reserves also increased to a significant extent. Altogether, they increased by over 1.5 billion dollars, thus amounting to 5.7 billion dollars. Out of this amount about 5 billion dollars are held with the National Bank of Serbia, thus triply covering the dinar supply. The Central Bank took advantage of these trends, which are the result of a large foreign currency flow into the country through donations, investments and remittances, for the slowed-down floating devaluation of the dinar relative to the euro by about 10.3 per cent and relative to the US dollar by about 20.8 per cent.

Consequently, the year 2005 began with contradictory trends. From a technical viewpoint, the Ministry of Finance successfully changed the mechanism of collecting the most important indirect tax (sales tax) and stabilized the VAT collection system relatively fast. On the other hand, however, there was an unexpectedly high inflationary shock at the beginning of the year, since the current inflation rate in the first two months rose to 4.2 per cent, which immediately pointed to the danger that it might reach the unplanned two-digit figure at the annual level. This danger was all the more greater, because this shock came even before the Serbian Government adjusted the price parities for oil products and electric power due to the record increases in crude oil prices on the world market toward the end of 2004, so that it could be immediately noticed that the projected level of consumption for 2005 was too high.

The problem was further aggravated by the fact that the inflation rate tied the hands of the National Bank of Serbia in its attempt to cut the almost

intolerable trade deficit – which was the main reason for Serbia's high current account deficit for a few years – through the policy of the exchange rate of the dinar as well. According to Professor Pavle Petrović, this balance of payments deficit was between 11 per cent and 13 per cent of Serbia's GDP for a longer period, thus being twice as high as the critical level according to economic theory. Therefore, the NBS was immediately forced to direct its efforts to an antiinflationary policy and give up some forms of support to the expansion of exports through the real depreciation of the exchange rate of the dinar (as opposed to the continuous appreciation of the dinar during the previous three and a half years, thus discouraging exporters in some way). However, it is questionable as to whether the monetary restrictions and obsessive fight against consumption (increasing supply) had any effect on the inflationary pressures, considering their partial efficiency and the mechanism of shifting interest costs which was triggered.

In essence, those measures could not remedy the situation that during the past few years the level of consumption in Serbia exceeded output by about 25 per cent and that this fact, in addition to the accelerated current spending of foreign currency privatization revenues for budgetary purposes, represents one of the main generators of current inflation. When in such a relationship between monetary and fiscal policies (i.e. monetary restrictions, on one side, and the large appropriation of tax revenues, on the other), the collection of taxes was improved (by means of the VAT mechanism) and when the government demonstrated its ambition to increase budgetary expenditures in real terms (since the tax revenues increased by 20 million euros in the first quarter already, as opposed to the same period in the previous year), the economy responded by increasing retail prices so as to cover the increasing costs associated with public consumption. In such a situation it is logical that the tensions between the Serbian Ministry of Finance and National Bank of Serbia came to the surface, whereby both sides accused each other of "failing to take any action against inflationary expectations". Naturally, this debate was immediately projected on Serbia's attitude towards the IMF.

As early as February 2005, after an analysis of the current macroeconomic trends, the IMF Mission left Belgrade, leaving behind considerable comments about the Serbian Government's macroeconomic policy and without promising that it would unconditionally propose the release of the penultimate tranche of the loan for the recovery of foreign exchange reserves to the amount of 190 million dollars, under the three-year arrangement worth 994 million dollars. In such a situation, Serbian Vice-Premier Miroljub Labus stated that the time-limit for closing the balance with the IMF (May 2005), under the above mentioned agreement, would be extended for three months. Thereafter, the extension of the time-limit until the end of 2005 was requested. Finally, the time-limit for meeting all requirements of the IMF was set for February 2006.

The crux of the problem lied in the fact that the Serbian Government held that all hitherto reforms could come to nothing for political reasons should Serbia plunge again into recession. Most ministers still hold that only the state can encourage economic activity. Therefore, it needs significant tax revenues and must have the right to run into a higher budget deficit. Vice-Premier Miroljub Labus emphasized on several occasions that the Government needed higher tax revenues, above all, to support agricultural exports and the employment programmes for those who will lose their jobs in the process of restructuring the public sector. However, this idea was not accepted in Washington. This could be clearly shown by the fact that, during the Spring Meeting of the IMF and the World Bank, the Serbian delegation was requested to revise the already adopted Serbian budget for 2005. In fact, when the IMF Mission returned to Belgrade late in April, the retail prices already increased by nearly 7 per cent (as opposed to the planned inflation rate of 9.6 per cent for the whole year), so that principled discussions were out of question. In other words, at the end of May, the Republican Bureau of Statistics disclosed that the retail prices in that month rose by 1.1 per cent relative to the April level. Accordingly, the prices increased by 7.1 per cent in the first five months already – which meant that the average monthly price increase should not exceed 0.4 per cent until the end of 2005 so as to keep all other economic policy parameters within the planned limits. Naturally, this did not happen.

In its April negotiations with the IMF in Washington, the Serbian delegation did not achieve any of its aims. Thus, it was decided to cooperate with the IMF instead of confronting it. So, the Serbian Government assumed the obligation to revise its decisions on the macroeconomic policy for 2005, which were brought at the end of the previous year without the IMF's consent. In fact, Vice Premier Labus and Minister Dinkić were forced to depart from their requests, since the mentioned write-off of about 700 dollars owed to the Paris Club (with which it was agreed, not by accident, that the debt would be written off according to the formula "51 per cent right away and 15 per cent after the IMF's approval") depended on the positive assessment of Belgrade's economic policy during the realization of its three-year arrangement with the IMF.

Why did the IMF take such a firm stand against Serbia? It probably concluded that the Serbian Government should be pushed to accelerate the reforms and privatization or, in other words, that it should be faced without delay with the real extent of Serbia's backwardness and underdevelopment, thus dispelling the illusions that it would be possible to restore the values of the "old regime" and deflating the hopes of the old nationalist forces that Serbia could remain "something special" in the new constellation of powers in the region.

However, when we return to the purely economic issues, it becomes clear that after "giving up the fight" in Washington, Koštunica's Government

had only two options: to continue the painstaking restructuring and privatization of the public sector (the sale of the remaining banks and the privatization of the energy sector and large industries) and the restructuring of the state budget (including pension and health reforms and cutting down defence spending), coupled with monetary restrictions, or to postpone solving the problem by a large devaluation of the dinar and then to fight with difficulty once again against the inflationary consequences of such a decision or, in other words, to prevent all "injured parties" from recovering their position prior the devaluation of the dinar by increasing their prices. The Serbian Government decided for the first option. Therefore, the year 2005 was in the sign of scraping along with the IMF as regards the already adopted budget (this created a basis for the path from a deficit to a surplus in the budget), reform of the pension system (the new pension law) and privatization of the public sector (primarily the energy one).

In some way, the Fund's pressure was the logical result of the situation that the Serbian Government was also involved in some way in the inflation race, because, at the end of June, it pushed through the Serbian Parliament the revised budget for 2005, anticipating an increase in the current "cost of government" of about 9.5 per cent. So, by this budget revision the government revenues increased from 396 billion to 433 billion dinars.

In fact, since Mladjan Dinkić has taken hold of the state treasury as the Finance Minister, the fiscal policy analysts can hardly follow the fantastic twists and turns of the plans and data concerning the government revenues and expenditures, since deficits turn mysteriously into surpluses. Also, insofar, as public consumption is concerned, it is allegedly spent more and saved more at the same time. In other words, one thing is planned and another is realized, so that some costs are recorded in the budget today and tomorrow they disappear from it for methodological reasons. However, they immediately reappear as "candidates" for the alleged budget surpluses (for foreign debt servicing, for example).

Here are just a few examples of these unbelievable, planned jumps and falls of the budgetary revenues and expenditures during the past year (2005), based on the data of the Ministry of Finance. For example, at the end of 2005, Dinkić proposed to the Serbian Parliament the annual budget for 2006, anticipating the total revenues of 487.9 billion dinars and total expenditures of 448.3 billion dinars, that is, the surplus of 39.5 billion dinars. Only one year earlier, he pushed, through the Serbian Parliament, the budget for 2005 with the total budgetary revenues and expenditures of 396 billion dinars and 473.4 billion dinars respectively, thus anticipating the budget deficit of 77.4 billion dinars. In April 2005, the Serbian Finance Minister went with this budget to Washington to attend the annual meeting of the IMF and the World Bank, where he was told that such a high budget deficit was unacceptable. Dinkić came back and said that "there is no problem". In July, he prepared the revised

budget for 2005, anticipating the budgetary revenues and expenditures of 432.9 billion dinars and 400.7 billion dinars respectively. In other words, the deficit of 32.9 billion dinars was anticipated. Several months after this parliamentary decision, the Finance Minister suddenly announced that there would be a budget surplus in 2005 already, so that it could be planned in the coming year, too. Thus, the payment of the first instalment of "old debt" to pensioners, which was the subject of much debate during the recent negotiations with the IMF, would not pose a problem, not only in the coming year, but also in the current one. So, the first instalment of 12 billion dinars was paid to pensioners in cash, not in bonds, before Christmas, and the second instalment, in 2006, will also be paid in cash.

If we wish to represent the situation in caricature, we can say that, all of sudden, Dinkić managed to turn the budget deficit of 77.4 billion dinars into the surplus of at least 12 billion dinars in only one year and that this surplus would be quadrupled in 2006. In short, it turns out that in only two years, at least according to the official data, it was possible to increase the taxes to Serbia's economic sector by 100 billion dinars and maintain the average growth rate of GDP of about 5 per cent not only in the coming year, but also in 2005. Is Serbia really getting along so fine?

There are several reasons for this state of confusion. First, since 2005 was the first year in which Serbia started to collect the crucial indirect tax under the VAT system, it came to light how much the payment of the sales tax was evaded in the past. Second, the Ministry of Finance (with the Fund's approval) changed the method of recording specified government expenditures in some "nuances". Thus, the repayment of public debt is not recorded under budgetary expenditures as a compulsory item, but as a plausible reason for the use of a budget surplus. Someone might say that it all boils down to the same old thing, but at least, instead of a deficit, we can talk about the alleged budget surplus. And finally, the third reason for this great confusion can be a high rate of current inflation which has been "planned" at too low a level for a few years already, thus distorting both the structure of budgetary revenues and the structure of budgetary expenditures.

The picture will become clearer, if we convert several basic budget figures into euros. Let us see, for example, how the budgetary revenues and expenditures were planned in euros, by using the exchange rate of the euro in the period when the decisions were made. If the exchange rate of the euro was about 77 dinars when the first budget for 2005 was adopted, it turns out that for that year Dinkić planned the revenues amounting to a little more than 5 billion euros and the expenditures amounting to about 6 billion euros (the deficit of one billion euros). The budget was revised in July 2005, when the middle exchange rate was about 83 dinars for one euro, so that it can be said that it was finally decided to collect the budgetary revenues of about 4.8 billion euros and spend about 5.2 billion euros that same year. However, if the

planned inflation rate of nearly 10 per cent is maintained and if the exchange rate of the dinar "slides" only so much as to offset that inflation rate, it will turn out that the state budget anticipating the revenues of about 5.2 billion euros and the expenditures of about 4.8 billion euros is planned just for 2006. Consequently, it is planned that everything remains the same as in the revised budget for 2005.

Since the IMF has concluded that five-year subsidies are sufficient to see which firms can survive, Minister Dinkić was instructed to start immediately to reduce the assistance to large loss-making firms in 2005 already. It has also been requested to enforce the new bankruptcy law right away. The Serbian Government agreed to that, but actually did not lift a finger to implement such a policy. So, Minister Dinkić continued to talk about the subsidies for 2006, which would amount to "only 2.3 per cent of GDP". This amount of "only 2.3 per cent" is 36.8 billion dinars, which will not be a small amount in 2006 either (with this amount the Government will feed the employed in RTB and Zastava in Kragujevac, as well as about 150,000 employees of the largest 75 loss-making enterprises in Serbia). At the same time, it will support the restructuring of specified industrial sectors that can rapidly increase their exports (textile industry).

Consequently, the Serbian Government still does not desist from its "entrepreneurial" actions. It is evident that the IMF does not like that. Namely, it holds that the Serbian economy is overburdened with public consumption and that it should get more air and make "development investments" by itself. Truly, the Fund also holds that a rise in economic activity in Serbia exceeds its potentials, thus requesting an increase in the already high interest rates.

This "dualistic" policy of the Serbian Government - showing to the international factors that it is reform-oriented, while at the same time maintaining some kind of stability by using the old state mechanisms, in the situation when the economic structures have not been reformed in real fact - was conducted under the "pressure" of Europe's goodwill throughout 2005. In this connection, of utmost significance was the positive assessment of the Serbia and Montenegro Feasibility Study by the European Commission (on 12 April), after which Serbia's "European train" set off formally. The fact that Europe decided to support Serbia on that path was especially evident at the May Meeting of the EBRD in Belgrade, when the hosts were conspicuously trying to convince foreign investors that it was profitable and safe to invest in Serbia and that Serbia was absolutely committed to European integration. This tactics was mostly successful, since during the May Meeting of the EBRD rather significant new loan arrangements (worth about 250 million euros) were negotiated with Serbia and Montenegro, which would be invested in infrastructure and larger economic projects. That amount should be considered in the context of the fact that the European Bank invested 66.2 million euros in more than 33 projects in Serbia and Montenegro in the previous year.

The relatively modest level of investment gains in importance if one takes into account that Serbia was isolated during the first decade of the European Bank's activities (in the 1990s), so that all mentioned arrangements were made after 2000. This is why its investments in the neighbouring countries were much larger: in Croatia - one billion and 310 million euros; in Hungary - one billion and 740 million euros; in Bulgaria - over one million euros and in Romania over two and a half billion euros. Consequently, when one observes the comparative data, it appears that Serbia is making up lost time at a good pace. However, something that is lost in the economy cannot be fully compensated later on, especially because EBRD President Jean Lemière pointed out in Belgrade that the European Bank's activities in the coming years would be directed to the east, that is, to the countries neighbouring on Russia.

In 2005, the Serbian Government could not complain about the economic incentives provided by the United States. Namely, on 30 June 2005, President George Bush approved to Serbia and Montenegro the use of the Generalized System of Preferences in trade with the United States, thus eliminating import tariffs on 4,000 different products and enabling their sale on the market consisting of 280 million solvent consumers. In Belgrade, however, this decision was received with the traditional "economic resignation", because Serbia's main problem in 2005 was the fact that it had no enough goods for export. Nevertheless, this decision is significant, above all, for American investors, who are increasingly "moving" the production of certain goods into the regions where they can be produced much cheaper, or be less pressurized by the environmental standards (US Steel Sartid).

The approval of the American preferences, immediately after the decision of the IMF Board (on 28 June) to agree to the fifth, penultimate revision of its three-year arrangement with Serbia and Montenegro, was a good illustration of the Fund's significance for Serbia's overall foreign economic position. The "St Vitus' Day decision" in Washington did not only help release the Fund's additional loan of 182.9 million dollars. Such decisions also exert influence on all other decisions in the world's centres.

Nevertheless, the negotiations with the IMF in 2005 were very difficult for the Serbian Government, since it was not oriented to fast reforms. The most delicate negotiations were conducted with respect to the restructuring and partial privatization of large economic systems. In part, the Serbian delegation "defended" the planned subsidies to large loss-making enterprises in state ownership (i.e. the famous 66 large firms, which should have undergone the bankruptcy proceedings under the new Law, but in their case this Law has not been enforced). However, the Government was forced to begin with the restructuring of public enterprises and place all "non-core" activities of the public sector (EPS, NIS, ZTP, JAT, etc.) within the competence of the Privatization Agency in the course of the year. However, this step has not yet produced its logical result - privatization.

Therefore, it is no wonder that during its negotiations in Belgrade, early in May (the current agreement was concluded on 12 May), the IMF immediately accepted the offer - which was "hastefully" made by the Serbian side as a specific "compensation" for its failure to meet the assumed obligation - that the revised agreement should stipulated that Belgrade would begin in 2005 already with the privatization of "its majority share in the NIS refineries", and that it would first invite tenders for the privatization advisor for this operation. This agreement was stated precisely in the Serbian Government's Memorandum of 8 July. Later on, this promise was the subject of large-scale public debate in Serbia, whose main points will be presented here in greater detail so as to get the picture about the "toughness" of the old economic system and the hesitancy of the Serbian political elite to face that problem.

Immediately after the adoption of the Serbian Government's Memorandum, it was realized what problems would be faced in the process of privatization of the public sector - since it clashed with the interests of all institutions of the "old regime", as well as with the current interests of almost all political parties in Serbia. Namely, at the 9<sup>th</sup> extraordinary session of the Serbian Parliament (which began on 21 July), when the Serbian Government proposed the adoption of the Law Repealing the Law on the Formation of the Public Enterprise for Oil and Natural Gas Exploration, Extraction, Refining and Distribution, which was enacted in 1991 (the Law on NIS), in order to create legal conditions for the promised implementation of the NIS reorganization and privatization programme, the proposal did not get the majority of votes in the Serbian Parliament.

In the first round of the parliamentary debate (on 21 and 22 July), it was evident that, in addition to the representatives of the opposition parties, the Democratic Party and the Serbian Radical Party, the representatives of the Social Democratic Party and the Socialist Party of Serbia, which constitute the Government's parliamentary majority, also had significant reservations and the same applied to the Serbian Renewal Movement.

It was especially surprising that the Democratic Party was also against the Government's initiative. So, Dušan Petrović, leader of the Deputies' Club of the Democratic Party - Boris Tadić, stated that, by repealing the Law on NIS, "the Parliament would renounce its controlling interest in one of the most important energy companies and create legal-formal conditions for the privatization of NIS". He added that the Democratic Party was not against change, but the Government did not present its true intentions to the Parliament or, in other words, it did not present its privatization strategy. Later on, on 9 August, Aleksandar Ćirilović, Chairman of the Democratic Party Energy Committee, pleaded for the postponement of NIS privatization for at least one year and commented on the agreement between the Serbian Government and the IMF in the following way: "One must state loud and clear that it was not the IMF's wish that the refineries should be privatized at the

beginning of 2006, but our Government or, better said, the part of the Government which seems to be in great haste, included such a provision in the Government's Memorandum on Economic and Financial Policies of July 8, which was then adopted by the IMF. It is still not late that the Government corrects its rashness and whether alone or with the assistance of privatization advisor - adopts the NIS Privatization Strategy, which should be publicly adopted, thus providing the basis for reducing its agreement with the IMF."

In the first round of the parliamentary debate about the Draft Law Repealing the Old Law on NIS, the Serbian Radical Party, through its deputies, criticized the proposed solutions as being "contrary to the national interest", because "the ministers equated the national and state interests with the party and personal ones". So, Milorad Mirčić, a deputy of this party to the Parliament, emphasized that "NIS and EPS are all that has been left to the state", that these public enterprises "support the state budget" and that the policy of "the continuity indebtedness is pursued, so that the creditors will take over NIS" and gain a monopoly on the domestic market. After the first two days of the parliamentary debate about the Draft Law Repealing the Law on NIS of 1991, the Speaker of the Serbian Parliament, Predrag Marković, interrupted the session and scheduled its continuation for 22 August 2005.

At the time when the parliamentary debate about the Law Repealing the Old Law on NIS just started, Mrs. Pirita Sorsa, Chief of the IMF Mission to Serbia and Montenegro, stated at the press conference on 22 July, in Belgrade, that the IMF would not give up any of the "execution criteria" for the Serbia and Montenegro three-year arrangement with the IMF or, in other words, that the "privatization of the majority share in the NIS refineries early in 2006 is one of the major obligations within the structural reforms that was unambiguously assumed by the Serbian Government". She added that the Serbian Government also obliged itself to invite tenders for the NIS privatization advisor by the end of July and that the IMF Mission advised it that NIS should not enter into any commitment or investment, since that might diminish its prospects for successful privatization.

After the mentioned first round of the parliamentary debate, various commentaries on the solution agreed with the IMF appeared in public. In his talk with journalists on 25 July, Serbian Finance Minister Mladjan Dinkić said that the "Government has no room for manoeuvre so as to change its view, but there is strong resistance within NIS itself, from the people who sit on its board on behalf of the state and who - instead of protecting the state interest - care only about their own positions and privileges."

On 28 July, Deputy Minister of Mining and Energy Slobodan Sokolović informed the public that on that day the Ministry submitted to the Republican Government the draft of the tender for the NIS privatization advisor, thus fulfilling its obligation to prepare this document by the end of July, as specified by the Government's Memorandum on Economic and

Financial Policies, which had been submitted to the IMF. According to him, this tender anticipates that, within five months upon his appointment, the privatization advisor should "propose to the Serbian Government all models, phases and pace of the privatization of NIS."

In his official interview for the Tanjug news agency on 30 July, Serbian Vice-Premier Miroljub Labus said that the NIS management "has a great problem with privatization" and that "it is trying to carry out privatization by the back door, under different financial arrangements, thus postponing the genuine privatization". Vice-Premier Labus also said that the Government signed the agreement with the IMF relating to the appointment of the privatization advisor, who would say how the refineries, pumps or something else would be privatized, and that the advisor should be a renowned firm. He added that "there can be no private arrangements just with anyone" and that "there are seven big international companies that are interested in this business and, if the management favours one of them, there will be a great scandal, because those who lose will do everything to vilify us - with good reason".

In his talk with journalists on 9 August, the Governor of the National Bank of Serbia, Radovan Jelašić, pointed out that Serbia had only two more months to fulfil its obligations towards the IMF, so that it would be necessary to resolve the questions concerning the privatization of NIS and the pension reform by the end of October. In the opposite, there would be no visit of the IMF, which should thereafter submit its report to its Board of Directors concerning the approval of the sixth revision of Serbia's three-year arrangement with the IMF toward the end of the year.

After it was announced on 6 August, in Belgrade, that Prime Minister Vojislav Koštunica received the letter from the IMF in which the Serbian Government was warned that it was obliged to fulfil its obligations vis-à-vis NIS and that, should it fail to do that within two months, the revision of the Serbia and Montenegro three-year arrangement with the IMF would be brought into question. The Minister of Economy and Privatization, Predrag Bubalo, stated (for Belgrade's *Politika* of 12 August) that "the Government did not give up the reforms" and that "they are inevitable regardless of the Fund's requirements and external pressures". Minister Bubalo also announced that tenders for the privatization advisor would be invited very soon and that "the privatization advisor should provide the answer and resolve the dilemma as to whether it would be better to carry out the recapitalization of the entire oil system, with the strategic partner, or also with the participation of the citizens (who would buy the shares) - or opt for the sale of capital, that is, only two refineries".

In his statement to the Tanjug news agency on 11 August, Minister of Mining and Energy Radomir Naumov said that his Ministry presented to the IMF delegation the arguments and reasons in 14 points why the separate privatization of the Serbian refineries would be wrong. Naumov then

emphasized: "We hold that the NIS privatization process should encompass the whole national company and not only one part of it." He added that it would also be necessary to wait for the opinion of the privatization advisor, and that the Ministry of Energy prepared the tender for his selection within the agreed time-limit.

Željko Popović, the then Acting General Manager of NIS, also expressed his view on a number of occasions (for example, in his interview for Novi Sad's *Dnevnik* on 4 August) that, in the end, the Serbian Parliament would bring the decision to repeal the Law on NIS "because that is in the national interest" and that this was also "a prerequisite for the restructuring of NIS and its subsequent privatization."

When speaking about the privatization of the oil refineries in Pančevo and Novi Sad, as well as about the Fund's requirement that they should be privatized first, Popović emphasized that, in the view of the NIS management, as well as of the trade union and the Ministry of Mining and Energy, it would be necessary to carry out vertical privatization so as to generate a large profit for NIS, the state and the society as a whole. Željko Popović justified his view in the following way: "Vertical privatization, that is, the sale of the share in NIS, and not of one part of it, is the best way to increase the total value of the company. The sale of any part of NIS would be an extreme measure, since the other parts would be devalORIZED and the total value of NIS would be reduced. Those are simply the economic indicators and, if the estimated value of NIS is three billion dollars, the investment of one billion dollars will increase the value of NIS to six billion dollars. That is the economic effect that should be kept in mind when deciding on the model of privatization. However, the final decision should be brought by the privatization advisor. As for the NIS refineries, not one solution should be prejudged."

Finally, with great difficulty, the Serbian Government pushed the Law Repealing the Law on NIS of 1991 through the National Parliament (on 22 August), thus being able to take the next steps in the restructuring, reorganization and privatization of one of the major state companies in the real sector, whose internal organizational structure was not changed for 14 years and which is still in state ownership. When the Law was finally enacted on 18 August, the Serbian Government (with a certain delay relative to the time-limit set for 31 July 2005) adopted the text of the tender for the privatization advisor for NIS (and not for the privatization of the refineries), who would propose, within 90 days upon his appointment, "the most optimal model of NIS privatization" within a period of 4 months. After shorter delays in the procedure, on the eve of the new year (on 29 December 2005), the Serbian Government finally selected the consultants' consortium led by Merrill Lynch, a renowned New York-based firm, for the NIS privatization advisor.

During 2005, the Serbian Government also tried to prepare itself for the years when its foreign and public debt burden would increase. The year

2007 is especially regarded as being critical, because Serbia will have to pay over one billion dollars to foreign creditors and domestic foreign currency creditors (the liability arising from public debt). Truly, that burden is already significant, because in 2004 already Serbia had to meet its foreign liabilities amounting to about 885 million dollars, while in 2005 those liabilities amounted to about 878 million dollars. It is estimated that the repayment of foreign debt to the amount of about 646 million dollars will become due in 2006, that 805 million dollars will become due in 2007, and that in 2008 and 2009 it will be necessary to earmark over one million dollars for debt servicing.

One should also bear in mind that the experts distinguish between foreign debts having the character of public debt and total foreign debt. So, for example, the Serbian Ministry of Finance calculated that the country's foreign debt amounted to 6.5 billion dollars. At the same time, the National Bank of Serbia estimated Serbia's total foreign debt at 12.4 billion dollars (the state as on September 2004). Since we present the data verified at the beginning of 2005, it can be assumed that this balance changed in the meantime, but it should not be forgotten that the current account deficit was about 2 billion dollars at the end of 2004, so that it is hard to assume that it can be essentially reduced by the end of 2005. As for the government's foreign exchange balance, one should not forget the significant internal (outstanding) total public debt of 4.9 billion dollars, which must also be repaid mostly in foreign currency (old foreign currency savings and the Serbia Economic Revival Loan).

Although Serbia sharply reduced its foreign debt from nearly 118 per cent (in 2000) to about 32 per cent of GDP (in 2004) after rescheduling its liabilities to the World Bank, the European Bank for Reconstruction and Development and the European Investment Bank, as well as after the write-off of its liabilities to the Paris Club and London Club creditors, this relief will amount to nothing in the long run without a fundamental change in its foreign trade and international competitiveness. In that sense, in particular, one should understand the warning of Governor Radovan Jelašić, who was not relieved to learn of a slight improvement in Serbia's credit rating, which was recently announced (from B plus to BB minus) and should also point to foreign creditors' greater confidence in Serbia's liquidity.

On 5 October, due to internal political frictions, Serbia marked the fifth anniversary of the fall of the Milošević regime with different assessments of the hitherto results in the area of democratization and internal social stabilization. The economic indicators of that transition period came into the foreground, since not much progress was made on the political plane. All the more so, because the economic results of that five-year period are relatively good.

However, although no one disputes that the annual growth rate of GDP of about 5 per cent on the average in that period is amazingly high, this synthetic indicator can also be looked at through "different glasses". Namely,

the fact that - according to the World Bank's methodology (the one which calculates GDP on the basis of the purchasing power of the dinar, that is, the dollar) - GDP increased from about 8 billion dollars in 2000 to about 12 billion dollars in 2004 and that it is expected to amount to about 13 billion dollars in 2005 - can also be relativized no matter how good it may seem. Namely, during this five-year period, the price of one euro (2 German marks in 2000) increased only from 51 dinars to 84 dinars (by about 11 per cent annually on the average), while at the same time the inflation rate was considerably higher (over 20 per cent annually on the average), so that we can conclude that the growth of GDP - despite the methods used to calculate it in real terms - seems better than it is, all the more so because inflation is gathering strength once again.

Consequently, if the exchange rate of the dinar was not following the trends in the Serbian economy realistically - it will be very difficult to get the picture of real economic progress. This can be illustrated by the fact that during the five-year period, after the famous 5 October 2000, GDP increased - at the current exchange rate of the dollar - from about 9.5 billion dollars (in 2000) to nearly 22 billion dollars (in 2004). Thus, according to this method which does not follow inflation, but the "underestimated" exchange rate of the dollar, the picture of our economic growth after the democratic change seems to be even better than that based on the World Bank's method.

However, one should bear in mind that in both cases (the measurement based on the World Bank's method, or the current exchange rate of the dollar) the old methodology of determining the synthetic indicator of economic growth was also changed. In the past, "value added" by financial services was not included in GDP, nor was government spending reported as the "production of public goods", as required in modern theory (so, value added is created both in the army and in the police and included in GDP).

Moreover, if we return to the old, most important indicator of real economic progress - an increase in the wages expressed in euros, it turns out as follows: if the average wage in Serbia was 97.5 German marks on 5 October 2000, i.e. below 50 euros at the current exchange rate and if the average net wage was about 210 euros at the end of 2005, it is clear that at least the employed in Serbia derived a benefit from the fall of the Milošević regime.

Unfortunately, during the past five years Serbia recorded a fall in the level of employment, so that at the end of 2005 it had about 165,000 formally employed people less than in 2000. During that period, 390,000 people lost their jobs and 225,000 were employed. Truly, it must be noted that these are the statistics on workplaces and not on work itself - because, during the Milošević regime, hundreds of thousands of workers had working places, but had nothing to do and practically had no pay (i.e. it was small social assistance rather than the pay for work done).

Most economists hold that the best result of "five democratic years" is the breakthrough of the private sector in the Serbian economy, because, as already shown, it is more efficient than the state or socialist sector (the profit in the private sector is increasing at the rate of over 40 per cent, while the profit of state and socially-owned enterprises is declining). However, the fact is that more than 50 per cent of capital is still in the public sector, that is, in state ownership, so that one cannot speak about the final results of the transition process without the privatization of that part of the Serbian economy.

Truly, most economists also agree that the privatization process in Serbia is also accompanied by injustice, scandals and unlawful transactions. The gloomiest side of the story is that almost everything valuable in social ownership has already been sold and that the proceeds from the sale amount to only 1.7 billion euros (the book value of the property that was on sale after the adoption of the new privatization law, in the summer of 2001, was allegedly about 20 billion euros). Out of these privatization revenues, about one billion euros were paid by foreign investors and the remainder by domestic tycoons. Those firms had about 227,000 employees and the future of transition in Serbia will depend in large measure on their fate after the expiry of the "protection period".

Finally, the initial results of the transition process over the past five years are definitely favourable, but the Serbian Government still has no sufficient will and capacity to bring the reform processes faster to their logical end. In addition, it is still spending too much resources in the political sphere in order to preserve some of the strategic illusions of the old regime.

## A BURDEN OF POVERTY

Despite the mentioned positive economic indicators, the citizens of Serbia can hardly give a passing grade to the previous year. Expert analyses and the optimistic forecasts of politicians, in particular, are still in a great disproportion to the feelings of the citizens about their standard of living, which mostly did not live up to expectations, while their perception of the future is gloomy. Although Serbia's reform potential has never been too high, apathy and lethargy among the population have been increasing over the years, thus assuming disturbing proportions. Most citizens describe their situation as being intolerable and very difficult, and since the assassination of Prime Minister Djindjić there has been an increasing number of those who believe that Serbia is moving in the wrong direction, whereby such a view should not be interpreted as the result of their collective maturing and greater awareness. All indicators point to the opposite: the Koštunica cabinet failed to win the confidence of "Djindjić's supporters"; it lost its credibility among the supporters of the so-called "patriotic bloc" and, by pursuing the policy of "slow and cautious steps", it exhausted every possibility for resublimation of the inner energy required for mobilization and commitment to reforms (at least in the case of a more educated segment of society and young people).

The Government's inability and hesitancy with respect to reforms are directly reflected on economic and social rights: the consequences of wrong or delayed political decisions, insufficient competence and (personal and party) nepotism, reluctant and unenthusiastic campaign against corruption and crime, successful and unsuccessful privatizations, short-term and partial solutions and the lack of a long-term vision. Every policy develops or fails to develop on an economic and social plane, so that the disappointment of the citizens should be a clear signal to the Serbian Government to review its policy and method of work.

It is the fact that, due to its delayed transition and extremely bad starting position, Serbia faced many problems more dramatically than the East European countries, for example, but the personal experience of its citizens (poverty, maladjustment, lack of perspective, fear and the like) is common to all. One of the aggravating circumstances is that the Serbian population had great and frequently unrealistic expectations at the beginning of the transition process (which was also due to its vivid recollection of better life and a

relatively high standard of living in the former Yugoslavia). Therefore, the "threshold of tolerance" for the price of transition among the citizens of Serbia is not very high, while the Koštunica Government succeeded in lowering it and bringing the hitherto results into question with its inconsistent policy and cheap demagoguery.

The Ministry of Labour, Employment and Social Policy was one of the rare ministries that had no substantive remarks on the work of its predecessors and continued with the reforms in this sensitive area without any radical step. So, the *Law on Social Welfare and the Provision of Social Security for Citizens*<sup>1</sup>, on which the former ministry had also worked, was finalized and adopted as the basic document in the reform of the social welfare system, which should last eight years (2001-2008). The new Law on Social Welfare should come into force on 1 January 2009, after reviewing all reform results. In the meantime, the current laws and bylaws will be adjusted to the current needs, especially due to financial changes (to that end, the Law was amended at the end of the year<sup>2</sup>).

In mid-2005, the Ministry presented to the municipalities throughout Serbia its *Draft Strategy of the Reform of the Social Welfare System*, which envisages the improvement of the social welfare system and its adjustment to the relevant international conventions and European standards, while at the same time preserving the institutions and mechanisms that proved their efficiency in practice. The strategy also announces some very significant novelties. This is very important in view of the fact that the social welfare system was established in the 1970s, so that it is obsolete in many respects and cannot meet the current needs. In addition to strengthening the professional capacity of the employed (which appeared to be a great problem in all segments of society, especially in the work with sensitive groups), it provides for partial decentralization by transferring a part of competence in the area of social welfare to the local level (these changes will first be effected in four pilot municipalities: Bor, Zemun, Kraljevo and Užice). It was correctly noted that, at present, Serbia does not meet two basic conditions for full decentralization: many municipalities are insufficiently developed (some of them are very poor), while the level of democracy and existing legislation are insufficient to ensure the transparency of the budget and the change of local authorities in case of abuse.<sup>3</sup> Serbia's uneven development and the need for decentralization (political, economic, etc.) will certainly become a priority issue in the near

<sup>1</sup> *Official Gazette of the RS*, No. 84/2004, 24 July 2004.

<sup>2</sup> The Law Amending the Law on Social Welfare and the Provision of Social Security for Citizens and the Law Amending the Law on Financial Assistance to the Family with Children, *Official Gazette of the RS*, No.115/05, 22 December 2005.

<sup>3</sup> Some countries in transition faced great problems, because poor local communities used to spend money for other purposes, so that the most destitute did not receive anything.



future, but its current situation does not allow any experiment in the area of social welfare, in particular. On the other hand, the service system offered to welfare recipients should be further decentralized, while at the same time encouraging a greater participation of the private sector (despite its expressed interest, it seems that the state is slow and unprepared to control it in a responsible and adequate way in the interest of welfare recipients' protection).

The next important step in the reform of the social welfare system is deinstitutionalization, that is, the gradual dissolution of institutions for the needy and the provision of more humane and more efficient care for them. For example, by promoting foster-care placement and adoption in the case of children; by improving specialized services and the service system in the case of the elderly and disabled, and by developing open-ended forms of welfare in the case of persons with special needs. However, despite taking positive steps within the social welfare reform, it is incomprehensible that the Ministry has no single database relating to welfare recipients, so that, for example, it does not know the exact number of persons with special needs staying in the relevant institutions throughout Serbia. Judging by several alarming stories about the molestation of wards that have been heard in public, it seems that visits to these and similar institutions are very rare (especially in the provinces or, more precisely, outside large cities) and that the supervision of social services over them is poor<sup>4</sup>.

Directors of various social-care institutions are mostly satisfied with their cooperation with the competent Ministry. However, their cooperation with the competent bodies at the lower level is problematic, which must be regarded as neglect on the part of the Ministry. In 2005, the public was shocked a few times by media reports on molestation and violence in the families registered with the competent Social Welfare Centres, and even more so by the absolute lack of professionalism of the employed, as well as the lack of basic supervision, expert assistance and coordination among the relevant services (the police, health institutions, judiciary, educational authorities, etc.). Therefore, the frequently repeated statement about the "phenomenon" of intolerable behaviour within the needy groups cannot be taken as being correct. The truth is that such behaviour has been observed throughout Serbia for a long time, but has been brought into the focus just recently. Unfortunately, it is also true that the Serbian society is not sufficiently sensitive to these problems, which is partly due to its collective frustration and difficult living conditions over the past 15 or so years, as well as due to the fact that poverty, persons with special needs, disabled persons and other

<sup>4</sup> During the visit of the representatives of the Little Big Men Organization, Nedžad Mecinović, Director of the Home for Mentally Retarded Persons in Tutin, said that it was the first time in two years that someone from Belgrade came to this institution (*Vreme*, 19 January 2006).

disadvantaged groups have always been looked at as something shameful and deviant, thus being most frequently hidden from the public so as not to disturb it by their presence<sup>5</sup>.

The government funds earmarked for social welfare amount to about 17 billion dinars<sup>6</sup> yearly, which is not sufficient to provide optimal care for welfare recipients. Another problem is posed by their abuse. Namely, during the past two years, a number of criminal acts was revealed, including bribes, the forging of documents and abuse of official position in the provision of various social security benefits (for maternity leave, disability pensions, reduced service years for retirement, children's allowance, etc.). It is assumed, however, that the number of such cases is even greater.

Due to the problems relating to the functioning of the system, lack of control mechanisms and insufficient cooperation between different ministries and public services, such abuses will be possible for a long time. This stirs up a revolt and discontent with government institutions among the beneficiaries, as well as in the whole, generally poor society. When it was disclosed that the national budget was stripped of several hundred million dinars due to the abuse of maternal leave, mostly by private firms and independent shops, Slobodan Lalović announced that such cases would be prevented in the future. However, he added that no legal action would be brought against the perpetrators, "because evidence gathering is a long and uncertain process; it's beating the air"<sup>7</sup>. The Minister's view implies several important conclusions: abuses are possible and are not always punishable; the authorities will turn a blind eye to many illegal acts in the name of "higher aims" (for example, to protect the private sector and preserve social tranquility; to avoid coming into conflict with powerful interest groups if a certain law suits them; to preserve political stability among the coalition partners; to protect corrupt judges who are always "useful", etc.)<sup>8</sup>.

<sup>5</sup> The Homes for Persons with Special Needs, which were built at the time of the former Yugoslavia, are mostly located at remote and distant places (Kulina, Izvor, Stamnica, Tutin, Veliki Popovac, Male Pčelice, etc.), while certain groups of persons under social care are still outside any form of organized public assistance and are left to the resourcefulness of their families.

<sup>6</sup> The interview of Slobodan Lalović, Minister of Labour, Employment and Social Policy, for *Danas*, 15 October 2005.

<sup>7</sup> *Vreme*, 15 December 2005.

<sup>8</sup> In a similar way one can interpret numerous statements made by officials of the political parties participating in the Serbian Parliament relating to the fraudulent collection of per diem allowance and travelling expenses. All representatives of the ruling and leading opposition parties revoked their adherence to the bad Rules of Procedure, whereby they "legalized" this evident abuse of funds with the undisputed elements of a criminal act. The reason lies in the fact that all of them were taking advantage of such Rules of Procedure (only to a varying degree) and that a substantial portion of that money pours into the party funds according to the principle a

During 2005, serious public concern and reaction were caused by several cases of family violence, especially against children, whose brutality shocked the citizens of Serbia. Although the *Family Law*<sup>9</sup>, which improves the protection of women and children in the family to a significant degree, was adopted at the beginning of the year, the whole society and institutions proved to be unprepared for an adequate reaction. When a few acts of violence ended with the death of children, the government bodies were forced to take immediate action. This resulted in the joint and coordinated activities of several ministries and institutions (the Ministries of Labour, Employment and Social Policy, the Interior, Education, Justice and Health, the Serbian Government's Council for the Rights of the Child, the Centre for the Rights of the Child, etc.), while the Serbian Government, on 25 August, adopted the *General Protocol on the Protection of Children Against Abuse and Neglect*. On 7 October already, the *Framework for the National Anti-Violence Strategy* and the *Draft Law on the Child's Ombudsman* were also presented and their adoption is expected at the spring session of the Serbian Parliament. The Family Law introduced many novelties in the area of family relations, including specifically the right of the victim of violence to remain in the flat or the house regardless of the right of ownership or tenancy. In view of the fact that the most frequent victims of family violence in Serbia are women and children and that flats and houses are owned by men in almost 90 per cent of cases, such a solution represents a radical step forward. The enforcement of the Law began on 1 July, so that there are still no data on its effectiveness, but there is no doubt that it will depend in large measure on the adequate and timely reaction by the police, judiciary and social services. Otherwise, this is the first time that the provisions of the Convention on the Rights of the Child, which was ratified 15 years ago, are explicitly stipulated. The Law also provides for new mechanisms for child protection, while at the same time improving the existing ones; there are also many novelties in the area of marital relations, which points to the intention of the society to devote itself seriously to redefining the family.

There is no doubt that the greatest problem relating to family relations and children's rights also lies in undeveloped social awareness, which treats the family and violence against women and children as a private matter and not as a social problem of paramount importance, or as an essential element of human rights and the generally adopted democratic standards. In this case too, the competent government bodies have no systematized data or uniform

compulsory contribution towards financing party activities. As expected, such a synchronous position of the representatives of the legislative authority, not one government body found it necessary to carry out an investigation. The Administrative Committee of the Serbian Parliament changed the disputed provisions, but only after the extensive media coverage of this topic for days and under strong public pressure.

<sup>9</sup> *Official Gazette of the RS*, No. 18/05, 24 February 2005.

recording and tracking system. After the adoption of the Family Law, the Ministry of Labour, Employment and Social Policy prepared the appropriate bylaws<sup>10</sup> and announced the provision of other mechanisms that should educate the population, improve gender equality and strengthen the protection of women and children.

The situation is all the more complex, because family relations and the position of women and children are in a casual relationship with poverty, which is the crucial social and political problem in Serbia. According to the research carried out in 2005, 20 per cent of the population is poor, while according a comprehensive survey, which was conducted in 2002 for the purpose of preparing the Poverty Reduction Strategy,<sup>11</sup> there is 10.6 per cent of the poor. At his press conference on 10 October 2005, Minister Slobodan Lalović explained such a difference by the application of different criteria: in the comprehensive survey of 2002, all those having less than 2.4 dollars a day were considered to be poor, while in 2005 this limit was 2.9 dollars, which means that all those having less than 6,000 dinars each per month are considered to be poor.

The hardest hit by poverty, apart from women and children, are the oldest citizens of Serbia – pensioners, who have become real hostages of the government's quasi-idea about the state of social justice. The economically exhausted state, in which all segments of society are ruined and closer to welfare considerations than to a healthy recovery, required fast and radical reforms so as to be laid on a sound foundation. Such measures were also necessary in the area of old-age pension insurance, so that the work on the amendments to the *Law on Old-Age Pension and Disability Insurance*<sup>12</sup> was in the focus of attention of the experts, various power brokers, trade unions and, naturally, pensioners almost throughout the year. The problem of illiquid pension funds is faced by all countries in transition, but they addressed it in different ways. For example, Slovakia, Bulgaria and Romania reduced the pensions to 40 per cent of the average pay, because their governments decided that their impoverished economies could not bear a heavier burden. Conversely, the average pension in Serbia cannot be below 60 per cent of the average pay, so that half the amount required for the payment of pensions is subsidized from the budget. Such a solution remained as a concession to the trade unions and the Socialist Party of Serbia, without whose support the Law would not be adopted.

<sup>10</sup> *Official Gazette of the RS*, Nos. 56/05, 60/05, 63/05 and 67/05.

<sup>11</sup> For more detail about the results of this, hitherto most serious survey of the standard of living and the Poverty Reduction Strategy, see the 2002 Annual Report *"Human Rights in the Shadow of Nationalism – Serbia 2002"*, Helsinki Committee for Human Rights in Serbia, Belgrade 2003.

<sup>12</sup> The Law Amending the Law on Old-Age Pension and Disability Insurance, *Official Gazette of the RS*, No. 85/05, 29 September 2005.

Serbia has the highest share of pension funds in GDP, 14.2 per cent, compared to the OECD countries where the average share is about 8.2 per cent. Such a heavy burden imposed on the national economy and the budget is not sustainable over a longer period, while the persistent rejection of more radical cuts means the blocking of funds for investments and job creation. In turn, this would exert influence on the stabilization of the pension fund (through a greater number of paid contributions). Although the Government plans to lower the unemployment rate to 10.6 per cent by 2010, "which will mean 80 per cent more of those who pay contributions",<sup>13</sup> many analysts find this to be unrealistic due to the excessive burden imposed on the economy and an uncertain investment inflow. The Law has one more provision that was strongly opposed by the IMF: the pensions will be adjusted twice a year, on 1 October and on 1 April. Despite the resistance of the trade unions and some political parties, the retirement age will be raised from 58 to 60 years for women and from 63 to 65 for men. This will be done at six-month intervals, over a period of four years (2006-2010); the trade unions requested that the retirement age be raised as of 2015.

At the end of the year, in addition to some other, seemingly safeguard mechanisms for pensioners, the Parliament adopted the amendments to two laws governing the public debt of the Republic of Serbia to pensioners,<sup>14</sup> which envisage the cash payment of so-called "large debt" in instalments up to 2008 (payments to farmer pensioners will be made from 2007 to 2010). On the other hand, the reason for delaying the introduction of other types of pension insurance, the so-called second and third pillars of the pension system - supplementary voluntary pension insurance and autonomous pension insurance - lies in the insufficiently developed business environment. The EU regulations stipulate that at least 16 per cent of the working-age population should invest just in these two types of pension insurance. Despite the presence of several companies offering this type of service (Dunav-TBIH, Wiener Städtische, Zepter, Delta...), the legal conditions have been created only recently with the adoption of the *Law on Voluntary Pension Funds and Pension Plans*<sup>15</sup>. Bearing in mind the difficult financial situation of the majority of the population, as well as great abuses committed within various funds, including the pension one, it can be assumed that it will take quite a bit of time before these types of insurance take root. In the meantime, the mentioned measures will not improve the social position of pensioners more significantly, while the Government's hesitancy and calculations will endanger the already lagging reforms and prolong the agony of the pension fund and its beneficiaries.

<sup>13</sup> Slobodan Lalović, *Večernje novosti*, 17 June 2005.

<sup>14</sup> *Official Gazette of the RS*, No. 115/05, 22 December 2005.

<sup>15</sup> *Official Gazette of the RS*, No. 85/05, 29 September 2005.

Scraping along with the IMF, as well as empty boasting using cheap demagoguery on the internal plane produced only partial results. The negotiations with the IMF were successfully finalized; a compromise solution was found with respect to the reform of the pension funds, but the government obliged itself to cut its costs by about 25 billion dinars in 2006, by reducing the number of employed in educational and health care institutions, salaries of beneficiaries of budgetary funds and the employed in public enterprises, as well as subsidies to ruined socially-owned enterprises. Instead of creating conditions for a free market competition, the Government opted from the very beginning for strict control of the economic agents and the market itself (by the relevant laws and regulations and permissible and impermissible interventions), thus contributing to the preservation of a negative picture about the business climate in Serbia. In general, this is the major reason for the lack of large and serious investments. More detailed comments and the evaluation of the Government's work were also made by the Foreign Investors Council<sup>16</sup> in its White Book, which was published at the beginning of the year. The Government was almost insulted at the comments, while Vice Premier Miroslav Labus called the Council "a group of speculative investors looking only after their own interests"<sup>17</sup>. Among other things, the Foreign Investors Council described the Government's policy as being populist, pointing to the inflexible *Labour Law* as an example.<sup>18</sup> The Law was adopted early in 2005, under the pressure of the trade unions and in the atmosphere filled with high tensions and strike threats, which marked the previous year (2004). It is no secret that the Law is the result of Vojislav Koštunica's bargain with the two largest trade unions, the Independent Trade Union of Serbia and the Branch Union Confederation "Independence", in exchange for their political support at the elections staged after the fall of the DOS. The foreign investors' representatives, the World Bank and the IMF, political parties constituting the former DOS, as well as G-17 Plus resisted resolutely the change of the previous Labour Law (adopted on 12 December 2001), which was regarded as one of the most pro-reform laws after 5 October 2000. The new *Labour Law* reaffirmed collective contracts; improved the protection of workers and restricted the employers' rights; returned the social function to enterprises, etc. After the long-lasting reconciliation of the views of all interested parties and the scandal caused by the submission to the Serbian President for signature of a different version than that adopted in the Parliament, the *Labour Law* was finally adopted on 8 March 2005.

<sup>16</sup> The Foreign Investors Council gathers more than one hundred largest companies, which have so far invested about two billion euros in Serbia.

<sup>17</sup> *Ekonomist*, 28 March 2005.

<sup>18</sup> *Official Gazette of the SR*, No. 24/05, 15 March 2005.

On the other hand, numerous laws of utmost significance have not been adopted without justification. At the end of 2002 already, when the process of privatization under the new law actually began, the then Government announced the urgent drafting of the Law on Investment Funds so as to prevent the entry of speculative and dubious investment funds into Serbia. However, the assassination of Prime Minister Djindjić, a few months later, marked the end of this legislative activity and it took the new Government two years to prepare the draft law. In the meantime, a number of enterprises was privatized by dubious investment funds, to say the least, and the law has not been enacted to the present day. On the website of the Serbian Parliament one can read that the Government submitted the *Draft Law on Investment Funds* to the Parliament on 8 September 2005. Despite the appeals of businessmen, the *Draft Law on Foreign Exchange Operations* was submitted to the Parliament as late as 15 July and it is still in parliamentary procedure. The *Law on the Employment of Foreign Citizens* has been necessary since the arrival of a greater number of foreign firms in Serbia. In addition, it should regulate migratory movements which have been going on in some parts of the country for years. The draft law has been in parliamentary procedure since 22 June 2005. The Government was especially criticized and its intentions were doubted due to the non-existence of the *Law on the Takeover of Joint-Stock Companies*. The sale of shares and takeovers were accompanied by several greater scandals (which also raised doubt about a high degree of corruption), while the bypassing of the stock exchange, the only legal market mechanism, has almost become a regular feature. Nevertheless, the Government submitted the *Draft Law on the Takeover of Joint-Stock Companies* to the Parliament as late as 14 December 2005, which means that it will be adopted in the near future. Only the long-awaited *Mortgage Law*<sup>19</sup> was adopted at the very end of the year.

An even greater problem is posed by the non-application of the existing laws, modified operating conditions (for example, the Government increased tobacco excise taxes twice in a year, although it guaranteed to British Tobacco and Philip Morris that they would not be changed for five years), inefficient public services, unregulated property-law relations, state ownership of municipal land, etc. If one also takes into account the increasingly more frequent indications that there is corruption at the very top of the government, it is clear why Serbia is still not attractive for serious investors.

All this exerts influence on the "question of all questions", the problem of unemployment. Early in March 2005, Minister Lalović said that "the forthcoming restructuring of large enterprises will certainly contribute to a rise in unemployment and that this Government has no intention to ease its conscience with severance pay, after which the same workers will become

<sup>19</sup> *Official Gazette of the RS*, No. 115/05, 22 December 2005.

welfare cases; instead, it wishes to solve this problem over a long term".<sup>20</sup> Three months later, the restructuring of enterprises was still "forthcoming" ("The restructuring process in public enterprises should be accelerated so as to be finished during the current and the beginning of the coming year"<sup>21</sup>) and nothing significant has happened to the present day. Although all economic indicators point to the unviability of these expensive and inefficient state monopolists (it is held that the Serbian Railways, EPS, JAT Airways, NIS, PTT and Telekom had the greatest influence on high inflation in 2005), the current Government is still hesitant about solving this problem. Naturally, the greatest problem is not posed by the separation of non-core activities from core ones, although the employed also stood up to that process (where it was conducted).<sup>22</sup>

Although some workers have accepted the offer to leave their enterprises voluntarily and receive severance pay, that is far from being sufficient to relieve public enterprises of redundancies. Early in 2005, only nine large public enterprises at the republican level had 137,000 employees (as for redundancies in public enterprises at the local level, the Government has not yet dealt with this problem) and only a few thousand applied for voluntary leave. Being aware that a great number of people should leave the restructured public systems and that there are no new jobs for them, the Government does not hurry to accelerate this painful process, thus buying social tranquility which it needs very much in the year of great political challenges. Despite the fact that the whole monetary-economic system is burdened by this problem, which has not yet been solved, there is no much justice in that false "social care". Namely, in public enterprises new jobs are still being created (for those being politically fit and for party officials), which incites the revolt of those who have lost their jobs, as well as the justified fear of the employed that, when it comes to the dismissal of redundant workers, political adherence will be more important than one's working experience or social situation. Unequal treatment, based on a political assessment, was also faced by the employed in many privatized enterprises and even more so by those whose enterprises went bankrupt. The government provided for their social security by

<sup>20</sup> The press conference held on the occasion of the first anniversary of the Government's work, Belgrade, 2 March 2005.

<sup>21</sup> The interview of Slobodan Lalović for *Politika*, 20 June 2005.

<sup>22</sup> The underlying reason for numerous strikes staged by railway workers, Telekom employees, certain divisions of EPS and NIS, as well as blockades in JAT Airways for several months during 2004 and 2005 should be sought in the fear of the employed that the announced restructuring of their enterprises would leave them without their jobs, or that the newly established firms would be left to the market and cutthroat competition for which they were not prepared.

establishing the *Solidarity Fund*<sup>23</sup>, which should cover a part of the financial obligations towards the employees of bankrupt enterprises, whose bankrupt estate is not sufficient for the settlement of their claims. According to Minister Lalović, 300 million dinars from the 2005 budget were earmarked for this purpose and the Fund will also function in 2006. The Law stipulates only the payment of a portion of money owed (on four grounds) for the calendar year in which the bankruptcy proceedings were initiated. In addition to the fact that such a small amount cannot improve the desperate social position of these workers, there remains the problem of outstanding payments for the previous years.

The employed in many enterprises undergoing the bankruptcy proceedings are rightfully indignant because many managers (and members of their Management Boards) became unjustly rich at the time when their enterprises were ruined, not to mention high fees paid to trustees in bankruptcy thereafter. Suffice it to say that many managers also bought their enterprises at extremely low prices later on and that nobody was ever the subject of an investigation or a court trial.

In order to lessen great social differences and improve the position of those who were especially affected by sanctions, the Serbian Parliament adopted, in September, the *Law on the Payment of Contributions Towards Old-Age Pension and Disability Insurance for Specified Categories of Insured Employees*<sup>24</sup>, which was popularly called the Law on the Consolidation of Years of Service. Under the Law, the state assumed the obligation to consolidate years of service (by paying contributions) for all those who were employed from 1 January 1999 to 31 December 2003 and whose employers did not pay contributions for them. The time-limit for the submission of the prescribed documentation expired on 14 January 2006, but there are still no official data on the number of submitted applications. As already practiced, this Law is imprecise, naturally, for a very pragmatic reason: only when the Finance Minister estimates the cost of this "social care" measure, it will be known whether some enterprises will pay the necessary amount by themselves, or the state will discharge this obligation towards the Old-Age Pension and Disability Insurance Fund in full (albeit to the lowest amount). Many have also observed that the competent ministries (especially the Ministries of Labour and Finance) did not bother too much to explain to the citizens the significance of submitting such an application, nor did this topic receive adequate media coverage. Since the time-

<sup>23</sup> The establishment of the Solidarity Fund is stipulated by the new Labour Law, but it began to function only six months later. At the press conference held on this occasion on 16 September, Director Jablan Obradović said that he expected about 10,000 applications by the end of the year. However, there are still no exact data on the number of workers who submitted their applications to the Fund and whether their claims were settled.

<sup>24</sup> *Official Gazette of the RS*, No. 85/05, 29 September 2005.

limit was not extended, many of them heard about this possibility too late. However, Minister Dinkić expressed his satisfaction, emphasizing that the number of applications was smaller than expected (feared). But, even if the state assumes full responsibility for the consolidation of years of service for those who submitted their applications within the prescribed time-limit by the end of 2006, it will be confronted sooner or later with tens of thousands of workers who did not take this opportunity.

Instead of relieving itself of the social function and making more resolute steps so as to provide for a creative and productive business environment, one gets an impression that, in comparison with the Zoran Djindjić Government, the economic and social policy pursued by this Government represents a big step backward. While certain steps of the first pro-reform Government can be forgiven (or at least understood in view of the circumstances), there is hardly any excuse for the current Government. Despite clear economic logic and bad experience, the Government continued to subsidize ruined enterprises and increase social security benefits. In the middle of the year, Slobodan Lalović admitted that such a policy did not make much sense: "Only in the period from 2001 to the present day, about 11 billion dinars from the budget were invested in Zastava and, as you can see, there are no results".<sup>25</sup> At that time, however, the discontented workers of ruined enterprises in Kragujevac received the lump-sum financial assistance of 15,000 dinars each from the Serbian Government. The intention was to help the 9,000 most destitute workers, but this sparked off the protests of other Zastava workers, so that the Mayor of Kragujevac, Veroljub Stevanović, rushed to their aid and promised additional funds from the municipal budget for all 15,500 workers (naturally, at the expense of some other destitute groups). Lump-sum financial assistance was also provided to Kuršumljija and this is how the Government frequently reacted in its negotiations with the dissatisfied trade unions and workers. The *National Employment Strategy for 2005/2010*, which was adopted by the Government on 14 April 2005, also relies on social welfare.

Contradictory statements are even more characteristic of Finance Minister Mladjan Dinkić who, at the signing of the *Memorandum on Cooperation* between the Serbian Government and the local governments of Kragujevac Bor and Vranje,<sup>26</sup> said that subsidies would be stopped in 2006; a few months later, in the 2006 budget, subsidies were reported as a separate item and as hidden subsidies within the rather large current reserves. The mentioned Memorandum anticipates the crediting of beneficiaries in Kragujevac, Bor and Vranje (in the previous period the largest subsidies were granted just to these

<sup>25</sup> *Politika*, 20 June 2005.

<sup>26</sup> The Memorandum on Cooperation was signed on 27 June 2005, in Belgrade. On behalf of the Serbian Government it was signed by Finance Minister Mladjan Dinkić, Minister of Economy Predrag Bubalo and the Minister of Labour, Employment and Social Policy, Slobodan Lalović.

two municipalities<sup>27</sup>) so as to encourage development and employment. The amount of 800 million dinars was provided for long-term crediting of the projects enabling a rise in employment and exports (out of this amount, 400 million dinars went to Kragujevac and 200 million dinars each to Vranje and Bor). Although these funds will not be sufficient to change the economic situation in these municipalities more significantly, they are still very important if one bears in mind that, over the past five years, 520 million dinars have been channelled only into Kragujevac, for example. Finance Minister Mladjan Dinkić announced in May<sup>28</sup> that the Ministry for International Economic Relations was making preparations for an international investment conference in Kragujevac on which occasion the city would offer favourable conditions for the formation of new companies to potential investors (free municipal land and utility hook-ups, free and fast granting of building permits, etc.).

Underway is also the preparation of the *Law on Industrial Estates* (with incentive taxes, lower than the current ones), according to which one of those estates would be located in Kragujevac, as an added impetus to faster employment and the recovery of this large and ruined industrial centre (which is also politically problematic due to continuing workers' strikes<sup>29</sup>). In the course of the year, the unemployed in Serbia could also obtain micro-credits to the amount of 5,000-20,000 euros for the start-up of a business, but their number is still insufficient and the credit terms are frequently restrictive. The credit terms offered by commercial banks are even more unfavourable, which prevents many economically active agents from increasing the volume of their business and, thus, creating new jobs. Despite all this, if the Government reduces its subsidies drastically and channels these funds into employment, that will be a significant step forward – at least towards discontinuing the practice of buying social tranquility over a short term. A rise in employment would not only ease the pressure on social funds, but would also ensure their stability and better care for those welfare recipients who really need it. One of the most important problems in all countries, especially transition ones, is (un)employment.

According to the data of the Republican Bureau of Statistics,<sup>30</sup> in December 2005 in Serbia, there were 2,045,087 employed and 990,669 job

<sup>27</sup> Finance Minister Mladjan Dinkić said on 13 May in Kragujevac that in the period from 2001 to the present day the Government subsidized Zastava with 150 million euros.

<sup>28</sup> www.minrzs.sr.gov.yu.

<sup>29</sup> During his visit to Kragujevac on 13 May, Capital Investments Minister Velimir Ilić pointed out that "subsidies and workers' protests are not the correct way to solve the perennial problems of the factories".

<sup>30</sup> *Mesečni statistički bilten broj 40*, National Employment Office, Belgrade, December 2005.

seekers, of whom 542,376 (54.7 per cent) were women; among the latter there were 895,697 active job seekers, while other job seekers included those being temporarily unable or unready to work<sup>31</sup>, part-time employees, persons wishing to change their jobs, as well as persons whose rights were temporarily suspended as stipulated by law.<sup>32</sup> What especially raises concerns is the fact that among the unemployed there were 466,924 persons seeking employment for the first time (of whom 269,160, or 50.7 per cent, were women). Serbia holds the first place in Europe according to the number of unemployed persons younger than 30. The Ministry of Labour announced the adoption of a set of measures in mid-2006, which would motivate employers to employ just this category of unemployed persons, bearing in mind that it was the question of educated personnel being in demand in all sectors (69.8 per cent of the registered needs in 2005 accounted for skilled labour).

The unstable business environment generates one more negative trend in the area of employment. Like in the previous years, even 60.1 per cent of vacancies in 2005 accounted for part-time employment and 39.9 per cent for full-time employment. Numerous other statistical data also point to the trends and provide the guidelines that the Government should analyze more seriously. However, experience has shown that political indicators have most frequently taken priority over economic ones, so that there is little hope that something will change in that respect. This is also shown by the fact that the private sector (no matter how weak and without incentives and adequate protection) is continuously recording a rise in productivity and creating the greatest number of new jobs<sup>33</sup>, despite political pragmatism and an ideologized economy, including the suspension of the privatization process in 2004, prolongation of the process of restructuring and selling large systems and public enterprises and the "protection" of the state/national interest in many other cases in a very dubious way.

According to the data of the Privatization Agency,<sup>34</sup> 1,247 enterprises in Serbia have been sold by public auction and 1,003 have not; 58 enterprises have been sold by tender and 95 have not. Underway are preparations for the privatization of 37 enterprises, while 93 enterprises are still undergoing

<sup>31</sup> Persons who are currently unable or unready to work for justified reasons, such as: maternity leave, longer sick leave, natural disaster, responding to the call of a government body, etc.

<sup>32</sup> For example, the rights and responsibilities are temporarily suspended during military service, while serving a sentence, for the duration of the pronounced security, corrective or protective measure, etc.

<sup>33</sup> Compared to 2004, the labour demand in the private sector rose by 33.8 per cent, as opposed to the socially-owned one, where it rose by only 1.5 per cent; the private sector recorded a rise in employment by 36.3 per cent, as opposed to the socially-owned one, where it rose by only 5.63 per cent.

<sup>34</sup> www.mpriv.sr.gov.yu.

restructuring. Despite being the "proponent of fast privatization", the Minister of Economy and Privatization, Predrag Bubalo, defended the subsidizing strategy in 2005, arguing that those firms should "be prepared for privatization, that is, be recovered to such an extent as to be interesting for investors"<sup>35</sup>. Minister Bubalo often cites the cases of firms which used to be subsidized in the past "but after being sold, those subsidies are granted by buyers". However, he never stated precisely what benefit (if any) the state derived from delaying the privatization process and whether the buyers were selected solely on the basis of economic considerations and in a transparent procedure. These issues are subject to severe criticism by economic analysts and the public, as well as by the *Anticorruption Council*, whose Chairwoman Verica Barać accused the present Government of being the centre of corruption: "It is evident that the executive authority enables high corruption and that the judiciary permits that such corruption is not punishable."<sup>36</sup> Although the first dubious privatizations were carried out during the Djindjić Government already, Verica Barać emphasizes that at that time they at least talked to her and that the topic was not "whether there is corruption", but how to investigate the dubious cases and initiate the relevant proceedings so as to determine responsibility. The general public still remembers the extensive debate between the Anticorruption Council and the then Ministry of Economy and Privatization, as well as the serious documentation prepared by the Ministry and the Privatization Agency in response to the Council's accusations and their meetings devoted to the problem of corruption. In this connection, the present Government exhibits arrogant and irresponsible behaviour, arguing that there is no any affair or corruption. However, reality denied it to be the case. The Government was faced with real scandals a few times, but none of them has been investigated to the present day, nor has the public been appeased by a basic yet incomplete investigation.

In the case of the Knjaz Miloš mineral water factory, the Government disavowed the Securities Commission, laws and the Serbian Parliament itself in an unprecedented way. However, it was never investigated who exerted pressure on the Commission, who stood behind the investment fund Balkan Ltd, which ministers were directly involved in the unlawful sale, etc. The takeover of C-market was also marked by pressure on the shareholders and its very dubious sale, but there was no investigation in this case either. There are also no answers with respect to illegal sugar imports and exports, electric power imports and the link of the top management of the British company ETF with the ruling Democratic Party of Serbia (DSS), tender for the Airport, founding and subsequent sale of the National Savings Bank, Jugoremedija, Veterinary Research Institute, Venčac, etc. The past year will also be

<sup>35</sup> *Vreme*, 12 May 2005.

<sup>36</sup> *Vreme*, 5 May 2005.

remembered because the *Public Procurement Law* was violated by the highest government bodies and large public enterprises. Namely, after a number of disputed procurements by the Ministry of the Interior, which raised doubts about corruption, the Government decided to exempt the Ministry from the enforcement of this Law by a decree,<sup>37</sup> thus allowing it to proclaim virtually everything to be confidential procurement - immovable and movable property, as well as spare parts. Thus, the Government assigned the legislative function to itself and the Minister was given a free hand to procure property, equipment, services and works through direct contracting.

The purchase of used trains from Sweden for the Serbian Railways also received wide media coverage. It was made outside the legal procedure and despite the warning of the Public Procurement Administration. On the pretext that the purchase was indispensable and urgently needed for the approaching summer season, this public enterprise bought trains (with the benevolence of the Ministry for Capital Investments) under a direct leasing arrangement, through the supplier - private clothing companies - at a very high price (unrealistic, according to experts)! The UBPOK (Organized Crime Directorate) launched an investigation, but it has not yet produced any results, nor have these trains been put into operation to the present day (although Minister Velimir Ilić argued that they were in good order and almost new, due to which they were expensive).

In 2005, the greatest attention was attracted by the sale of the private company BK Trade, including a part of Mobtel. The sensational news about the sale of Mobtel to the Russian Alpha Group was announced early in March. The following month, this news was confirmed and denied from various sources, including the parties to the deal and the Serbian Government. The public was showered with confused and contradictory statements by the highest government officials on a daily basis, thus creating an impression that some negotiations were conducted, that some government officials knew or were "included in the deal" and that the negative outcome followed due to the clash of different interests (economic and political), which remained a secret for the general public. This deal was unacceptable for the Government and, after the talks with the Russian diplomats, the whole case was dismissed and nobody knows what actually happened. The Government imposed an impression that it blocked the deal so as to protect the state interests in Mobtel. However, on 12 May, the media reported that BK Trade, which is the (disputed) owner of 51 per cent of Mobtel, was sold to the Austrian Schlaf Group. Like in the first case, the representatives of the Government and JP PTT Serbia claimed at first they had no information about this sale and that the Government would not negotiate it with anybody prior to the settlement of the dispute before

<sup>37</sup> The Decree on Special-Purpose Resources, *Official Gazette of the RS*, No. 29/2005, 1 April 2005.

international arbitration in Zurich. It turned out very soon that – outside the eyes of the public and other potential buyers – the Government held the talks with Martin Schlaf about the payment of dividends which PTT Serbia claimed from Mobtel. So, the Government accepted the new co-owner of Mobtel and turned to the negotiations with him.

The media reported on this deal only in brief and from time to time. Instead, they began to show a keen interest in the origin of the wealth of the Karić family. Finally, two days before the New Year, the Government made a radical move - it revoked the licence to Mobtel justifying this act by the generally known, two-year old "harmful agreement" with the firm Mobikos from Peć owned by Ekrem Lluka, thus opening up two fronts: it entered into a (seemingly) radical showdown with the Karić family and into a less pleasant dispute with the Austrian owner of BK Trade and the co-owner of Mobtel. Apart from tax evasion, the proceedings against Bogoljub Karić are also conducted for his alleged attempt to bribe deputies in the Serbian Parliament, whereby the whole case assumed a political dimension. Every day the public is supplied with new information about the wealth of the Karić family, tax evasion and damage inflicted on the state. On the other hand, they proclaimed themselves the victim of political persecution and left the country. Finally, the scandal assumed such proportions on the international plane that Prime Minister Vojislav Koštunica also included himself in its solving.

After harsh tones from Vienna, the Prime Minister met with Austrian Vice-Chancellor Hubert Gorbach, which resulted in their agreement on the formation of a mixed group by the Austrian and Serbian Governments, which should find a solution for the newly created situation. Although this case will probably be settled in 2006, there are already too many open questions, as well as attempts to conceal or minimize them, not to mention the Government's interference in the economy, judiciary, financial and tax systems, etc. In addition to doubts about the sincerity of its intention to deal with Milošević's tycoons (because such an intention on the part of Vojislav Koštunica or his Government was never observed), it is evident that once again the Government appointed itself as chief arbitrator in the affairs in which it should not interfere, that it marginalized the legal role of JP PTT Serbia, the Telecommunications Agency and the competent Ministry for Capital Investments, and that it bypassed the Trade Court.

The decision to revoke the licence is legally dubious disputed (and null and void, according to experts)<sup>38</sup> and the same applies to the way in which

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<sup>38</sup> The licence can be revoked only by the Telecommunications Agency (RATEL). According to the Minister for International Economic Relations, Milan Parivodić, the Agency was bypassed "because it does not function". Immediately after this statement was made, the President of the Management Board of RATEL, Jovan Radunović, issued a denial in which he stated that the Agency did not receive any information about Mobtel from the Government and that the Telecommunications

it was returned; it is unclear whether the pre-emption right will be observed and whether the aim (agreed in advance?) is to have the Austrian operator – Mobilkom become the sole owner of Mobtel (in such a way as to bypass the market and potential competitors); what the role of the privatization advisor will be (his appointment was announced a long time ago); whether the Government is still awaiting the arbitration award from Zurich, or this instance will also be ignored should that suit its interests (as it is doing with the domestic judiciary); how the whole "deal" will be reflected on JP PTT Serbia and its interests, etc. Firm insistence (only) on tax evasion by the Karić family (only by them, although it is known that many of the "newly rich" are large tax debtors, if that is in question) suggests that the "Karić case" will end with a certain bargain and that the public and the relevant institutions will be manipulated and shamelessly humiliated once again.

No matter how the case of Mobtel will be settled, damage has already been done. Serious investors and foreign governments will continue to look at Serbia as a state without law and order, in which nothing is impossible. Even if numerous questions imposed by the Government remain unanswered, it is hardly unlikely that anyone will regard it as "pro-reform", or call it "the government of social justice". This is the crux of the problem.

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Agency was ready to perform all tasks assigned to it by law. *Economist*, 298/6 February 2006.



## **CULTURAL RIGHTS AND CULTURAL POLICY**

Regardless of its definition or interpretation, culture has never been favoured by authorities. Even in happier times in Serbia, there was very little appreciation for cultural creativity, not to mention the related incentives. Truly, some better organized states do not pay enough attention to culture either, but their standard of living and gross national income enable not only culture to survive, but also enable the meeting of cultural needs, development of cultural institutions and their maintenance at an enviable level, encouragement of creative endeavour, as well as the establishment of international cooperation and dialogue (the European Commission declared 2008 "European Year of Intercultural Dialogue").

The transition process in Serbia, culture is paying the most expensive price. Despite the fact that, by default, the least amount of money is earmarked for culture both at the national and local levels and that a small number of employed in cultural institutions "burdens" the budget, numerous reforms and rationalizations always began with culture. Unfortunately, the dissolution of institutions, reduction in the number of employed and potential beneficiaries of budgetary funds, reduction in the number of cultural projects, minimization of the funds for covering material costs and maintaining the facilities (including those being of national significance and protected by the Republic), as well as a number of other "reform measures" are not only the characteristics of this Government. That culture is overrun by events is also confirmed by the fact that in the period from 5 October 2000 to 31 December 2005 the National Assembly of the Republic of Serbia did not enact any important law in the area of culture. So far, only one legislative proposal has arrived in the Parliament (during the Djindjić Government, when the Minister of Culture was Branislav Lečić). It dealt with the protection of cultural property, but was so bad and imprecise that it was withdrawn by the Ministry itself, after a debate in the Committee for Culture and Information. If one also takes into account that many laws in the area of culture were adopted in the former Yugoslavia and that many laws do not exist (for example, the Law on Theatrical-Scenic Activities), the picture of a depressive and anarchic situation in culture becomes complete. Without its development strategy, laws and regulations

and financial support, culture survives through sheer inertia thanks to a smaller number of creative persons and operatives for whom culture is not only the source of income, but is also their way of life.

Culture is probably the only area in which the process of transition has not yet started. Left to itself, culture is also left to the so-called market ruled by party bosses and cronomism, which has disastrous consequences for the theatre, museum-related activities, publishing, film industry, etc. The facilities of cultural institutions, such as halls, cinema theatres and cultural centres, have become either the object of grabbing, or are just decaying due to the shortage of funds for their basic maintenance, or have been closed. Whereas the former, so-called communist regime pursued a thought-out cultural policy, in this transition period neither the authorities nor culture have found an adequate answer to the change that took place at the very end of the 20<sup>th</sup> century, both in Europe and in the former Yugoslavia.

The inherited centralistic system of government proved to be acceptable even for those democratic parties and their leaders in whose campaigns the concept of Serbia's decentralization and regionalization in all areas, including culture, has been resolutely supported. Unfortunately, centralism in decision-making and government has remained the favourite model of every government, thus encouraging subservience and discouraging creativity, encouraging crime and avoiding transparency, continuing with the further "Belgradization" of Serbia, while at the same time allowing the diminishing of those sparse institutional and creative potentials in the provinces. With the exception of Vojvodina, which is still somehow managing to defend its cultural potentials thanks to its status of the province, the rest of Serbia, outside Belgrade, is literally decaying while waiting for better days. There is no doubt that Belgrade, as the national capital, is and should be the "window" of Serbia, with the widest possible range of top-level cultural activities. By the nature of things, the capital city also gathers the greatest number of artists, creative persons, institutions, international cultural centres, festivals and the like. But, something should also be found in other Serbian cities. In view of the fact that culture can have a significant influence on the development of democratic standards and greater public awareness, and that the easiest way to establish communication between different nations and religions, as well as to promote cooperation and mutual understanding, is through culture, it is no wonder that in Serbia it has been marginalized and has even become undesirable. The systematic destruction of culture began with Milošević's rise to power (in the form of showdown with communism), but it has actually continued to the present day, thus keeping millions of citizens in specific isolation. In the meantime, culture was unscrupulously abused for political ends, serving as the source of retrograde ideas and nationalism. Unfortunately, five years after the fall of Milošević, there is still no readiness to redefine culture, despite declarative support to it by politicians and their

constant statements about its significance for the promotion of new, democratic values. Suffice it to cast a glance at the number and state of cultural institutions, its facilities and events throughout Serbia, and conclude that culture is still a means of political control and manipulation. That says a lot not only about culture, but also about the policy pursued by Serbia.

In addition to enabling full and direct control, centralization is also a mechanism by means of which one can create the value system, what is desirable and undesirable in culture and among the population. Therefore, many events or creators are often labelled in public as "pro-Western" (which, in a pejorative sense, should point to their insufficient patriotism), while other ones are imposed as indisputable values, although this is in disproportion to their real cultural and artistic significance. From such a viewpoint, it is understandable why cultural policy is conducted from Belgrade, because it is also reduced to an instrument of political power. Since culture cannot be programmed and fit into the desired system (at least not completely), it manifested the instinct to survive as well as some other creativity even during wartime. Unfortunately, instead of having freedom and unlimited space for its presentation, the little that is valuable in culture is concentrated in Belgrade. Thus, culture becomes the privilege of some citizens of Serbia, while others are in a similar situation – they are left to themselves or the influence of electronic media. The situation is especially disastrous among the youth and students as potential users of cultural goods. Outside Belgrade, the possibility of meeting any cultural need depends on the enthusiasm of school teachers, who may organize from time to time, with great personal involvement, a visit to a museum or a theatre, or may prepare a programme that will, at least a little, compensate the absence of culture in their community. Therefore, it is not rare that many young people – only after admission to the university – get acquainted with certain cultural activities (opera, ballet, art galleries...) in which they most often do not show any interest. Their failure to understand culture and its significance for the development of personal and collective identity contributes to further self-isolation and diminishes Serbia's understanding of modern global trends. Moreover, social stratification, the unavoidable companion of transition, is creating conditions for the development of quasi-elitist culture (and its fans), whose quality is not measured against the valid contents and artistic achievements in the country and abroad, but in the isolated circle of self-proclaimed "values".

The non-existence of the relevant laws and regulations and the shortage of financial resources are not the only handicaps of culture in the past decade. Due to the feelings of hopelessness and insecurity, most creators and employed in cultural institutions do not show any more serious initiative to change or initiate something, thus enabling culture to catch up with transition reforms. The half-century habit acquired at the time of communism – the conception of culture based on budgetary funds, where one's party function is

more important than a strategy or specific project - has not changed to the present day, except that one party has been replaced by a number of them. So, statism and partocracy have remained deeply rooted in one's mind, while the unchanged or non-existent legal framework supplies them with formal cover.

After 5 October 2000, the Ministry of Culture was also charged with information. Due to the significance of information dissemination and the media in the unending political campaigns, the Ministry is much more concerned with information, so that a number of the relevant laws has been adopted. Thus, culture does not have the major role in its own Ministry. Such a picture is transferred from the national level to the lower one, i.e. to the province, cities and municipalities. Stripped of their rights and competence they should have by the nature of things and being most frequently poor, local governments do not even try to find the alternative sources of financing the relevant institutions and individuals. Instead, the linear financing model is simply copied, without a more detailed analysis. Rare international and domestic contests and donations provide an infusion into the diseased cultural tissue only periodically and partly, while most institutions and individuals are left to themselves and their own abilities to find sponsors. Experience has shown that this is very difficult, even if the promotion or protection of very valuable cultural property is in question. Those who have money in Serbia today are mostly prepared to support only those cultural initiatives which are promoted by the political and intellectual elites being close to the authorities.

Due to its specificity, culture cannot, at least not in full, be treated like other merchandise which is subjected to market forces and mechanisms. Failing to meet the needs of culture and cultural needs of the citizens, the Serbian Government reduces the already limited financial resources quite easily, at the expense of the number of new films, publishing or purchase of books, protection of cultural property, number of theatre premieres, etc. In addition to the unregulated relations concerning copyright protection and an anti-piracy drive, that is, fighting against the grey economy in culture, the state also demonstrates its inability, as well as the lack of interest to rehabilitate the products of both the communist and nationalist heritage. The empty and unregulated cultural space is left at the "mercy" of the newly rich who, with the significant assistance of most media, proclaim the new "cultural values" of tabloid provenance. Thus, the "newly rich" style in everything becomes the only true "brand" of Serbia, shrouded to a greater or lesser degree in false patriotism and nationalism, planted on culture as a generally accepted value and civilizational achievement. The greatest number of uncontrolled and semi-licensed electronic media are the major promoters of such a disastrous cultural policy in which the state or, to be more precisely, the politicians who represent it, do not show any interest or concern. On the contrary, they are frequently its constituent part. With his activities and statements, the Minister of Culture and Information himself exemplifies the state of culture in the best way; otherwise,

he will be remembered only because he "decorated" his Ministry with the wax figure of the Chetnik general.

For a start, the cultural reform requires as follows:

- The establishment of the legal framework for the cherishing, development and protection of culture and creativity;
- The adoption of the national strategy relating to the development and aims of cultural policy, laying special emphasis on the decentralization of culture and its accessibility to the greatest possible number of citizens, that is, potential users of cultural goods;
- The reorganization and adoption of new models of work in the cultural sectors operating within public administration agencies;
- Introduction of the institution of public contests;
- Professional conduct of personnel policy;
- Taking a position on privatization in culture and ensuring access and treatment on terms of equality;
- The creation of better material and financial conditions as an impetus to creativity;
- More profitable use of cultural resources;
- Modern and marketing-based presentation and protection of cultural creativity and potentials;
- Granting scholarships for the education and advanced training of talented individuals.

The mentioned activities form only a small part of the complex of administrative-law issues, which should also include those in the area of culture, so that culture is not treated as consumption, entertainment or, what is even more bizarre, an unnecessary budgetary expenditure. However, when considering cultural policy, one should devote special attention to the problem that cannot be regulated by law – how to change the attitude towards culture, its institutions and individuals. In that long-term process, special attention should be devoted to the education of the youngest population with a view to restoring the corrupted cultural and civilizational values, creating cultural needs and potentialities for their satisfaction. Among other things, cultural rights form part of the basic human rights as set forth in Article 27 of the Universal Declaration of Human Rights: "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits". If we add to all this the problems in defining and meeting the cultural needs arising from numerous differences and specifics (such as ethnic minorities, or persons with special needs – persons with visual or hearing impairment, persons with physical disability, etc.), the situation in culture, especially outside Belgrade, is alarming, to say the least.

Due to their importance, international cultural cooperation and the presentation of cultural creativity require special attention. Therefore, they must be supported in a synchronized way by the competent Ministry and the

whole Government, including specifically the Ministry of Finance. As a significant cohesive factor within the world cultural heritage, culture and its strategy provide, by definition, the first and fastest opportunity for the change of Serbia's negative image, which was created due to the events occurring during the collapse of the former Yugoslavia, as well as an opportunity for cultural dialogue, pluralism and mutual respect. In this process, a special role should be played by cultural centres in large European and world capitals. Unfortunately, a partocratic personnel policy, coupled with inadequate financial support, prevents once again the favourable effects that culture can generate. Individual successes are the result of ad hoc projects (which are mostly carried out on the private initiative of their creators) rather than a part of the overall national strategy and support. Noteworthy results could be especially achieved in cooperation with the Ministries of Culture and Tourism, as well as with other relevant institutions to no lesser degree.

Thus, the process of Serbia's Europeanization and harmonization with the standards of advanced democratic countries is conducted as requested by the international community and its organizations on a daily basis rather than due to the fact that Serbia and its institutions recognize them as their own need. Therefore, the only more serious action in the area of culture was taken after intense pressure from the international community that the state should fight against piracy. The state and the Ministry of Culture, as well as other ministries (such as the Ministries of Finance, Justice, the Interior and the like) did not find it necessary to regulate copyright protection because of their own creators and revenues, but carried on this campaign on an ad hoc basis, seizing pirated goods only from street sellers, while the bosses remained protected and untouched. The action taken in 2002<sup>1</sup> was only a demonstration drill that the state can act if it wants and that it has the relevant control mechanisms. However, it is evident that it does not want to act, since most producers of pirated goods recovered very fast and returned to the grey market. Even RTV Serbia (as well as most other electronic media), which is still under the Government's control, behaves in a similar way. Namely, it does not observe the basic intellectual property rights of domestic authors relating to the payment of royalties for the first or second broadcasting of films, musical works, entertainment and documentary programmes, theatre performances, etc. The mainstream TV stations are forced to meet their liabilities when purchasing foreign programmes, but their unauthorized reproduction and broadcasting by hundreds of small TV stations is continuously practiced. This

<sup>1</sup> During this anti-piracy drive, market inspectors seized 35,360 compact discs, 16,801 audio cassettes and more than 2,000 film recordings (in VHS and DVD); during its control the financial police seized 22,601 video cassettes, 11,175 CDs and over 10,000 audio cassettes; 35 decisions on the closing of shops were brought due to their illicit trade in music and film recordings; about 2,000 reports were submitted to the magistrate and 283 mandatory fines were pronounced.

example is sufficiently illustrative of the sick state of culture, but it also points to great financial potentials and possible abuses. Therefore, the International Intellectual Property Alliance put Serbia and Montenegro on its Watch List of the countries that do not observe intellectual property rights. The regulations governing copyright protection in Serbia are obsolete and require new systemic solutions so as to be in step with the times and meet different needs. Since the state has not yet expressed its willingness to regulate this area, it will do that, like in many other cases, under pressure and in the form of an ultimatum by the relevant international organizations and EU institutions.

The period after 5 October 2000 represents a missed opportunity that the area of culture is reformed and that it undergoes the transition process much faster and more effectively than other segments of society. Despite belonging to socialist realism in many respects, culture in the former Yugoslavia (and in Serbia) was still much more open to other cultures and different influences than culture in the East European countries under "hard-core communism". The already established contacts with the Western democracies and so-called Third World countries provided a sound basis for the freeing of culture from ideological influences and its redefining. Instead, state-sponsored and subservient culture was easily abused for new political ends - nationalist ones this time. It was expected, however, that the new authorities would have a better ear for culture and use its possibilities for a faster reestablishment of relations which were broken off, as well as for convergence towards the rest of the world. Unfortunately, culture as well as its institutions and method of work have remained at the same level. Whereas Prime Minister Djindjić's Government at least had an intention to distance itself from its predecessors, the current authorities are making every effort to restore the shaken continuity, thus rehabilitating those cultural institutions and individuals for whom we believed to have gone forever. In fact, the state has not yet adopted a cultural strategy. It has not proclaimed its cultural policy nor has it formulated the national interest, since that interest and that policy are basically confronted with the progressive trends in Europe and the rest of the world. Therefore, culture is generally in a very poor condition, devastated and weakened to such an extent that it cannot recover by relying on its own forces. The funds earmarked for culture from the republican budget (as well as from the provincial and municipal ones) resemble social welfare that is distributed among numerous recipients (institutions, events, etc.) whose activities, quality and achievements should not be found at the same place.

The process of privatization, the most significant transition activity, has not yet been initiated in the area of culture. It seems contradictory that, on one side, the state wishes to relieve itself of all unnecessary budgetary expenditures and treats one segment of culture as unnecessary government expenditure and, on the other side, it does nothing to establish the legal framework for different yet equally treated forms of cultural creativity and entrepreneurship. The

private initiative in the area of culture has not been given a chance to articulate itself and demonstrate its numerous potentials, including profitable ones! Such an example is a great number of cinema theatres at excellent locations, which are mostly decaying due to the lack of necessary equipment, programme and, thus, visitors. The situation is not much better in the case of numerous "Potemkin villages", that is, cultural and youth centres, not to mention art galleries and museums, whose valuable art collections are decaying in the cellars. All these examples point to the tragic attitude of society towards culture and cultural heritage. The historical conflict between traditionalists and modernists, which has been going on in Serbia for a century, is even more evident and more dramatic in the area of culture. The two opposite and conflicting concepts have been transferred from politics to culture: the nationalist, that is, ethnocentric concept, which is rather hermetic, conservative, autistic and even xenophobic, on one side, and the globalist, modern and open concept which is, above all, intercultural and provocative, on the other.

However, in an undeveloped and insufficiently educated society, mythology and religion, old customs and folklore, populism and demagoguery can easily be used to establish the cultural standards. Thus, everything becomes politics and artists exchange their "credo" on the new quasi-market for high government offices and ambassadorial posts. Truly, this does not happen only now and here, but in the past, just like in well-organized states today, personal and cultural identity of such individuals was not endangered, nor did the functions to which they were appointed devalue. Culture in Serbia has been taking political sideswipes since its beginnings, while at the same time trying to offset their impact and relativize it to a tolerable level. In Serbia the relics of socialist realism can also be found at every step, but not as the monuments of an era, but as the regular stumbling block to new, more modern and more profitable challenges like those in democratic countries which attach much greater attention and significance to culture. Serious and responsible states have elevated their museums, are galleries, theatres, artists and cultural events to the national (not nationalist) pedestal, without suppressing, or turning a blind eye to modern trends and their exponents. The gloomy situation in culture can be changed relatively fast should the state take a clear stand on the strategy relating to culture and cultural creativity, thus ensuring more modern forms of organization, financing and incentives in this area, as well as much greater involvement of persons prominent in cultural life, who should display a much greater initiative and the wish to solve the crucial problems of the cultural reform faster and more efficiently. In the meantime, a great number of talented individuals, without seeing any chance in such Serbia, will leave for the countries that will have more understanding and more financial resources for them. A good start for dispelling any mistaken notion about "us" and "others" should be to reconsider the narcissistic and false idea that their success is due exclusively to their origin and national identity.

**IV**

**INSTITUTIONS IN AN  
UNFINISHED STATE**

## **ARMY OF SERBIA AND MONTENEGRO: POOR RATINGS AND DELAYED REFORMS**

Army of Serbia and Montenegro is imploding, as a result of general demoralization and numerous scandals and affairs. Its approval ratings are also plummeting, that is, citizens of Serbia and Montenegro no longer consider it "the most trusted institution in the country." At the year-end the army-related situation was bleak: shaken by numerous scandals and unresolved (some even mysterious) murders and suicides of soldiers, thrown into disarray and confused by frequent re-shuffles in the top brass and at the very top of its hierarchical pyramid, panting under the onerous burden of its past, heavy involvement in recent wars (and well-grounded assumption that under the auspices of its special agents and intelligence services traces of fugitives from the Hague justice, notably of Ratko Mladic are being skillfully hidden ), and convictions for genocide and the most heinous war crimes, the Serb-Montenegrin army subsists on the social and political sidelines of the Serb-Montenegrin state union.

Depth of its ruin may be likened to the period when its informal supreme commander Slobodan Milošević (in mid-90s) has cruelly rejected and financially marginalized the then army of Yugoslavia. Then he strengthened the Serb police by morphing it into his second army, much more reliable for dealing with any internal opposition. However, he "resurrected" the army on the eve of the "Second Kosovo Battle."

However, the above bleak picture is regularly re-touched in workshops of military-political propaganda by the highest army echelons, and then in such a doctored and perked-up version is launched for public consumption. Unfortunately citizens of Serbia still fail to contest or at least to disbelieve communiqués and information issued and imparted by informative institutions of Chief of Staff and Ministry of Defence. But that deeply rooted popular trust in "our army" was heavily dented in late 2004, after the Topcider tragedy, and then by a similar series of unresolved deaths of soldiers throughout 2005.

Serb top leadership headed by Vojislav Koštunica and Boris Tadić has never had political will or ability to name and qualify in the right way to the most salient and numerous army problems. On the contrary they were content

to produce a superficial and benign diagnosis of a crisis, the most often quoted reasons thereof, according to them, being of social and political nature, notably frequent re-shuffles in the top echelons of the Defence Ministry and Chief of Staff. Instead of seriously tackling the army reform, and also the one of other defence system segments, political prime movers intentionally or unintentionally kept fanning army-related scandals.

One may maintain with all certainty that those scandals and affairs set the tone of total work of the Serb-Montenegrin army and the Defense Ministry throughout 2005. Series of unresolved deaths (murders?) of soldiers has not only shaken Chief of Staff and Defense Ministry but has also, according to findings of various polls, caused a rapidly falling trust of citizenry in the army. The second series of scandals was linked to active and retired servicemen, who, to put it bluntly, were "in the service" of fugitive from the Hague justice Ratko Mladić. "Pancir" Affair which disclosed the Defense Ministry's signing of a contract on purchase of expensive military equipment with Zrenjanin company "Proizvodnja Mile Dragić", also adversely affected the army's rating, and cost the Defense Secretary, Prvoslav Davinić, his job. What amazes, in the light of the year-end total fiasco of both contracting partners, is the fact that the aforementioned company was repeatedly extolled on the pages of weekly "Vojska", notably in early 2005.<sup>1</sup>

Progress in the army reform or overhaul is still expected. That is, the army is being reformed without participation of civilian authorities and without a basic project of transformation. In 2005 that "reform" was mostly reduced to minor shake-ups or reorganizations, to problems related to downsizing of the army and its "supplementing" from recruits contingents. In that whole process conservative that is retrograde stands of military and some civilian segments were publicly manifested. Added to that frequent re-shuffles and replacements in the top echelons of the Defence Ministry and Chief of Staff, an unusual practice both at home and abroad, very adversely affected the army morale.

## Soldiers Die Mysterious Deaths

Investigation into death of two guards in Topčider on 5 October 2004, was continued without major results. Generals maintained that the report of the Military Commission headed by then military investigating judge, Captain, Vuk Tufegdžić, was accurate. According to findings of that commission soldiers Dražen Milovanović and Dragan Jakovljević killed each other. According to the first version Jakovljević in a mentally deranged state first killed his colleague, and then himself. In the second version those roles were reversed, while in the third version, the commission "found out" that the dead

<sup>1</sup> "Highly Reliable Anti-Terrorist Equipment", weekly *Vojska* 13 January 2005.

soldiers were "perverts, that is homosexuals". That allegation was intended to shed new light on the accident. Such interpretations additionally hurt parents of youngsters, and the public anger towards the military establishment and the Serb-Montenegrin army grew.

Topčider tragedy seems to have been a prologue into a host of similar tragedies which happened in the Serb-Montenegrin Army in the course of 2005.<sup>2</sup> Here's the chronology of those deaths:

On 1st January : a soldier *Dušan Petrović* was found dead at his guard post at the military airport Ladjevci near Kraljevo; the official report declared his death a suicide; on 10th January, a soldier *Sadudin Adrović*, while doing his guard duty in the Podgorica barracks "Masline", out of unclarified reasons, shot dead his guard commander, sergeant Jadranko Kandić; according to investigation findings Adrović committed that crime "in a mentally deranged state"; on 18th February a soldier *Dragan Živković*, in a military base situated within the area of Land Zone of Security in Bujanovac, according to the official version, by accidentally firing his gun inflicted grave wounds to his fellow-soldier, *Danijel Stanojević*<sup>3</sup>; on 30th June a soldier *Radoman Žarković* was found dead on a viewing post in the Land Zone of Security in municipality Lebane. His death was not clarified.

On 19th July *Ivan Kozlovački*, a civilian serving his military service in Zrenjanin garrison, according to the official investigation, committed suicide, while on night guard duty in the military facility "Silos"; 29th September soldier *Srđan Lazić* was found dead in a Nis garrison; according to official version, he committed suicide too; on 13th October soldier *Milan Matić* was found dead at the guard post in barracks "Bagremar" in Mladenovac, according to the official post-investigation report he committed suicide; on 14th October soldier *Darko Milovanović* killed himself with firearms, before the eyes of his unit. It was confirmed that he had committed suicide in the drills grounds of Pirot barracks "The third infantry squad". And the last in a series of soldiers' deaths in 2005 was the one of *Bojan Stanojević*, who "after suddenly feeling unwell" in a Nis barracks, was hospitalized. He died in the Nis military hospital on 2nd October.<sup>4</sup>

After the aforementioned accidents, resentment of parents and disbelief in the efficiency of military organization and veracity of its official reports and communiqués on causes of soldiers' deaths, escalated. Parents of

<sup>2</sup> "Traumas of Once Powerful Institution", *Danas*, 15-16 January 2005.

"Mach in NATO Rhythm", *Politika*, 13 January 2005.

"Guard Kills Commander", *Večernje novosti*, 11 January 2005.

"Country of Dead Soldiers", *Glas javnosti*, 15 October 2005.

<sup>3</sup> "Life Lesson", weekly *Vojska*, 24 February 2005.

<sup>4</sup> "He Shoots Himself in Mouth Before His Mates", *Glas javnosti*, 15 October 2005.

"Country of Dead Soldiers", *Glas javnosti*, 15 October 2005.

Dragana Kostića – who according to the official report-committed suicide in a military uniform on 27 August 2004 in Leksovac barracks "Jablanica", and was buried in a military cemetery in Požegi – 14 months after his death dug out the remains of their son and tasked private forensic experts to establish the true cause of his death.<sup>5</sup>

Only in the case of wounding of soldier Danijel Stanojević in a military base in Bujanovac, the then Defence Secretary threatened to "sack irresponsible superiors", for, according to his assessment, that wounding "resulted from a gross breach of discipline within the framework of a military unit, moreover of a very important unit, tasked with securing the Land Zone of Security."<sup>6</sup> Other responses by the army and Defence Ministry were of a purely self-defence character. But the exception from that rule, was a statement by a retired general, Head of NGO Centre for Development of Democracy and Security, in which he implied that the accidents were provoked by not so human relations within the army: "...Our rules of service procedure are 20 years old, they have not been amended in the least, therefore relations between superiors and common soldiers have not become more human. ..."<sup>7</sup>

One must say that both Chief of Staff and the Serb and Montenegrin Defence Ministry tried to discover causes of the aforementioned accidents. But in all their official versions that event was reduced to –suicides, while civilian health institutions were criticized for sending to recruiting commissions perverts and mentally weak, suicidal young people. It is also noteworthy that not a single analysis pointed a finger at superiors incompetent and unwilling to help the recruits adjust to the living conditions in their military units and to the soldiers' rhythm of life, or to shortcomings and weaknesses of military organization, that is of its internal services, and excessive red tape in military command and excessive drills at lower echelons of military hierarchy.<sup>8</sup>

## Death of Dashnim Hajrulah

Though the death of 16-year old Albanian Dashnim Hajrulah was different from deaths of soldiers we mentioned in the previous paragraph, it was nonetheless-scandalous. On 7th January 2005 member of the Serb-Montenegrin armed forces securing the Land Zone of Security killed an underage Albanian. That tragic event happened during an illegal crossing at the border between Serbia, Montenegro and Macedonia, when Hajrulah was returning from a visit to his mother in Macedonia, on the other side of the

<sup>5</sup> "Unveiling the Secret of Death in Leskovac Garrison", *Danas*, 30 September 2005.

<sup>6</sup> "Life Lesson", weekly *Vojska*, 24 February 2005.

<sup>7</sup> "Why the Suicide Rate of Our Recruits is Increasing", *Blic*, 16 October 2005.

<sup>8</sup> "When Internal Sun Darkens", magazine *Odbrana*, 1 November 2005.

border.<sup>9</sup> Death of that boy (originally from village Oraovica near Preševo) was politically capitalized both by Serbs and Albanians. Only three days after that event, on 10<sup>th</sup> January the intellectual and political crème of Serbia, including Patriarch Pavle, gathered in the Guard House in Topčider to send a message to the world, notably to Albanians "wherever they live". The gist of the message was explained by Marko Jakšić, one of the leaders of Kosovo Serbs, before the cameras of Radio-Television Serbia: "In this way we would like to tell Albanians that Serbia shall never renounce Kosovo and Metohija".

Topčider rally was in fact the response of official Belgrade to the Albanian rally after death of Hajrulah. Vocal spokesmen of militant factions of the Albanian political parties in South Serbia maintained that the boy Dasim was intentionally killed, and that his murder was part of "the Serb scenario" of announcement of the "hot spring," that is the idea of provoking Albanians to "make reckless move" that is, respond with violence to the death of their young fellow-countryman. But the inverse happened, because even Albanian militants agreed to a political consensus and resolutely opted for "non-violent methods of action" in their struggle for attainment of their human, civil and national rights. 20,000 people gathered at Hajrulah's funeral, but none of them indicated that any kind of retributive action was afoot.

On that occasion the Serb side reacted awkwardly, not so say – inadequately. In a blatant show of absence of political tact and elementary humanity official condolences were not proffered to the family of the murdered boy. That non-gesture convinced even peaceful and very tolerant part of Albanian population that "Serb soldiers" intentionally killed Dasnim. Such a conviction was not dispelled by the military authorities official communiqué on the reconstruction of event: "Soldier-frontierman did not shoot directly the "target", that is a youngster, but the bullet from automatic rifle ricocheted back from the trunk of a fig-tree and hit Dasnim." The general public was not informed that the final, official version should have been given by the Nis District Court.

Interestingly enough illegal crossings are frequent at that part of border, because a legal pass is far away from that place. But military and civilian authorities turned a deaf ear to requests for legalization made by Albanians from Presevo Valley. And consequently innocent people kept losing their lives. Prior to the aforementioned case, three Albanians lost their lives there. Chief of Staff of the Serb-Montenegrin Army mounted an old-style defence in the face of criticism of a more conscientious part of the general public: The soldier acted in line with the rules of service. In a well-ordered world, such situations are not resolved by bullets, plus, such a murder would

<sup>9</sup> "Bordera", *Ekonomist magazin*, 17 January 2005.

"How Bad We Have Become", weekly *Vojska*, 13 January 2005.

"Fear of 'hot' Year", *Helsinki Charter*, January-February 2005.



compel the Defence Minister to hand in his resignation. But in the Serb-Montenegrin army no one was held accountable for those tragic accidents.

### **Officers of the Serb-Montenegrin Army In the Service of General Ratko Mladic**

Regardless of manner of clarification of the murder of the two guards, Topcider tragedy became a reference point in analysis of the total status and situation of the Serb-Montenegrin army. In fact it gave rise both to assumptions and tangible facts that Ratko Mladic nearly until the very end of the year 2005 enjoyed full support of the army, though that fact was denied by the top military leadership and Defence Ministry.<sup>10</sup> Some domestic analysts and opposition politicians claimed that Ratko Mladic hid in a secret military facility "Karaš" (which due to popular pressure in the wake of tragedy was opened to the public).<sup>11</sup> Some hypothesis went as far as to maintain that "the two soldiers, on that fatal morning saw what they were not supposed to see, that is, General Mladic, and that cost them their life."

#### ***Sergeant Petrović - "Ratko Mladic's Cannon Fodder"***

Miroslav Petrović, former, lower-ranking soldier of the Serb-Montenegrin army, according to his own confessions to daily *Danas* – was one of those military officers tasked with "guarding and protecting Ratko Mladic".<sup>12</sup> He admitted that at the time "there was a three-tier protection around Mladic", and that he was in the tier closest to Mladic in person, that is – "live flesh around Ratko Mladic".

Petrović admitted that in "In May 2004 in Prokuplje barracks two high-ranking officers from Republika Srpska army were appointed to invented positions which don't exist within the Serb-Montenegrin Army. Then in June all three of us were invited to a meeting and consultations to Topcider barracks. At that meeting there were many high-ranking officers of RS army, and there I met officers tasked with securing General Mladic's passage to North or to Bosnia..." Petrović also stated that Ratko Mladic "was in October in Topcider barracks, misfortunate soldiers saw him and were thus immediately liquidated ..."

Story of soldier Miroslav D. Petrović – who deserted from the Serb-Montenegrin Army and in November 2004 was a member of a team de-mining part of the Land Zone of Security in Bujanovac region- does not sound

<sup>10</sup> "Krga: Army Does Not Protect Hague Fugitives", *Danas*, 17 November 2004.

<sup>11</sup> "Korać: Army Was Hiding Hague Indictees", *Danas*, 4 November 2004.

<sup>12</sup> "Victim of Ratko Mladic", *Danas*, 11 April 2005.

convincing. However Ministry of Defence disclaimers of his story (ran by daily *Danas*)<sup>13</sup> seemed like an outright disqualification of M, Petrovic in professional and moral terms (it was alleged that he was prone to theft and alcohol and that he had a criminal record prior to joining the army as a professional soldier). On the other hand Public Communications Department of the Defence Ministry has not denied any detail disclosed by Petrovic, which made his story convincing to the general public.

#### ***The Ćosić "Company" – Colonel & Son***

Radomir Ćosić, a colonel serving as a Commander of a Guard Brigade, defended Slobodan Milošević, his former Supreme Commander, the night when Milosevic was arrested.<sup>14</sup> Despite that, Ćosić retained his position of the commander of that elite unit of the Serb-Montenegrin army until 15 March 2005, when he was replaced by Radoje Trifunović.<sup>15</sup> There are no indications or information about any contact between Ćosić and Ratko Mladic, though some media ran speculations of that nature, having in mind his "patriotism" and open and persistent loyalty to Slobodan Milošević. But despite everything the only link between Radomir Ćosić and the fugitive General Mladic is the former's son Nenad.<sup>16</sup> Namely colonel's son was employed as a civilian in the Guard Brigade. The fact that on the critical night of the death of the two soldiers he was in a nearby building and the first one to appear on the crime scene gave rise to a wide range of speculations which gradually gained wide currency. Because of the foregoing Nenad Ćosić was sacked from the army on 5 June 2005. But suspicions that he might know something about Topcider tragedy gained ground after his raid –the night of 23 July 2005– of a Defence Ministry premise in search of some documents.<sup>17</sup> However, he was not indicted for anything after investigation, but the suspicion remained that he knew something about the Topcider tragedy.

#### ***Captain Puhalo – Ratko Mladic's Trusted Associate***

During the war in Bosnia Branislav Puhalo was a commander of the unit of Military police in so-called Drina operational group of Republika Srpska army.<sup>18</sup> As a supreme commander of RS army, Ratko Mladic decided to make him part of his personal security team. And Puhalo retained that

<sup>13</sup> "Personal Promotion ", weekly *Vojska*,

<sup>14</sup> "Case of Colonel Ćosić", *Danas*, 9 November 2004.

<sup>15</sup> "New Commander ", weekly *Vojska*, 17 March 2005.

<sup>16</sup> "Colonel's Son Tries to Rob the Army", *Blic*, 10 August 2005.

<sup>17</sup> Idem

<sup>18</sup> "Not a Single Officer Received Mladic's Pension", *Danas*, 31 January 2006.

position till the end of war. Later, so-called 30<sup>th</sup> Personnel Centre in the FRY Defence Ministry negotiated his transfer to the 46<sup>th</sup> logistical base, in Belgrade barracks in Topcider, where he still works as an active military officer.

Until mid- 2005, that is, until the emergence of a more explicit request of the ICTY prosecutor Carla del Ponte for the hand-over of all Serbia's fugitives, notably Ratko Mladic, the general public was not aware of Puhalo's existence. General public learnt of Puhalo's "duties" only when former Head of the State Security (currently Security-Informative Agency) Goran Petrović told Belgrade daily *Blic*, on 20 July 2005 that his service knew that Mladic was protected by "the ten men", both retired and active servicemen.

In her capacity of President of Republika Srpska, Biljana Plavšić, in late 1996, retired Mladic. But his fictitious post remained open in Chief of Staff of the FRY Army, so he kept receiving his salary from the Yugoslav army coffers until 28 February 2002, when he was retired by Vojislav Koštunica, then President of the FRY. That means that Mladic was retired for the second time. As regards the general public, it was a well-guarded secret. In the face of the ICTY arrest and handover warrant, and in line with the advice of military intelligence services which protected him, Ratko Mladic went into hiding and empowered only his son, his wife and the two high-ranking military officers, one of whom was Branislav Puhalo, to receive his pension.

### *Colonel Krstović - A Logistic Expert of a War Criminal*

Former Head of State Security, also disclosed that Colonel Dragomir Krstović was an important "player" in that scandalous game with the Hague Tribunal. But what caused a veritable stir was the announcement that Krstović, then the incumbent Head of Logistics Department of Chief of Staff of the Serb-Montenegrin Army, was one of the key security men in Mladic's entourage.<sup>19</sup> Defence Ministry reacted in a very confused manner to that disclosure. Its Public Communications Department on 20 July issued a communique to the effect that "no active officer of the Serb-Montenegrin army, not even Colonel Dragomir Krstovic, since adoption of the Act on Co-operation with the Hague Tribunal, had any contact with General Ratko Mladic or any other fugitive from the ICTY justice, nor rendered them any assistance."<sup>20</sup>

Obviously such a communique only increased the then confusion. Media insisted on a disclosure of truth about Krstovic's role in hiding of the Hague indictee, notably in the light of colonel's promotion to Head of Logistics Department on the eve of the Army Day, 16 June 2005, which position

<sup>19</sup> "Defense Ministry Generates Confuses", *Blic*, 23 July 2005.

"When Was Colonel Krstic Retired?", *Danas*, 22 July 2005.

"Colonel Krstovic Denies His Retirement", *Danas*, 23-24. July 2005.

<sup>20</sup> "Colonel Krstović Does Not Help Mladic", *Danas*, 21 July 2005.

moreover guaranteed him the rank of general in the future. It also bears mentioning that Krstović, who was considered an important link in the provision of all necessary conditions for life of General Mladic in hiding, since taking on that duty, also became head of the Steering Committee of Chief of Staff.

Finding himself in a scrape, Defense Secretary Prvoslav Davinić covertly and urgently retired General Krstovića. But the follow-up to that move of his was a total confusion: Krstovic for a while kept coming to his workplace, claiming that he knew nothing about his retirement, while the Ministry announced that he was longer in active service.<sup>21</sup>

It is odd, notably in the light of January 2006 arrest of the retired Colonel of the Serb-Montenegrin army Jovo Djogo, also a war participant, an officer of Republika Srpska army, and one of the officers from Mladic protection entourage, that neither Puhalo or Kostovic were arrested or investigated.

### **"Good guys" from "Cvečara 2"**

"Cvečara", or "Cvečara 1" is the name of luxurious apartment blocks built in an exclusive Belgrade location, that is in Dedinje, in August Cesarec and Radanska streets as far back as in 1992. The block comprises 32 apartments, each having an average of 150 square metres. They were given to "a glorious generation" of Milosevic's generals who contributed to the war devastation of former Yugoslavia. Nearly three fourths of those luxurious flats, purchased for small amounts of money, were later sold for 300,000-500,000 Euro each.<sup>22</sup> Here's the list of some generals who moved into "Cvečara": Jevrem Cokić, Nikola Uzelac, Miodrag Vukadinović, Dragoljub Perišić, Milutin Kukanjac, Aleksandar Vasiljević, Andrija Rašeta, Blagoje Adžić...

"Cvečara 2" Affair received wide media exposure in August 2005. Namely a group of generals moved into that luxurious 17-apartment block in an exclusive Belgrade location although the block had not been vetted by the competent authorities. Generals were granted those flats by the commission possibly named by General Nebojsa Pavkovic.

This generation followed in the footsteps of their older colleagues from "Cvečara 1"<sup>23</sup> apartment block: Zlatoje Terzić moved into a 201 square metre flat, Ljubomir Anđelković, Milivoje Pavlović, Milan Karajović and Božo Novak settled in 181 square metres apartments each, while Jugoslav Kodžopeljić moved into a 279 square metre apartment. Since the size of those

<sup>21</sup> "Defense Ministry Generates Confusion", *Blic*, 23 July 2005.

"Colonel Krstović Denies His Retirement", *Danas*, 23-24 July 2005.

<sup>22</sup> "'Cvečara' Re-Sold", *Politika*,

<sup>23</sup> "Gratis Flats for Generals", *Kurir*, 3 August 2005.

flats was by far superior to the one allocated to generals under the internal rules of procedure, and the general public raised a hue and cry, the Supreme Defence Council passed a decision that generals "must pay for the surplus square metres or housing space at market prices".<sup>24</sup>

Public opinion of Serbia was shocked by that scandal in view of continual laments of the army over its underfunding. Namely the army tended to emphasize that it had 15,000 both civilian and military employees awaiting the resolution of their housing problem, while on the other hand, in that respect, it was rather generous towards its generals. It is obvious that the authorities don't have any control over the army's policy of flat-distribution. To make the things even more absurd, among those who were given flats in "Cvečara 2" there were two generals of Republika Srpska army. One of them was Radislav Krstić, and it is noteworthy that the ICTY convicted Krstic of genocide against Bosniak population and gross violations of war laws and customs in Bosnia, and consequently sentenced him to 35 years in prison.<sup>25</sup> At the same time civilian and military authorities have been refusing for 15 years to resolve the housing problem of General Vlada Trifunović, Commander of Varaždin Corps of the Yugoslav People's Army in the initial stages of war in Croatia, only because he was branded a traitor by the Serb "patriotic block" for refusing to wage war for the Greater Serbia goals, to destroy Varazdin, and consequently for opting to pull out and bring back the young Serb soldiers, "the Serb children" to Serbia.

### **A Metropolitan and Generals Play "War Games" Atop of the Mt. Rumija**

Installation of a tin church atop Rumija mountain, on 21 June 2005<sup>26</sup>, caused quite a stir in Montenegro. That church was placed there at an express demand of Mitropolite of Montenegro and Coastal Belt, Amfilohija, within the framework of his major project: unlawful construction of churches and monasteries in Montenegro. Before that "event" Mitropolite Amfilohije engineered the construction or renovation of over 200 SOC churches without building and other permissions.<sup>27</sup> That is why that action was termed an outrage both by pro-independence citizenry in Montenegro but also by democratic factions in Serbia.

<sup>24</sup> "Officers Shall Have To Pay for Surplus Square Metres at a Market Price", *Danas*, 12 August 2005.

<sup>25</sup> "General Krstić and General Trifunović", *Danas*, 6-7 August 2005.

<sup>26</sup> "Rumija", *Ekonomist magazin*, 8 August 2005.

<sup>27</sup> "Ascension of Mitropolite Amfilohije Radović", *Ekonomist magazin*, 29 August 2005.

The peak of Rumija mountain has been an age-old gathering place of all religious denominations. Mehmed Bardhi, leader of one of the two Albanian parties in Montenegro and Montegrin MP in a parliamentary debate demanded the removal of that tin church and stressed that "Rumija belongs to all peoples and confessions", and "that act of the Serb Orthodox Church aimed at provoking Albanians".<sup>28</sup>

The purpose of Amfilohije's plan (and of his like-minded collaborators) was laid bare at "inauguration" of the church on 31<sup>st</sup> July. Then among hundreds of faithfuls, were also spotted "devotees" of another kind, that is, many men donning T-shirts with images of Radovan Karadžić and Ratko Mladić. In fact it was more a politicking than religious manifestation, in which both Mitropolite Amfilohije and Bishop of Zahum and Herzegovina, Grigorije, took part.<sup>29</sup>

Mitropolite Amfilohije managed to achieve his goal thanks to the army help. Namely the army chopper transported parts of a tin church to the top of mountain Rumija. Although the Defence Ministry and Chief of Staff tried to hush up the said army engagement, when the news of the foregoing leaked, the Montenegrin public opinion assessed that "help" "as an unlawful involvement of the army, that is, its interference into affairs outside its prerogatives." During his late August visit to Washington Minister Davinić stated that "too much sensationalism was unnecessarily attached to army's engagement in placing of the church atop Rumija."<sup>30</sup>

Vice president of Montenegrin Parliament, Dragan Kujović, stated: "At play is not any sensation but rather, a direct and open army interference into relations between the state and church in Montenegro. In other words, the army has openly sided with political actions of the Serb Orthodox Church in Montenegro."<sup>31</sup>

The then Head of Chief of Staff of the Serb-Montenegrin Army, Colonel General Dragan Paskaš, who in the first place had approved the chopper support to Amfilohije's operation, defended the whole project in the following manner: "What's wrong about that support? The army has to date helped the church on many occasions." Due to such statement Paskaš was later sacked.

### **"Panzer" Bashing of Minister Davinić**

Mile Dragic, in his interview to *Vojska* said: "Only few companies of specific equipment have been as successful and recognized as in South East

<sup>28</sup> "A Dangerous Circle", *Danas*, 27-28 August 2005.

<sup>29</sup> "Rumija", *Ekonomist magazin*, 8 August 2005.

<sup>30</sup> "A Dangerous Circle", *Danas*, 27-28 August 2005.

<sup>31</sup> Idem

Europe as *Proizvodnja Mile Dragić* of Zrenjanin. In business Balkans circles, that producer from the city on river Begej, is considered a leader in a high-quality, diversified and developed range of products for defences forces, police, gendarmerie and civilian protection.<sup>32</sup> Only few days later, on 19 January a "20<sup>th</sup> anniversary of successful work" of that company was marked in the Guard House in Topčider. During celebrations director of company, Mile Dragić, "handed special awards and diplomas to several most successful partners of companies, both institutions and individuals."

Co-operation between the Serb-Montenegrin Army (earlier the FRY army) and company *Proizvodnja Mile Dragić* began about a decade ago. Hence the recipients of "special acknowledgements awards" were the Defense Ministry, Chief of Staff, some prominent military dignitaries, four departments of Chief of Staff and several institutions. On receiving the award on behalf of Chief of Staff, its Deputy Head, Vice Admiral, Mihailo Žarković, stressed that "products of company *Proizvodnja Mile Dragić* are of a such high-quality that they deserve to be used by all the Serb-Montenegrin units. Their quality is equal to the ones with which the best armies in the world are equipped."<sup>33</sup>

That co-operation was however severed by an apparently "engineered" affair, called "Pancir Affair" Key protagonists of that scandal, Mile Dragić, director of the aforementioned company, and the two Defence Ministry officials, Major General Milun Kokanović and Colonel Jovica Vučković, in early October were detained for one month, on suspicion that "they have incurred heavy damage to the State Union of Serbia and Montenegro by their shady deal on purchase of ballistic and protection equipment for the Serb-Montenegrin army." "Pancir Affair" toppled the Defense Minister, Prvoslav Davinic. That is under the government- and media-exerted he was compelled to hand in his resignation.<sup>34</sup>

Public at large has never been accurately informed of the "worth" of the aforementioned controversial deals between company *Proizvodnja Mile Dragić* and the Defence Ministry: the print media ran different figures, most frequently the one of - 300 million Euro.<sup>35</sup> That figure was disclosed by Mlađan Dinkić, the Finance Minister and the principal, official detractor of Prvoslav Davinic. But an expert, investigating team of magazine *Odbrana*, after a thorough analysis of relevant documents, established that those deals were worth "only" 175 milion Euro.<sup>36</sup> Regardless of the exact price of the purchased equipment, key protagonists of that scandal were subjected to judicial

<sup>32</sup> "Battle for Quality ", weekly *Vojska*, 13 January 2005.

<sup>33</sup> "Twenty Successful Years", *Vojska*, 27 January 2005.

<sup>34</sup> "Pancir Affair", magazine *Odbrana*, 15 October 2005.

<sup>35</sup> "General Dragan Paskaš Requested Purchase of Equipment", *Glas javnosti*, 6 September 2005.

"Chief of Staff Knew Everything ", *Politika*, 6 September 2005.

<sup>36</sup> "Pancir Affair", magazine *Odbrana*, 15 October 2005.

investigation, while the Council of Ministers of the State Union of Serbia and Montenegro repealed its decision, that is suspended the contract.

If we trace back that affair, we shall discover that it was triggered off by a dispute between G17 plus party, that is its frontman, Mlađan Dinkić, and the Defence Ministry headed by Minister Prvoslav Davinić, a former member of that party. But one may claim with all certainty that the dispute was in fact engineered by the Serb Prime Minister Vojislav Koštunica and Democratic Party of Serbia. The foregoing is also indicated by the fact that Davinić's successor at the top ministerial post, was Kostunica's "man"-Dr. Zoran Stankovic.

Disagreements between Ministers Dinkić and Davinića were noticeable since the time when Dinkic, on behalf of the government of Serbia banned Davinic from selling so-called military property in territory of Serbia via the Military Reform Fund. Throughout the spring and summer months, notably after a series of murders (suicides?) of soldiers, their relations soured so much that Dinkic launched a veritable anti-Davinic campaign.<sup>37</sup> After the media leaked the news of Davinic's wrong and costly (53 million Euro) lease of an Israeli satellite for monitoring the Land Security Zone in South Serbia, Davinic de facto lost his ministerial position.

During summer G17 launched allegations that Davinic was not capable of running the Defence Ministry and that "the Defence Ministry and Chief of Staff are spending irrationally the budgetary funds" (the latter was partly true). Mlađan Dinkić even appointed a certain Mr. Radović to the post of financial controller of the Defence Ministry, in a move designed to even more humiliate Minister Davinic. Consequently, with the backing of Labus and Kostunica, the Defence Minister tried to mount his defence by dint of his two interviews, in second half of August, to weekly *Vojska*..<sup>38</sup> "Pancir Affair," which had a political background, deepened the army crisis though the newly-appointed Defence Minister, Dr. Zoran Stanković, pompously announced his intention to "revive the old army glory."

## At Wayside

In 2005 the headlines were full of news relating to the army scandals. On the other hand the army and defence system reform<sup>39</sup>, in 1995, like in the past, was mediawise put on the back burner. The latter was due not only to

<sup>37</sup> "Army Is Steeped in Criminality ", *Blic*, 27 July 2005.

"They Are Killing Our Army", *Kurir*, 4 August 2005.

<sup>38</sup> "Unfounded Criticism ", weekly *Vojska*, 18 August 2005.

"I Am Setting an Example of Resolve", *Vojska*, 25 August 2005.

<sup>39</sup> In official communication the sintagm "reform of army and defence" is most frequently used, though some kind of achievements were reached only in the army reform.

Davinić's assessment in the first issue of magazine *Odbrana*, "it is difficult to effect a thorough process of the army overhaul in complex social, economic and political conditions," but primarily because as late as in 2005 the basic reform-related preconditions have not been created. Furthermore no-one knows anything about political, legal and economic framework within which the reform is supposed to unfold, and there is no consensus of political parties and member states on the course and contents of that reform. What is also missing are doctrinaire-security documentation, legal regulations and general project of reform.

What is missing is another important precondition for the army reform, which Prvoslav Davinić formulated in the following way: "What is missing is a national consensus on the nature of developments in the 90's, during disintegration of Yugoslavia, on the role of armed forces in those events, and notably on the responsibility of some individuals charged by the ICTY, and justifiability of the NATO military campaign in 1999."<sup>40</sup>

This formulation is important for it includes the first-time appeal of a politician to the ruling structures of the State Union of Serbia and Montenegro to finally come out with the war balance, and analysis of the then role of armed forces. Even if other conditions were met, the army reform is not possible without fulfillment of that very specific condition.

Similar statement was made by Major General Zdravko Ponaš, Deputy Head of Chief of Staff in his interview to magazine *Odbrana*, in November 2005. When asked which issues would be tackled by Chief of Staff in the near future, he replied: "To answer your question I must go back to the past..., for to know what we must do in the future, we must first know where we stand now. Firstly, we must understand and recognize the fact that the army in the 90's was very much misused"<sup>41</sup>...

This was the first official and public admission of the army misuse by a high-ranking officer of the Serb-Montenegrin Army. Before that the army tended to interpret its past role and involvement in recent wars in the following manner: "We fought for the survival of Yugoslavia", "We took part in liberation of Serb people, firstly from Ustashi, then from Muslims and mudjahedins, and finally from the NATO aggressor and Shiptari terrorists."

Perhaps the aforementioned statements herald a more realistic tack of military and political structures to the national program, wars and war crimes. Perhaps such statements were prompted by realization that any military reform had to be preceded by a change of mind-set, of military education, for only a new generation of young, educated officers, could successfully carry out the army reform and thus take the army into the NATO security fold. In

<sup>40</sup> "Achievements and Challenges", magazine *Odbrana*, 1 October 2005.

<sup>41</sup> "On Issues of War and Peace", magazine *Odbrana*, 15 November 2005.

parallel the two, above statements, were indications of a possible direction of any army reform.

### ***Reorganization: A Substitute for Reforms***

In the absence of a comprehensive army and the state union reform project, the Defence Ministry and the Serb-Montenegrin Army were left to fend for themselves, that is to attempt an internationally unprecedented, self-styled reform. According to an internal project one of the goals of reform "stems from politically and publicly declared orientation of member-states to accede to Euro-Atlantic integrations, including the security ones embodied in Partnership for Peace and NATO". That circumstance gave rise to a need to first implement standardization of military organization with a view to achieving a high degree of compatibility, inter-operability, and establishment of a full-scale civilian control over the army, the elements considered preconditions for forging ally links and relations with the aforementioned Euro-Atlantic organizations.<sup>42</sup>

In line with the foregoing, in early April 2005, the then Head of Chief of Staff of the Serb-Montenegrin Army, General Dragan Paskaš presented a new organization scheme of the Serb-Montenegrin Army.<sup>43</sup> According to that scheme, all corps other than Podgorica and Novi Sad ones, were suspended and replaced with: a) Operative forces, b) Ground forces, c) Air and anti-air defence forces, d) Naval forces, e) Logistic units, f) Military academy. In other words, "a sector-style organization of Chief of Staff was replaced by a functional principle-based organization, in line with contemporary standards." Every aforementioned segment has its command controlled by Chief of Staff. Added to its Head, Chief of Staff has 4 deputies and 7 departments (human resources; intelligence-surveillance, special and electronic operations; operational affairs; logistics; development; information and liaison; training).

New organizational structure of the Defence Ministry in 2005 is the following<sup>44</sup>: Defence Minister and Deputy Defence Minister; Chief of Staff with 7 Departments; Defence Policy Sector with 3 directoriats; Secretariat with 2 directoriats and Operational Affairs Department; Human Resources Department with 4 directoriats; Financial Resources Sector with 7 directoriats; and Intelligence-Security Sector formerly comprising Military Intelligence Agency and Military Security Agency. But the new Defence Secretary, Zoran Stanković, in late 2005 (probably with the consent of the Serb-Montenegrin Council of Ministers) abolished the Intelligence-Security Sector, and relived of his duties (allegedly because of his poor performance), the then head of that

<sup>42</sup> "Achievements and Challenges", magazine *Odbrana*, 1 October 2005.

<sup>43</sup> "Completed Process", weekly *Vojska*, 14 April 2005.

<sup>44</sup> "Achievements and Challenges", weekly *Odbrana*, 1 October 2005.

sector, retired general Aleksandar Dimitrijević (who in early 2005 had been appointed to that position by the then Defence Secretary, Prvoslav Davinić, in line with the new organizational scheme of the Ministry)<sup>45</sup>.

### *Numerical Chaos*

Since the State Union of Serbia and Montenegro does not employ precise parameters for assessing both the peacetime and wartime size of its army, in that area many random figures are circulated. Hence the general public is oft presented diverse figures, depending of politicians or military officers choice of the size criteria. In those terms very illustrative is the stand of the incumbent Defence Secretary, Zoran Stanković: "I enquired about the army projection and its size, but received no reply. I heard some people mentioning the figure of 25,000 or even 30,000 people. Well then I cannot help but wonder how come that Slovenians who have 1,5 million inhabitants pay 8,500 professional soldiers, though they are a NAO member. Should we emulate that projection? If we have 8 million citizens then how many soldiers we should have? Or why the Bulgaria, with the population approximately the size of ours, has 49,000 soldiers."<sup>46</sup>

The minister's stance indicates two things: firstly, his principal criterion is the size of the army in neighbouring countries, and that is a very simplified tack. Secondly, he prefers a more numerous or larger army, which is also urged by all generals and politicians belonging to so-called patriotic block, or the most conservative prime movers in the Serb political and military elite.

Former Head of Chief of Staff, Dragan Paskaš, during the public promotion of the new army organization, on 8 April, disclosed that the post-restructuring size of the army-65,000 employees in peacetime and 260,000 in wartime, while previously those figures were 100,000 and 360,000 respectively.<sup>47</sup> It is difficult to believe that the army was downsized by 35,000 servicemen in such a short period of time, in view of the uproar in the first half of 2005 caused by a reduction of 9,000 employees (two thirds of whom were civilians employed by the army).

At a public discussion "Social Price of the Army Overhaul", held in May 2005, former Defence Secretary Prvoslav Davinić stated that the IMF conditions granting of loans and writing off debts to "our country" with downsizing of military budget, and ratio between military and civilian army employees. He added that "the Romanian army has 90,000 military and 16,000

<sup>45</sup> "State Has the Army It Deserves", magazine *Odbrana*, 1 November 2005.

"State Has the Army It Deserves" magazine *Odbrana*, 1 November 2005.

<sup>47</sup> "Completed Process", weekly *Vojska*, 14 April 2005.

civilian employees, while that ratio in our country is 16,000 civilians to 36,000 military professionals...plus we have a minimum of 15,000 recruits."<sup>48</sup>

Director of Centre for Civilian-Military Relations, Dr Miroslav Hadžić, stated that the army was 77,000-strong.<sup>49</sup> In circulation are also other figures related to the size of the army, but we shall not list them for they can only contribute to further, numerical confusion.

### *Two Armies in One*

Blagoje Grahovac, a retired general and security adviser to Ranko Krivokapić, president of Montenegrin parliament, increased the current confusion by presenting his project of organization of the Montenegrin army<sup>50</sup>, which presupposed independence of Montenegro. That project was sharply criticized by Serbia.

Montenegrin part of the Serb-Montenegrin army has currently a total of 3,470 high and low-ranking officers. To that figure should be added between 1,600 and 1,700 military conscripts, which brings the total number of Montenegrin army employees to 5,000 people. General Grahovac thinks that "such a large army" cannot be financially supported by Montenegro. Hence his proposal that in the future the Montenegrin professional army be reduced to 600-1,000 people to be paid 500 Euro each.

Military analysts, notably Aleksandar Radić, thinks that "at best we could talk about a kind of formation-and not an armed force- for welcoming foreign delegations" and adds: "One wonders about a mere survival of the state with such an army".<sup>51</sup> Blagoje Grahovac, is however of a different opinion: "All those stories that we need a large army for the sake of Kosovo, for the sake of South Serbia, stability of the country, lead the citizens astray, for our army shall never again resolve any problem by dint of -war. The state shall have inter-state treaties, tied to the system of collective security."<sup>52</sup> Added to that, according to Grahovac, "the Serb economy may currently sustain at the most 8,500 professional soldiers with an average salary of 500 Euro."

Borislav Lalević, Head of Directoriat for Civilian Defence in the government of Montenegro, thus responded to claims that Grahovac "was breaking up the army and the common state," : "the army has been already divided along the territorial principle, the military property has been divided, the army funds have been divided, recruits serve their military service in their

<sup>48</sup> "Reform Is Dictated by Money ", weekly *Vojska*, 26 May 2005.

<sup>49</sup> "Hadžić: Serbia and Montenegro Cannot Sustain 77,000-thousand Strong Army", *Danas*, 4 June 2005.

<sup>50</sup> "Montenegro Gets Its Own Army", *Blic*, 5 March 2005.

<sup>51</sup> Idem

<sup>52</sup> Idem

states, every state has a separate recruit system...what is yet missing, is formalization of the factual state."<sup>53</sup>

### *Fetishization of Doctrinaire Documentation*

Although *Defence Strategy* was written as early as in 2004, that document was officially promoted only on 6 April 2005, together with the *White Defence Book*.<sup>54</sup> Promoters were President of Serbia Boris Tadić and the then Defence Minister Prvoslav Davinić, who gave high marks to that strategic-doctrinary document. Minister Davinić then stated that the *Defence Strategy* "represents a kind of command for actions on internal plane", while the *White Book* "was geared towards both domestic and foreign public." He said that those "two, key documents met at the same time the fundamental standards of democratic countries on transparency in the realm of military, army and defence issues, which are the principal prerequisites for our accession to international integration processes. This is the first-time publication of the *White Book* document in the history of our armed forces, which gives to that publishing a certain political weight."<sup>55</sup>

*White Defence Book* "in contemporary terms represents a generally accepted name for the state document presenting to domestic and international public information relating to the most important security and defence issues of a certain state, and resolution thereof."<sup>56</sup> But the most important question is to which extent that book is applicable to our conditions, or to which extent the *White Book* is compatible with the existing standards of democratic countries, in view of absence of public discussion of that book?! Participation of general public in a dialogue on military, defence and security issues in general, and influence of that public on pertinent decisions, presupposes a certain level of general and notably security culture, which does not exist in Serbia and Montenegro!

On the other hand the local public is not informed enough of those problems, and moreover has no elementary knowledge thereof. Added to that the conservative mind-set that "all things military should never be called into question" still prevails. That means that the relevant state institutions, notably the Defence Ministry, as well as NGO sector have a major task ahead of them: to education general populace about the security issues and importance of doctrinaire documentation. That is a major prerequisite for participation of citizens in creation of the defence and general security policy.

<sup>53</sup> Idem

<sup>54</sup> "Our European Strivings", weekly *Vojska*, 14 April 2005.

<sup>55</sup> "Achievements and Challenges", magazine *Odrana*, 1 October 2005.

<sup>56</sup> "Transparent Document", weekly *Vojska*, 10 March 2005.

In late 2005 the Defence Ministry stated that the drafting of *Military Doctrine* was underway while *Strategic Review of Defence* was in the final stage of elaboration.<sup>57</sup> Although the Constitutional Charter is prioritized in the hierarchy of *Strategy National Security*, it indirectly empowers each member state of the state union of Serbia and Montenegro to create and adopt that document. Thus on a strategic level, doctrinaire documentation would be completed.

On legislative level the Defence Ministry prepared three Bills: the first one is on the Serb-Montenegrin Army, the second on the Defence and the third one on Security Services. Experts of Centre for Civilian-Military Relations also prepared draft laws on civilian and democratic control of the Serb-Montenegrin Army and on the Supreme Defence Council, while Belgrade office of European Bureau for Conscientious Objectors designed the *Draft Act on Civilian Service*.<sup>58</sup> Despite the absence of a broader public debate those drafts are slated for official adoption. But having in mind the state of the Serb-Montenegrin parliament and the announced referendum in Montenegro there is little chance that any of the aforementioned drafts would be included in a parliamentary pre-adoption debate agenda in the first half of 2006.

Most responsible men of the Defence Ministry and even of Chief of Staff are nearly turning into a veritable fetish the military and army-related doctrinaire documentation and legislation. Even if adopted that documentation could not be properly implemented as long as the stability is not reached by the state union or the latter arranged as a legal state. But another dilemma is lurking too: to which extent that documentation would remain valid in case of independence of member-states of the union. Representatives of the Defence Ministry and Chief of Staff by glorification of recently adopted documents (*Defence Strategy and White Defence Book*) and of those currently being prepared seem to be telling to a) Brussels that in that way they are also applying for Partnership for Peace; b) domestic public opinion that they-the military clerks-are doing something. And finally one shouldn't also reject the assumption that both important documents - despite awareness of their authors of the minimum capacity for implementation thereof in the current state limbo- were adopted only to strengthen a weak link still holding together the State Union of Serbia and Montenegro- that is, the kind of common state so dear to the Serb nationalists.

<sup>57</sup> "Achievements and Challenges", magazine *Odrana*, 1 October 2005.

<sup>58</sup> Idem

### *Even Serbs Are No Longer Gung-ho About the Military Service*

Parliament of Serbia and Montenegro on 22 October 2005 passed the *Act on Army* under which the mandatory military service was reduced from 9 to six months, while the civilian service was reduced from 13 to 9 months.<sup>59</sup> The State Union of Serbia and Montenegro was the last of the Balkans newly-emerged states to cut down its military service to 6 months. Despite that decision, nearly the entire generals "choir" deemed it "too early" and "not smart"<sup>60</sup>, whereby they defended that stand of theirs most often by irrational, that is, tradition-minded arguments.

It is most certain that the military authorities were compelled to reduce the military service, for there is no evidence that their move resulted from the conclusion that the said reduction would be the most rational solution for the state union. Response of recruits to the call-up in 2005 indicated that only in some parts of Serbia the tradition that "the males are moulded in the army", "real males do the regular military service, while the cowards opt for a civilian one" or "debt to homeland may be re-paid only by rifle-toting" remained a firmly entrenched tradition.<sup>61</sup> In other words Serbs are no longer gung-ho about their army, as indicated by the 2005 data too: in March only 62% of recruits responded to the call-up, while in June that percentage plummeted even further- 49.1%.<sup>62</sup>

Various, both official and unofficial commentaries list as the principal reason for such a low response the newly-introduced civilian service and plummeting ratings of the Serb-Montenegrin army notably after a series of barracks murders (suicides) and other scandals/affairs which rocked the Defence Ministry and Chief of Staff in 2005. On the other hand military officials concluded that a low response to recruitment was due to a relatively long military service. Then they explained the gist of problem to the Supreme Defence Council and Council of Ministers of Serbia and Montenegro, who, consequently suggested to parliament of the state union to reduce the military service to 6 months. It turned out to be a good move: of planned 10,185 recruits in September 85.03% turned up in the barracks.<sup>63</sup> But in the following autumn months of 2005 months the response of recruits was anew very low. The foregoing was probably due to weaknesses and shortcomings of the military organization.

<sup>59</sup> "Six -months Military Service", *Politika*, 23 October 2005.

<sup>60</sup> "On Issues of War and Peace", magazine *Odbrana*, 15 November 2005.

<sup>61</sup> "Debt to Homeland Can Be Re-Paid Only by Rifle-Toting." weekly *Vojska*, 13 June 2005.

<sup>62</sup> "Path of Lost Steps", magazine *Odbrana*, 15 October 2005.

<sup>63</sup> "Path of Lost Steps", magazine *Odbrana*, 15 October 2005.

### *No Amnesty for "Deserters" and Draft-dodgers*

Response of recruits could be further adversely affected by a threat of criminal prosecution of those youngsters who have not responded to the call-up, or those draft-dodgers who, because of recent wars, had left the country a decade or so ago. After amnesty of all young males who in 27 April-7 October 2001 period "were suspected of committing a criminal offence against their homeland" under the FRY pertinent law passed in 2001,<sup>64</sup> it was expected that both Serbia and Montenegro would adopt similar laws relating to "all those who have not performed the sacred military duty towards their homeland".

But Serbia failed to do that, while the Montenegrin parliament in September 2004 under a new law amnestied all young males who did not respond to the call-up in 7 October 2001-10 August 2002 period. Subsequently the same parliament in November 2005 passed the new Act on Amnesty "exempting from prosecution, jail sentence and pecuniary penalty penalty all those who in 10 August 2004-1 September 2005 period failed to respond to the call-up."<sup>65</sup>

To meet the amnesty appeal of many émigré-"offenders" in late 2004 the then Defence Minister, Prvoslav Davinić in agreement with members of the Serb army, passed a decree-as an interim measure prior to adoption of expected law-"guaranteeing" a non-prosecution or arrest of those young males residing abroad, upon their return or visit to their homeland.<sup>66</sup>

But it was a weak guarantee, for on 27 April 2005, at a border crossing near Bačka Palanka, Milan Vrsajkov, a cellist of international repute, was arrested on grounds of draft-dodging.<sup>67</sup> In May 2005 Minister Davinić requested in writing the Criminal Department of the Republican Public Prosecution to ban their municipal departments from persecuting youngsters with unregulated military service. After receiving a negative response to his request, on 23 June 2005 Davinic publicly branded such arrests as "an outrage" and went on to note: "It is a shame that the post of public prosecutor is occupied by a person who does not have the right feeling for the justice and the state needs..."<sup>68</sup>

Spokesman of the Republican Public Prosecutor of Serbia publicly responded to Davinić that the RPP intended to continue with the arrest of army deserters.<sup>69</sup> It seems that the said response heralded an imminent end of Davinic's political or rather, ministerial career.

<sup>64</sup> "Race against the Time", *Danas*, 19 December 2005.

<sup>65</sup> Idem

<sup>66</sup> "Pardoning Deserters Is Not the Simplest Solution", *Danas*, 24 April 2005.

<sup>67</sup> "Big Oversight", *Danas*, 29 April 2005.

<sup>68</sup> "Arrest of Recruits from Diaspora is an Outrage", *Danas*, 24 June 2005.

<sup>69</sup> "All Draft-Dodgers Must Face Criminal Charges", *Danas*, 25-26 June 2005.



## "The Region's Security Black Hole"

Strategic-doctrinaire documentation (both the adopted one and the one being prepared) spells out that the Serb-Montenegrin defence policy is based on pro-European and pro-Euro-Atlantic integrations orientations. It is also underscored that the second mainstay of the defence policy is the state resolve "to join, as a whole or via its member-states, other states and subjects of international relations in building of global, regional and national security."<sup>70</sup>

Aforementioned orientation or guideline was taken from the Constitutional Charter. But the problem lies in the fact that the Constitutional Charter is violated in that very segment, which indicates the lack of consensus on cardinal issues of the Serb-Montenegrin defence issues both on the level of the state union's authorities, and on the level of the two member-states. Plans for a broader debate on defence policy in other segments of society are not afoot. Hence the uproar over the signing of the *Agreement on Transit Arrangements In Support of Peace-keeping Operations* signed by Vuk Drašković, Serb-Montenegrin Foreign Secretary and Jap de Hop Shefer, NATO Secretary General on 18 July 2005.<sup>71</sup>

Serb Radical Party, that is, its leader, Tomislav Nikolić, made a following statement in Parliament of Serbia: "We are ready to organize an uprising against that Agreement. We shall ask the Prime Minister to say whether he favours or opposes that agreement. By signing that Agreement, without ratification of the Serb-Montenegrin parliament, all differences between Serbia and Republika Srpska shall disappear..." Kosta Čavoški, professor of Belgrade Law Faculty, on the other hand, equalized the signing of that Agreement with -capitulation!<sup>72</sup> Though the Agreement was slow in making and signing-due to a well-regulated procedure of preparations which lasted from November 2004 to July 2005, and involved in NATO-Serb-Montenegrin Council of Ministers talks many legal and military experts as well as politicians (representatives of the Serb Ministries of Defence, Foreign Affairs, Justice and Finances) those efforts were not deemed sufficiently transparent for the general public in Serbia. Late July 2005 public opinion poll conducted by agency *Faktor plus*, indicated that as many as 42.1% of Serb respondents did not back the Agreement.<sup>73</sup>

Foreign Affairs Ministry and Defense Ministry have not made concerted efforts to more reliably inform the citizenry of the significance of that Agreement for Serbia and Montenegro. In view of lack of consensus on such an important strategic issue on the level of prime political movers of Serbia, the

<sup>70</sup> Strengthening of Security Structure", magazine *Odbrana*, 15 October 2005.

<sup>71</sup> "For More Secure Balkans", magazine *Odbrana*, 1 October 2005.

<sup>72</sup> Idem

<sup>73</sup> Idem

whole process was completed far from the public eye. However, responses of citizens, whose opinions are by and large moulded by political propaganda, indicate their conservative stand on Euro-Atlantic integrations.

Dr. Bojan Dimitrijević, an aide to President Boris Tadić is of the following opinion: "As long as we think that that it is good for us to have an "independent" defence system, and we stick to our isolationist stand, those who are not inclined towards us shall be able to maintain that our army is a treat to stability. In the light of the aforementioned our Defense Strategy, White Book, Doctrine, etc, are futile and useless. Contrary to that conservative stand, if we tend to forge close ties with other military alliances, our army, in the spirit of its best times, shall be a key mainstay of regional security...." "...On the other hand NATO does not need a security black hole in the region ..."<sup>74</sup>

Public opinion polls in late 2005 confirmed that the majority of citizens changed their stance, that is, that they now back accession to Partnership for Peace program. That indicates a genuine schizophrenia: major part of political establishment and majority of citizens favour accession to Partnership for Peace (possibly out of lucrative reasons), but NATO-within whose framework is Partnership for Peace program – is still considered an enemy organization. In line with pro-Partnership orientation, a large number of military officers and citizens from Serbia and Montenegro in 2005 attended NATO orientation courses providing enrollees with elementary knowledge about Alliance, notably the modes of crisis situation-resolution, the mode of peace-support operations, co-operation between the civilian and military sector, and democratic control of armed forces in Serbia and Montenegro which is yet to be implemented.

## Re-shuffles at the Military Top

In chronicles about the Serb-Montenegrin army, the year 2005 shall be marked down as the one of frequent replacements of state officials and top generals. At the helm of the Defense Ministry Boris Tadić was replaced by Prvoslav Davinić, who only after 18 months was replaced in late 2005 with Zoran Stanković. Replacements of Head of Chief of Staff ran in the following order: General Branko Krga was replaced by Dragan Paskaš in January 2005, and then only 10 months later, in October, Paskas, was replaced with General Ljubiša Jokić.

Those frequent replacements indicate the two conclusions: the first- and less important one-is that the political leadership of Serbia and Montenegro (primarily the top political leadership of Serbia) either lacks the acumen or the political will to comprehend the true causes of crisis in the military organization, and consequently leaves the crisis open. The second

<sup>74</sup> "Rejection of Necessary Changes", magazine *Odbrana*, 15 November 2005.

conclusion is that those replacements indicate that the Serb political establishment does not want to yield its full control of the army, hence appointments of Serbs, or Serbs from Montenegro –Ljubisa Jokic-to key military positions. Not only such moves are contrary to guidelines and spirit of the Constitutional Charter, but they also indicate the possible scenarios related to Montenegrin referendum on independence. The aforementioned hypothesis may be substantiated by the army-backed installation of an impromptu, tin church atop Rumija mountain, as engineered by General Paskas, political disqualification of Prvoslav Davinić and notably appointment of Dr. Zoran Stankovic to the position of the Defence Minister.

### *Primary Criterion – Nationalistic Mindset*

Dragan Paskaš belongs to the generals with markedly "patriotic mind-set", but he masked well that propinquity of his. His mimicry was successful until the installation of a tin church atop Rumija mountain. Details of agreement or rather a deal between Mitropolite Amfilohija and General Paskaš have not been disclosed, but it is widely known that the general gladly accepted the offer to help "its Church." On the other hand Montenegrins could not turn a blind eye to General's or rather army's open involvement in the political life of Montenegro, therefore he had to leave the army ranks: on 6<sup>th</sup> October 2005 the Supreme Defence Council decided to retire him.

Because of failure of Prvoslav Davinić to meet the expectations of "the patriotic block" of Serbia, his political party, G17 plus, tried as early as in spring 2005 to solve that problem by dint of his political eutanasia. After that failed attempt, a more cruel plan, the one of political liquidation- was put in place. Then an anti-Davinic campaign was mounted by Radicals, Socialists, Kostunica's Democrats and Labusov Labus's G17 plus. Davinic was accused of not controlling enough the military budget, that is allowing an irrational spending thereof, of being unable to run the Defense Ministry, of misusing the Army-controlled Fund for the Army Overhaul. Added to that he and Vuk Draskovic were blamed for signing the Agreement on the NATO troops transit through the Serb-Montenegrin territory. Following accusations were also leveled against Davinic: wrongful signing of a damaging contract on lease of satellite for control of South Serbia border with an Israeli company, and heavy involvement in the "Pancir" scandal.

But Davinic was not criticized so much for previously mentioned murders of soldiers. Neither the authorities of opposition took him to task for making contradictory statements about officers making up a network of support for the war crimes indictee Ratko Mladić. Hence it is easy to assume that Davinić was replaced because of his pro-NATO leanings and his channeling of the army in that direction. But it also bears mentioning that Belgrade headquarters of nationalistic camp did not trust enough Davinic, that

is, they thought he could be of little use for them in the forthcoming, and possibly dramatic time of announced Montenegrin referendum.

### *Koštunica's Cadres*

At 21 October 2005 session of Serb-Montenegrin Parliament Prvoslav Davinic was compelled to hand in his resignation. The state union's MPs by a slim majority then named a retired general, Dr. Zoran Stankovic the new Defence Secretary. Stankovic is a former forensic expert and former head of the Military-Medical Academy.<sup>75</sup>

He explained his motives for accepting that high position in an interview to magazine *Odbrana*:<sup>76</sup> "Firstly, I had a moral obligation towards Prime Minister Vojislav Koštunica, because two years ago, Kostunica in his capacity of president of federal state, appointed me Head of the Military-Medical Academy and suggested my promotion to the rank of general ..." By that public admission Stankovic confirmed his close ties with Kostunica, that is, his pro-Democratic Party of Serbia leanings. It is obvious that the main reason for his promotion was his "patriotic" mind-set. His closeness with the Serb Prime Minister and DPS implies to a large extent his position on the army overhaul. There is a danger of a return to the party army and suspension (and there are hints thereof) of democratic control of the army, because of which civilian-military relations may be anew thrown into turmoil.

In the aforementioned interview Stankovic also mentioned his reasons for acceptance of the ministerial post: "Secondly I think that I can assist in recovering the old glory of the Army..." Stanković was in fact referring to the army glory "from the times of famous Serb dukes, Mišić, Stepa, Putnik and others". Noteworthy is also the following statement of Stankovic: "But this army even in post-1945 period had brilliant results....it spawned internationally recognized institutions, notably the Military-Technical Institute, Military-Medical Academy, Music Ensemble 'Stanislav Binički', etc. Many people now want to dismantle all that in the name of reforms. But in the name of which reform? Which reform exacts dismantling of institutions of national repute?"<sup>77</sup>

### **Conclusions**

- Continuing scandals which marked the whole 2005, laid bare a moral crisis in which the army was mired. All those scandals and affairs brought to light close ties between military structures and numerous war

<sup>75</sup> "Minister – Miracle -Maker", *Helsinki Charter*, November-December 2005.

<sup>76</sup> "Character of State Determines the Character of Army", magazine *Odbrana*, 1 November 2005.

<sup>77</sup> Idem

criminals, including Ratko Mladić. Because of such close ties, fugitives from the Hague justice have been at large for over a decade.

- Army implosion has adversely affect the myth about infallibility of "our army", as reflected by public opinion polls. Namely once first-ranking army, now occupies the third place, after the Serb Orthodox Church and Education, in the list of most trusted institutions. In other words its approval and popularity rating is slowly declining.

- Since the army in previous years was the strongest link between members of the state community, (Chief of Staff and Defense Ministry have openly sided with the Serb side) Montenegrin authorities in 2005 agreed to fund 10% of human and hardware resources of the army stationed in the territory of Montenegro. Thus the Army of Serbia and Montenegro was *de facto* divided into the two armies.

- Serb side (together with Chief of Staff and Defense Ministry) still tries to decisively exert influence on the Montenegrin part of armed forces by holding/retaining all key positions in the army. The Serb ruling elite sees the army as a key factor in "preservation of territories of Serb lands".

- Despite new security challenges, risks and threats-the existing military hardware-weaponry, though outdated and much-used, has not been thrown on the scrap-heap. Army reckons that the shortage of contemporary weaponry may be compensated by the size of manpower, that is, a large number of servicemen and their "courage."

- Mainstay of the army is still an age-old Serb military tradition. Hence it refusal to be forward-looking, that is, to turn towards reforms and Euro-Atlantic integrations, notably Partnership for Peace.

## THE SERBIAN ORTHODOX CHURCH, STATE AND SOCIETY

### The Church and Social Issues

In March 2005, Serbian President Boris Tadić stated that "even if the Church is not a part of the state, given the political context we live in, it is certainly a part of the society and should be asked about many vital issues relating both to individuals and the society as a whole".<sup>1</sup> Tadić's view that "*the Church should be asked*" caused a considerable controversy and numerous reactions in public. Some public figures, including both the former and present Minister of Religious Affairs, agreed with him, while others (including numerous non-governmental organizations) protested such a statement, regarding it as another call for the clericalization of the Serbian society.

Such a situation reflects the state of confusion which is typical of the post-socialist societies and young democracies as regards the role and status of religious communities in the new political circumstances, including specifically the relationship between church and state. Naturally, unlike the period of socialism, the new role of religious communities in the Balkan states also enables them to deal with various social issues. However, this new role of the church in society entails a number of other, more important and more specific questions which are not so frequent in the similar context. For example, what social issues fall within the jurisdiction of the church and its constitutional framework and restrictions? To what extent are the religious communities able to deal with those problems and what capacity do they have in their solving? To what extent are the answers provided by the church relevant and topical when the current social problems are in question? What is the clerical vision of the modern society? What is the church's relationship with civil society like: do religious communities see themselves as a part of civil society or not?

During the period of socialism, the state was unilaterally determining the nature of its relationship with religious communities. In post-socialism, the expansion of religious rights and freedoms also meant the increased responsibility of these communities in numerous areas. So, for example, if

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<sup>1</sup> Cited according to *Blic Online*, 12 March 2005.

Serbia's aim is to accede to the European Union, can the Serbian Orthodox Church (SOC), or some other religious community, promote anti-European discourse, thus causing confusion and divisions among the believers, that is, the citizens of that state?

After 5 October 2000, the SOC began to provide a new ideological framework for state institutions such as, for example, the army and school, thus filling an ideological vacuum that was created after the collapse of communism, on its own initiative and on an increasing scale. However, its social role, which is more important, is not clear at all. There is still much room for the activities of religious communities, which is provided for under the law (philanthropy, endowing, humanitarian and social work, etc.). On the other hand, the church is very easily politicized or politically instrumentalized not only by conservative politicians, but also by its own prelates, bishops and other high priests who often express its views in public.

However, an even greater problem is posed by the lack of real contact between the SOC and the society in Serbia, including specifically civil society and autonomous individuals with their rights, special interests and various identities which are created by life in the modern pluralistic world. It is interesting to note that after 5 October 2000, the SOC established an enviable relationship with the Serbian state but, unfortunately, there is still no real contact with the (civil) society, as was done by the Roman Catholic Church in Poland, for example, even before the collapse of communism. The representatives of the SOC refer to *people* on a regular basis, but that is almost a metaphysical category, an undifferentiated group or "mass", which is, to tell the truth, the concept that is absolutely compatible with the 'tribal' character of the SOC (Rak, 2005), not to mention any more positive view on their part on civil society and its organizations and initiatives, which are often demonized in public.<sup>2</sup>

However, what are the real problems of a pluralistic society in Serbia, what interests are represented, what are the political, social, economic and cultural preferences of the citizens of this country? Such issues are not the subject of a coherent debate in the SOC, at least not officially. It is interesting to note that in its official statements there is almost no reference to the *citizens* of

<sup>2</sup> For example, on 24 November 2004, the Information Service of the SOC issued a statement in response to the statement of the Helsinki Committee for Human Rights in Serbia that "the initiative of the Serbian Orthodox Church and the President of the Federal Republic of Yugoslavia, Vojislav Koštunica, concerning the introduction of religious education into the educational system, represents a serious violation of the principles of a secular state". In its response, in addition to using the archaic, medieval language, the SOC characterizes such statements by civil society organizations as "the fear of the Satan and his followers for the past six decades, manifested everywhere under the sky of the country which, only by its name, represented something that the notion of Serbia implies in the full meaning of the word" (*Novosti*, 24 November 2000).

Serbia or to its society in that sociological sense, but mostly, almost exclusively, to *people*. To some degree, it is the question of the Church's inability to cope with the new circumstances, which is characteristic of the post-socialist societies. On the other hand, one can observe a certain political philosophy and ideology of the SOC, which was in the background, in a specific "theatre of shadows" (M. Djordjević), for a long time due to the very fact that it was present very little in the public sphere during the period of socialism.

### "Symphony" Between the SOC and the State

At the very beginning of democratic changes, the SOC established contact very fast with the Serbian state, that is, the representatives of its institutions. However, the complexity of a modern society was much less understood. The concepts, such as citizenship and civil society, hardly appear in the statements of the church representatives, its media and information service, and when they appear, that is almost always in a negative context.

The state and the majority church in Serbia (SOC) established, almost overnight, the relationship that was unknown to them in the past. It was the question of the church's experience with a democratic state. In the past, the SOC had to cope with an authoritarian state (and the "façade of democracy" of the Milošević type) and, before that time, with the state based on a single-party system, communism, where one ideology and one political party had a structural monopoly over the state and society; finally, before the Second World War, in the monarchy the SOC, as its state church, lived with it in a relative symphony. What is new today – and what the Church had a chance to face only in the diaspora, in the democratic countries in which it had its dioceses – is a number of open questions, such as: what is a democratic state, in general; what does the relationship between the church, that is, religious communities, and the state imply in the new circumstances; what is, for example, happening with the Serbian society today? However, with the expansion of its rights in the most recent period, the Church also assumed greater responsibilities. But, how does it see these new responsibilities in the light of the new rights it acquired in the meantime?

The SOC established direct contact with the state institutions as early as November 2000 through the request of the Holy Assembly of Bishops that religious education should be introduced into state schools as a regular subject. The introduction of religious education into schools and, at the end of that same year, granting of approval for the presence of priests in the army institutions brought many other, more important problems to light. The question of introducing religious education into state schools was not confined to the model of religious education which was proposed for the new, liberated society, in which religious communities could "breathe" more freely, have greater scope for their activities and establish much better and more equitable

relations with the state. It immediately entailed a number of other questions concerning the religious rights and freedoms in a more general sense.

It is no accident that the 2001 decision on the introduction of religious education, which was confirmed by the government decree, was brought very soon before the Constitutional Court of Serbia. A number of non-governmental organizations and private lawyer's offices lodged an appeal against this decision questioning its constitutionality.<sup>3</sup> Namely, before the adoption of the new Serbian constitution and, probably, the law on religious organizations, the decree on the status of seven traditional religious communities came into force (this status was already defined in its preamble and it was evidently aimed at establishing the continuity with the Kingdom of Yugoslavia), although the status of those religious communities was not previously defined by legal acts of higher force. Consequently, something affecting religious freedoms and relations between religious communities was prejudiced: for example, if only seven religious communities have the right to organize religious education in state schools, how can it be claimed that religious communities are equal under the law and the Constitution? If they are really equal, why only some of them can realize these rights? Is that the question of discrimination as well as an injustice done to those religious communities and how will their status be regulated in the future? That is one of the problems. The other problem is the attitude towards secular state institutions, such as the state school: are the schools in Serbia still secular institutions in the tradition of enlightenment? Is state school space still "inviolable" and non-confessional; does it have some kind of autonomy, so that religious communities cannot participate in the educational process without certain changes in the relevant legislation?

Those are only some of the questions and the introduction of religious education certainly provided the motive to reflect on all that more seriously. Namely, many things became evident as regards a general relationship between church and state. On the one hand, the SOC succeeded in becoming an equal partner with the state in the educational process. The entry of the Theological Faculty into the University was also problematic in terms of the academic criteria and autonomy of the university, not to mention the observance of human rights, considering its enrolment policy according to which only Orthodox students, with the blessing of the appropriate bishop, can enrol at this faculty of Belgrade University.

The redefining of relations between state and church is also observed through the new relationship between the SOC and the Army of Serbia and Montenegro. At the end of December 2000 already, the Directorate of Morale of the General Staff of the then Army of Yugoslavia organized a round table at

<sup>3</sup> Popović, Ljubomir and Vitorović-Umičević, Zorica, "Referat za javnu raspravu (2003) u predmetima IU-177/01, IU-213/02 i IU-214/02", Belgrade, Constitutional Court of the Republic of Serbia.

which it supported the 'introduction of religion into the Army': "It is necessary to bring military chaplains of the Orthodox faith into the Army of Yugoslavia", because "although they are equal before the law, the religions in our society are not equal when our national culture and history are in question. In other words, they have not made an equal contribution to national culture and the preservation of the national authenticity and state independence of the Serbian people." In this regard, they also used the terms such as "historical and cultural significance" and "continuity", that is, certain categories which are both legal and value ones. Before long, the bishop for a liaison with the army was appointed (Porfirije). In April 2002, he led the army delegation to Chilandar. In 2004, in the monastery dedicated to the Presentation of the Virgin near Čačak, the first collective baptism of officers and soldiers of a military unit in Serbia was organized.

The Army of Serbia and Montenegro (which was - probably more than any other state institution - ideologically profiled in socialism) embraced Orthodoxy, one new ideology and cultural and historical mission almost overnight. It is clear that, immediately after the October changes, a longer-term and more stable relationship was established. Today, for example, in interviews with the bishops of the SOC in some "national" journals, it is openly spoken about a "special war" which is waged against the church and the army by new "anticlerical ideologists".<sup>4</sup>

At the same time, the SOC displays the amazing lack of sensitivity to the problems of modern society and developments in inter-church and inter-religious dialogue in today's world, failing to distinguish between the communist ideology and modern forms of secularization having their origins in European enlightenment. The anti-ecumenical stand of a great number of church representatives, which was also reflected in the readiness of the SOC to uphold the visit of the late Pope John Paul II to Belgrade, as well as rigid adherence to the fundamentals of their faith, which cannot be reinterpreted in the spirit of the new times, are only some examples of the present-day exclusivism of the SOC.

The political intention of the new Serbian Government with Prime Minister Vojislav Koštunica also became evident in the procedure of preparing the *Draft Law on the Freedom of Religion, Churches, Religious Communities and Religious Associations* (in July 2004), under which the state anticipated great concessions for the Church, including the immunity of the clergy before public authorities. However, after severe criticism in public, this *Draft Law* was withdrawn from the procedure. In that document, its author defines the SOC euphemistically as *primus inter pares* relative to other religious communities,

<sup>4</sup> See, for example, the interview of Bishop Porfirije entitled *Narod žedan Istinitog Boga* (The People Is Thirsty for the True God) in the journal *Evropa nacija*, No. 925.

whereby it is clear that, in practice, the SOC would have the full authority to decide who has the right to worship God on its "centuries-long territory", with the logistic support of the state. Moreover, the Serbian Ministry of Religious Affairs behaves almost like an external government "service" of the SOC. In fact, the difference between church and state in this respect is becoming increasingly less clear. The political power structures are increasingly adjusting to the religious ones and vice versa, thus paving the way for the clericalization of the society.

It is interesting to note that its discriminatory intention could be perceived from the very title of this *Draft Law*. Religious communities are classified into three categories and the text of this document shows clearly that they will not have equal rights even when they are registered. Naturally, the authors do not say anything as to whether the future Serbian Constitution will be modified in accordance with their document (i.e. whether the Constitution will also state openly and unambiguously that religious communities in Serbia are not equal before the law). Moreover, in the language of the *Draft Law* one can recognize theological terminology which is absolutely inappropriate for modern legal acts. The words *bogoslužbeni* (God-serving), *bogomolje* (places of worship), *svštenoslužitelji* (servants of the church), *verski dostojanstvenici* (religious dignitaries), *žarišta duhovnosti* (focal points of spirituality), *duhovna misija* (spiritual mission), etc. come from the Orthodox vocabulary rather than from the civic one. According to that legal document, the state is obliged to provide a number of guarantees to churches (e.g. religious education in state schools), while religious communities and their officials are almost untouchable: they are exempted from paying tax and are guaranteed immunity before public authorities.<sup>5</sup> The churches in Serbia hardly had such autonomy and privileges in the kingdom.

Just as the attempts were made in the period of socialism to strengthen the process of secularization ideologically, the state and the SOC are now making concerted efforts to accelerate the process of de-secularization in Serbia, but in an equally forceful way, by making quasi-theoretical and ideological interventions (even from the ministerial level) in the fields of education and culture, as well as in public life, in general. The private world-view of the former Minister of Education, Ljiljana Čolić (now the President of the Management Board of Studio B), had to be imposed by a decree as the world-view of schoolchildren in Serbia. Namely, in the spirit of the *fundamentalist* refutation of the theory of evolution and the affirmation of creationism, the Minister of Education in the Vojislav Koštunica Government tried to eliminate Darwin's theory of evolution from the syllabi by a "private

<sup>5</sup> The full text of the 2004 Draft Law on the Freedom of Religion, Churches, Religious Communities and Religious Associations is accessible on the website: [www.sanoptikum.org.yu/drustvo/o\\_nama/pravni\\_akti/zakon\\_o\\_slobodi\\_vere.htm](http://www.sanoptikum.org.yu/drustvo/o_nama/pravni_akti/zakon_o_slobodi_vere.htm).

decree". At the same time, its office made a great effort to organize religious education in Serbian schools at the expense of civic education, although both of them had an equal status as elective subjects until then. This kind of "theoretical decisions" in education reminds us especially of the period of communism. So much interventionism in the field of education in Serbia was not recorded even under the regime of Slobodan Milošević, whose government, to tell the truth, was not particularly interested in education and science.

To some extent, leniency and ingratiation with the Serbian church were also observed in the previous Serbian Government (DOS). So, for example, at the reception, which was hosted by the Holy Synod of Bishops on 29 January 2002, the then Serbian Minister of Religious Affairs, Vojislav Milovanović, "submitted the report on the Government's activities during the first year of its term to His Holiness the Serbian Patriarch Pavle and members of the Holy Synod of Bishops". At the Serbian Government's reception given for members of the Holy Synod of Bishops on 15 May 2001, this Minister expressed "his satisfaction that a *symphony between state and church authority was established after so many years*" (underlined by M.V.).

One of the most recent examples of the Church's interference with the affairs of state, which resembled a cacophony rather than a symphony, was certainly the appeal of the Holy Synod of Bishops to the public on 1 October 2004, in which it was stated that "the Synod calls all political factors in Serbia not to demand from the Serbs in Kosovo and Metohija to participate in the elections for the government bodies there". That same month, Patriarch Pavle wrote to Serbian President Boris Tadić and Serbian Prime Minister Vojislav Koštunica appealing to them "not to demand from what remains of the persecuted and martyred Serbian people in Kosovo and Metohija to participate in their elections". Koštunica answered positively to that appeal and informed the Patriarch in writing that "he has no right as the Prime Minister to ask the Serbs to go to the polls", while Tadić still asked the Kosovo Serbs to vote on 5 October 2004. That same day, Bishop Artemije of Raška and Prizren sent an open letter to President Tadić in which he qualified his act as "a treason committed by the President of our homeland".

Such interference of the Church with the affairs of state was not recorded since the establishment of democracy in Serbia. On the Serbian side, the SOC is still one of the leading political actors in Kosovo. In the message of the Holy Assembly of Bishops of the SOC concerning the Kosovo negotiations of November 2005, it is openly warned that "the act of seizing Kosovo and Metohija from Serbia, no matter how concealed, would have, in essence, the character of occupation".<sup>6</sup> Moreover, Bishop Artemije also criticized the head of UNMIK in Kosovo, Soeren Jessen Petersen, using an unusually sharp and

<sup>6</sup> *Danas*, 5-6 November 2005, p. 3.

insulting tone. It is evident that the Serbian Government does not see any problem in the interference of the SOC with the affairs of state in such an active and biased way.

## The New Law

The already mentioned *Draft Law on Religious Freedom and Religious Organizations and Associations* of July 2004 was certainly an indicator of this "reciprocal love" between church and state. After 2000, several drafts of those laws were placed on the agenda and some of them also underwent parliamentary procedure. However, when the previous federal state (FRY) was transformed, the first of those drafts lost its relevance for the new state union, so that the new republican law on the freedom of religion and religious organizations was drafted. Even this draft law, which became accessible to the public in the summer of 2004, was not the subject of any special debate and the Ministry of Religious Affairs itself, which had proposed it, did not initiate any more significant debate either. However, severe criticism came from independent intellectuals and non-governmental organizations which saw in this draft law a significant shift to the clericalization of the Serbian society. On this occasion, the state, that is, the relevant Ministry anticipated a number of concessions to the Church, which it actually did not ask for. Under this draft law, the state renounces many things what a modern, secular liberal-democratic state should not do and what is not typical of it. It is the question of its stand on the clergy's immunity, which is without precedent in such legal documents, as well as of many other issues concerning the Church's newly acquired rights. The Church has suddenly become a public institution financed from the government budget. This is going so far that one article of this draft law stipulates that local governments are obliged to call a referendum if so requested by a religious organization. Consequently, the difference between church and state here is becoming increasingly less clear. The political power structures are increasingly adjusting to the ecclesiastical structure and vice versa, thus opening the path to the clericalization of the society.

In the meantime, the draft law was revised to a degree, but it is not quite clear what is going to happen in the future. In Serbia there has been no such law since 1993. In the period 1977-1993, there was the law on the legal status of religious communities, so that some more liberal experts argue that such a law is not necessary and that the relationship between church and state, based on the principles of equality and religious freedoms, can simply be defined by the constitution. In such a case, religious communities would find their place on the "religious market" by themselves. But, the mentioned draft law of 2004 was, in large measure, the indicator of that new relationship between state and church.

The post-October changes, involving the new attitude of the state towards religious communities and, thus, towards the Serbian Orthodox Church, are something that has already been seen in other post-socialist states and societies. What was specific in our case, however, was a certain state of confusion in the legal sphere, which was displayed both by the state and the church. It seems that it was not sufficiently understood what was meant by religious rights and freedoms and that they should imply, for example, both the right to *believe* and the right *not to believe*. The contemporary understanding of religious rights and freedoms means that a citizen has the right to participate in a religious service, as well as the right not to participate in it. Someone's children may or may not take religious instruction. Consequently, the modern concept of religious freedoms implies both aspects of religious rights and freedoms: the freedom of religion and freedom *from* religion. That was clearly stated in the First Amendment to the US Constitution as early as 1971: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof". However, that aspect of religious freedoms according to which someone *may not* participate in religious activities is frequently neglected: children, for example, children do not have to be present during a religious service even if it is the question of the school's patron saint's day. That right has not been adequately understood in Serbia or is deliberately disregarded, and this issue should be clarified in full.

If our situation is compared with that in other post-socialist countries, it will be realized that the adoption of the laws on religious freedoms in these countries preceded the discussion about the model of religious education that should be introduced into state schools. Here the decree was adopted first and then the appropriate law was drafted. Consequently, the sequence of steps was reverse and all this is not just the matter of procedure, but is also a vital issue. In this regard, there must be some consensus and public debate, say, within the educational process. The participants in such a public debate should be students, teachers, the Ministry of Education and many other actors, that is, experts on this subject: sociologists, psychologists and educators, who will help that all this is understood before making a decision. It is also important to know the impact of that decision. What is, for example, its impact on the future status of the state; whether the state will be separated from the church or not. As for our draft laws, it was stipulated that "there is no state religion" only in the 2002 version (Article 2). In other draft laws, up to the fourth version, such a status was not defined.<sup>7</sup> In all those drafts seven traditional religious communities were singled out and their continuity relative to the Kingdom of Yugoslavia was confirmed. But, how many states in this territory were changed after that Kingdom? And why the continuity should be established

<sup>7</sup> In the fourth version it was only stated that religious communities would be equal and independent of the state (Article 5).

just with the Kingdom of Yugoslavia? Why one model, which was typical of the monarchy, that is, a different system of government, was selected? Or why just those seven religious communities were singled out? The Kingdom of Yugoslavia was the state in which the SOC enjoyed the status of a state church. Does that mean that the Republic of Serbia will also be constituted soon as the state with a state church? The very fact that this case was brought before the Constitutional Court of Serbia speaks about the complexity of the whole problem.

The fourth version of the Draft Law on the Legal Status of Religious Communities (2005)<sup>8</sup> can be regarded as an improvement over the previous draft laws only to a degree. The quota set for the registration of a religious community (it was even 1000 in the 2004 draft law!) is omitted, while in Article 5, as we have seen, it is stipulated for the first time that "religious communities shall be equal and independent of the state". However, the new version also contains the discriminatory classification of religious communities into traditional churches, historical religious communities, confessional communities, etc. Under this Draft Law, the religions in Serbia would still be discriminated when they apply for registration<sup>9</sup>, while Article 24 stipulates once again that "in the performance of religious activities, the clergy shall be guaranteed full freedom, autonomy and *immunity before public authorities*". Article 46 still stipulates the calling of a referendum at the local level if so requested by a religious community. Why the church or religious community should be above other institutions in this respect? Why the same rights are not granted to other, civic organizations and initiatives?

Insofar as value standards are concerned, it should be noted, for example, that although a more general and appropriate formulation "religious, cultural and humanist heritage" is given in the preamble to the European Constitution (without special emphasis on Christian heritage), Article 11 of our Draft Law emphasizes traditional churches in Serbia as the "carriers of European *Christian* culture". However, the contribution to European culture by the Jewish and Islamic Religious Communities is not emphasized (Article 15-17). In their case, the legislator only "*establishes* the continuity"<sup>10</sup> of the legal subjectivity acquired in the Kingdom of Yugoslavia.

The fifth and latest version of the Draft Law is still inaccessible to the professional and academic circles, as well as to the general public in Serbia. Otherwise, the whole process concerning the preparation of these draft laws is

<sup>8</sup> It is the question of the 2005 document, which is known as the *Law on the Legal Status of Religious Communities* (Draft).

<sup>9</sup> For example, nontraditional religious communities would have to submit a number of special documents for registration, including the evidence of the permanent source of income (Article 60).

<sup>10</sup> Note the use of the archaic, Orthodox theological term *vaspostaviti* (establish) in the text of the Law.

nontransparent. The new drafts are not posted on the website of the Ministry of Religious Affairs nor are they accessible in some other way. Moreover, there are indications that the representatives of the SOC participate directly in the preparation of this latest, fifth version of the Law on the Legal Status of Religious Communities, although this is a legal document which is proposed and adopted by *state* institutions.

## The Attitude Towards Democracy and Secularization

From a sociological viewpoint, the late 1980s and early 1990s in Serbia can be regarded as the period of de-secularization of the society, whereby the de-secularization of society was understood primarily as a *social* process. However, in the most recent period, marked by the Koštunica Government, one can observe a certain shift to clericalization. Namely, the Church is being increasingly present in the area of public policy and state affairs. On the one hand, the state has assumed a much more cooperative attitude towards the Church than one might expect from a secular society, because secularization in our country was not only imposed through an atheist, communist ideology; rather, it is a *social* process which Europe underwent a long time ago.

In Serbia today, there is close *political* cooperation between state and church, although its citizens would probably expect from the SOC to take a stand on a number of *social* issues which are still burdening Serbia. However, some more coherent stand on social issues within the SOC is still not in sight. Its relationship with a criminal state in the past has not been cleared up either. All things considered, the SOC does not regard this as a special problem. Instead, its great problems are secularization, democratization of the society, civil sector and non-governmental organizations. When one looks at various statements issued by the Information Service of the SOC, it can be concluded that the Church regards secularization as some kind of evil which was done to the society and that it "reduced Serbia to poverty". At the same time, it does not consider the possibility that disastrous politics, war, destruction and crime reduced Serbia to poverty, rather than secularization. In those statements, it is also said that "the disastrous effects of democracy are already felt on the body of the Serbian people". When those statements are individually considered, it becomes clear that they contain different views of the bishops and other church representatives. At times, those statements are ambiguous and even contradictory. However, if one considers their cumulative effect, it can be concluded that it is mostly the question of demonizing civil society and small religious communities, as well as of a negative attitude towards democratization and secularization. All that can be found in the official, public discourse of the SOC. In fact, all that provides guidance as to how the Church views our society and perceives the state, in general.



Like other Orthodox churches, the Serbian Orthodox Church also invokes the principle of conciliarity as the key principle of its activities, but none of those local churches have held any council of ecumenical significance since the 8<sup>th</sup> century, that is, for more than 1200 years. The Serbian Church has almost no answers to the questions of the modern world, but responds mostly negatively to that world, which it hardly understands, because it does not fit into the dogmas from the time of Constantine or Nemanja. For example, present-day Europe is increasingly more evidently returning to its pre-Constantine, pluralist roots, while the SOC is still looking at the Nemanjić state, or the Christian church from the time of ecumenical councils as its model, like the followers of Islamic Selefism, who are turning to the original caliphate.

### The Testamentary Pattern

In Serbia today, one can also observe among younger generations a rather evident abandonment of the model of a pluralistic society, which is actually the product of enlightenment, as well as the shift to a monistic, archaic, "testamentary" pattern, which is probably best evidenced by the document of 15 February 2004, which is known as the *Draft Načertanije of the National Programme of the Serbian Youth for the 21<sup>st</sup> Century*. It is the question of the document which was proposed and adopted by the Serbian Youth Assembly (on the Transfiguration Day in 2004). One of the leaders of this Assembly, Branimir Nešić, presented the *Načertanije* at the Spiritual Academy entitled "What Will We Have to Stand up with Before Karadjordje...", which was held at the Trade Union Hall on the feast of the Presentation of the Virgin. The participants were also the representatives of the SOC, Metropolitan Amfilohije Radović and retired Bishop Atanasije Jevtić, together with the army representatives and the Minister of Religious Affairs of the Republic of Srpska. The *Draft Načertanije* has 13 points<sup>11</sup>: "Item 1: Svetosavlje (the teachings of Saint Sava) must enter all pores of our being and make it worthy that we can call ourselves Saint Sava's descendants... Item 3: The Serbian householder must be resurrected... Item 9: The well-organized parish shall have an unlimited influence on social reality, up to political authority", etc. According to this document, which is also supported by the SOC, the future of the Serbian state should be based on the "Svetosavlje, Kosovo testament, reassessment of the hitherto Serbian culture, education and history, relations with others, creation of the elite, preservation of the Serbian language and Cyrillic alphabet,

<sup>11</sup> For more detail see the article by Jelena Tasić in *Danas*, 16 February 2004, p. 8.

restoration of the Serbian village, patriarchal family, parish community, church-people's assemblies, democracy and monarchy".<sup>12</sup>

The ten-point Proclamation of the First Serbian Orthodox Youth Assembly, which was held at the Belgrade University, on 6 December 2001, entitled *The Testamentary Gate – the Position of the National Youth*, was written in a similar tone. In continuation, we give the full text of this document:

1. The foundation of our entire endeavour is belief in God and the Serbian Testament is the way in which we act through that belief.

2. The highest ideals of the Serbian Testament for us are, in addition to Saint Sava, Saint Simeon the Myrrhflowing and Saint Prince Lazar, Saint Nikolaj Žicki and Saint Justin Čeljijski; all other saints and heroes from our past are here in order to inspire us and encourage us in the defence of our Homeland.

3. Our aim is Elevated Serbia, which will be able to unite all Serbs wherever they are thanks to its spiritual elevation; in our struggle for that aim we are only allowed to use the God-blessed means of love, justice and chastity.

4. We do not divide our national, anticommunist and monarchist forces on the basis of the events from the Second World War; we pray for the peace of the souls of all those who gave their lives for the Homeland, in such a way as we are advised by Saint Nikolaj Žički.

5. We propagate uncompromising anticommunism and recognize the communist skill in putting on new ideological-party masks.

6. We do not depart from the spiritual vertical of Serbian history: God-King-Householder, and believe in the lasting value of the householder's world-view.

7. We do not hate other people, we love ours; we do not hate other faiths, we love ours; we do not despise anything that is someone else's, we cherish what is ours. Whatever is noble in others belongs to us, Christians – said Saint Justin the Philosopher as early as the 2<sup>nd</sup> century.

8. The defence of the faith and nation is the defence of civil rights and freedoms, the defence of each individual personality, because the "new world order", based on the worship of the "golden calf" and anationality of the new globalistic elites, will be more totalitarian than all other totalitarianisms taken as a whole, since it will attack one's personality and the family by using all possible means – from media idiotization, through the propagation of the right to perversion, to totalitarian technotronic control over the life of each individual.

9. In contrast to the extra-testamentary history of the Serbs from Dositej Obradović and Vuk Karadžić, through Svetozar Marković and Jovan Skerlić, to Dobrica Ćosić and the New Age, we emphasize the cultural history of the Serbian Testament from Saint Sava and Saint Stefan the Tall, through

<sup>12</sup> *Ibid.*

Lukijan Mušicki and Njegoš, to Saint Bishop Nikolaj Žički and Saint Justin Čelijski.

10. We do not trust our thoughts and muscles, we trust the Living and True God, the God of Justice to Whom our national anthem sings."<sup>13</sup>

At first glance already one can observe the eschatological-Messianic tone of this "Serbian testament" in which, in an artificial and archaic manner, a dualistic and Manichean division of Serbian history into testamentary and extra-testamentary one has been made. Testamentary history includes all Serbian saints, from Saint Sava, Saint Simeon and Prince Lazar to the holy Nikolaj Velimirović and Justin Popović, while extra-testamentary history includes Serbian enlighteners, such as Dositej Obradović and Vuk Karadžić, as well as so-called "New Age ideologists", "new ideologists" or "new atheists", who are criticized in similar statements on an increasing scale.<sup>14</sup> In this proclamation of the national youth there is also no departure from "the spiritual vertical of Serbian history", based on the God-King-Householder model, which has metaphysical-political connotations.

In their public appearances, the representatives of the Srpski Sabor Dveri organization, which acts with the blessing of the Serbian Patriarchate and organizes public forums at the Faculty of Mechanical Engineering, with the support of the journal *Pravoslavlje* and the Information Service of the SOC, advocate "the formation of the Orthodox public opinion".<sup>15</sup> Moreover, like one-time social realists, they also advance ideological views on art: "To be meaningful, art must have the Orthodox dimension" (Lazić, 2005).

## The SOC vs. Religious Pluralism and Ecumenism

The revival of a monistic testamentary pattern at the beginning of the 21<sup>st</sup> century, as well as the principle of conciliarity, which is also observed by the current Koštunica Government (the term "concentration government" and the like correspond to such a concept of government) is the result of abandoning the modern pluralist model of society, which is the legacy of European enlightenment. It is no accident that, in such a context, the most severe criticism is levelled just at Serbian enlighteners, such as Dositej, or

<sup>13</sup> Source: [www.dverisrpske.com/sabor/proglas.htm](http://www.dverisrpske.com/sabor/proglas.htm). Published in: Lukić-Vuković, 2005, pp. 214-215. *The Second Letter to Haralampije*, or the Studenica Declaration of the Serbian Youth Assembly, issued on 6 May 2003, was also written in a similar spirit (Lukić-Vuković, 2005, pp. 215-217).

<sup>14</sup> See, for example, the six-point Proclamation of Srpski Sabor Dveri of 5 October 2005, which is the answer to the appeal of a group of Serbian intellectuals, "For a New Political Action", which was published on the eve of 5 October 2005.

<sup>15</sup> The First Orthodox Journalists' Council at the Theological Faculty in Belgrade.

pluralist and Europe-oriented "new ideologists", "eurowhiners", "New Agers", independent intellectuals and activists in non-governmental organizations. In a metaphysical and apocalyptic tone, the views of those "New Agers" are rejected as non-Christian, anti-Christian, globalistic, western and even pro-communist. There is no doubt that the concept of a pluralistic society which is, as opposed to the archaic notion of conciliarity, supported by those "anti-clerical ideologists", anticipates political, social, cultural, as well as religious pluralism as the legacy of enlightenment and a modern liberal-democratic state.

Insofar as religion is concerned, it is necessary to distinguish among *theological* religious pluralism (which refers to the views on the truthfulness and authenticity of other religions), *social* religious pluralism (relations in the society with the religious "other") and *public* religious pluralism (the attitude of the state towards religious diversity and plurality, including the ways in which their presence in the public sphere is regulated).<sup>16</sup> Plurality, as the state of affairs, does not necessarily imply pluralism, as a positive attitude toward such a state of affairs. There are religiously plural societies in which the idea of religious pluralism is not widely supported. Moreover, there are plural societies which do not see any problem in the theological and social pluralism of religions, but the states themselves impose legal restrictions under their laws on the freedom of religion and status of religious organizations. We have seen, for example, that all post-October draft laws on religious communities in Serbia recognize only seven religious organizations as traditional or historical ones, while all others have to undergo the registration procedure. Such a policy towards religious communities is based on the tradition of the prewar monarchy and the role and place of the SOC as a state church in that political system.<sup>17</sup> Today, under the influence of the SOC and its lobbying with the Ministry of Religious Affairs, the democratic *Republic* of Serbia has accepted the continuity with an absolutely different state with an absolutely different system of government.

The church and state restrictions with respect to religious pluralism on the domestic plane are also accompanied by a negative attitude towards

<sup>16</sup> See: Moe, 2004.

<sup>17</sup> In Article 14 of the Draft Law on the Freedom of Religion, Churches, Religious Communities and Religious Associations (i.e. in its second version of July 2004), for example, this continuity with the kingdom is explicitly formulated: "By establishing the continuity of the legal subjectivity and status acquired in the Kingdom of Yugoslavia under this Law, the status of church and religious community as a public organization shall be enjoyed by: the Serbian Orthodox Church, the Islamic Religious Community, the Catholic Church, the Jewish Religious Community, the Slovak Evangelical Church a.v., the Christian Reform Church and the Evangelical Christian Church, a.v."

ecumenism and inter-religious dialogue at the regional and international levels, in principle.

As early as 1995, for example, the Diocese of Raška and Prizren of the SOC published the book of Hieromonk Sava Janjić *Ekumenizam i vreme apostasije* (Ecumenism and the Age of Apostasy).<sup>18</sup> As his first motto, Janjić cites the following passage from the epistle of the Basil the Great: "We are standing up for our common Tradition, for the wealth of the healthy faith we have received from the Fathers", and then, in the first sentence already, he presents quite an exclusivist view: "There is a small number of people in the world today who know and believe that *only* the Orthodox Church has preserved the authentic image of the God-Man Christ and the wealth of His teachings" (Janjić, 1995: 5, underlined by M.V.). In the next sentence he also says that "*our* Church, which is also called the One, Holy and Catholic (conciliar) Church is *the only one which has the right* to call itself Orthodox" (*ibid.*, underlined by M.V.). And then: "*There is no doubt* that the True and Only Church founded by the Lord is just the one which is *impeccably preserving Christ's truth*. In the turbulent history of Christ's Church there were many attempts to adjust the word of the Gospel to the fallen, sinned man, to *reinterpret* the Gospel, but the Church has succeeded in preserving its chastity, *unspoiled by the spirit of this world, and it has always been and will always be alien to this world and this century*. Therefore, traditionalism, which has a rather negative connotation nowadays, is one of the most important attributes of the Orthodox Church (*ibid.*, underlined by M.V.).

It is hard to imagine that any bishop of the SOC would now challenge the above mentioned view. It shows clearly the typical exclusivism of the SOC, which never questions its tradition and its interpretation of that tradition, while at the same time challenging all alternative interpretations in Christianity. Moreover, in his polemics against ecumenism, the author claims that "the basic aim of the ecumenical movement is the REINTERPRETATION OF CHRISTIANITY or, in other words, the total destruction of Orthodoxy" (Janjić, 1995: 95). Consequently, what is at work here is some kind of *hermeneutic exclusivism and hegemonism*, which derives its strength from the belief that everything that is not Orthodox is essentially wrong or, in other words, it is a heresy. And the greatest danger to the Orthodox Church comes, according to Janjić, from the "panheresy of ecumenism". However, the author pits against that "panheresy" his view which is no less totalitarian: "the unity of all people is possible only in the Orthodox Church" (*ibid.*).

<sup>18</sup> Father Sava Janjić is a protosyncellus who is also well-known outside the ecclesiastical circles due to his religious as well as political activities in Kosovo, as one of the associates of Bishop Artemije. Due to his talent for informatics, Father Janjić is also known among computer enthusiasts as a *cybermonk*.

These views are based on the work of one of the two greatest modern Serbian Orthodox theologians whose legitimacy is never called into question. That is Awa Justin Popović, who calls the leading ecumenical organization – the World Council of Churches – "a heretical, humanistic and anthropolatric assembly consisting of 263 heresies, each of which means spiritual death". He also holds that this organization is "nothing else but the revival of godless idolatry" (Janjić, 1995: 16). According to Janjić, ecumenism reinterprets Christianity in the spirit of the "New Age" and, "thus, opens the door of the Church to all other heresies and novelties" (Janjić, 1995: 7). For this reason, apart from Europe and the West, Eastern Constantinople has also "fallen into the heresy of ecumenism" (Janjić, 1995: 87).

In the SOC today, there are, in general, at least two dominant views on ecumenism. The first is this extremist view that ecumenism is "panheresy" and that heresy is everything that is not Orthodoxy, which could be related to the zealous prevention of the Anglican service in the chapel of the Serbian Patriarchate on Christmas in 2002. The second view holds that there is scope for the development of ecumenical relations with the Roman Catholic Church and, possibly, with some other traditional religious communities in Serbia (e.g. the Evangelical Church and the Reform Christian Church). However, the openness to small religious communities is rare, almost non-existent, even in the Church's more liberal circles. Those are mostly evangelical protestant denominations which are publicly discriminated and proclaimed sects or a satanic influence from the West by the SOC and, as of recently, by the state.

Insofar as the Muslims and Jews in Serbia are concerned, one can also occasionally hear anti-Jewish and anti-Islamic discourse from the extremist priests' and bishops' circles. The non-governmental organization Civic Initiatives from Belgrade brought charges against Bishop Atanasije Jevtić due to his racist anti-Islamic speech in Valjevo in the summer of 2004<sup>19</sup>. Let us mention one more example of anti-Islamism in Serbia. Apart from losses in human lives and the new exodus of the Serbs from the province, ethnic violence in Kosovo and Metohija, which broke out on 17 March 2004, resulted in the destruction of a great number of Orthodox churches and other sacral buildings of historical value. The next day (on 18 March), these tragic events in Kosovo triggered an absolutely inappropriate, irrational and violent anti-Islamic reaction in several cities in Serbia. The first result of that retaliatory act was the burning of mosques and other sacral buildings of the Islamic Religious Community in Belgrade, Niš and Novi Sad. In addition to religious buildings, offices and libraries of the Islamic Religious Community, invaluable cultural and historical monuments were also destroyed. Moreover, a few days after the destruction of the Belgrade and Niš mosques, the management of the Military

<sup>19</sup> This speech was published by Belgrade's weekly *Vreme* in the article "Justin je fino mirisao" (Justin Smelled Fine), 15 April 2004, pp. 24-25.

Museum in Belgrade, on Kalemegdan, ordered the destruction of nišans from the 15<sup>th</sup> and 16<sup>th</sup> centuries, authentic and very rare tombstones in the Balkans which date from the Turkish period. Consequently, one military institution in Serbia and Montenegro also participated in the vandalistic acts of a group of destructive, mostly younger citizens in Niš and Belgrade.

In this case, it was not only the question of inter-religious intolerance but, in particular, of the indifferent attitude of the state institutions and judiciary towards the acts of inter-religious hatred and violence. After the burning of the Islam-Aga mosque in Niš there was no hearing before the competent court for 15 months. Out of eleven indicted five did not appear at the fifth and last hearing. Their lawyer explained that those were young people who had to sleep a little longer in the morning, so that the court should have taken this into account when scheduling the morning sessions. What we have here is the total disregard of the institution of court, as well as the proverbial inefficiency of our judiciary. In the meantime, the trial was finished, but the indicted were not punished as they deserved: eight of them were sentenced to 3-5 month imprisonment and two were acquitted. Therefore, it is no wonder that, after the pronouncement of the verdict, the indicted were singing: "Death to Muslims!"<sup>20</sup> As for the Director of the Military Museum, it is only known that he was removed from that position, but it is not known whether a criminal or disciplinary action against him was initiated.

Unfortunately, such a conduct of the competent institutions is in conformity with the general condition of the Serbian society, including ethnocentrism and a great social distance vis-à-vis other national and religious communities. According to the latest UNDP Human Development Report for Serbia<sup>21</sup>, the greatest social distance is kept vis-à-vis the Muslims/Bosniaks (31.3%) and Albanians (41.4%). In 2004, even 46% of the inhabitants of Serbia would not agree to the building of a mosque in their place of residence, while 23% had an ambivalent attitude towards this. Consequently, only 30% would agree to have a mosque in their city.<sup>22</sup> Ethnocentrism is especially pronounced among the young people aged 20-23. It is symptomatic that the distance towards atheists is also unusually high: even 30% of citizens would be against the marriage with an atheist; 25% does not want atheists to educate their children, while 15% would not associate with them!

During the 1990s as well as today, anti-Semitism in Serbia was especially evident at the public forums and in the proclamations issued by paraecclesiastical organizations and some political parties, in private publishing, statements made by some priests and bishops, as well as through

<sup>20</sup> *Danas*, 27 July 2005, p. 3.

<sup>21</sup> The results of this research were published in the daily *Danas*, 3-4 October 2005, p. 16.

<sup>22</sup> *Ibid.*

the concrete activities of hooligans who write anti-Semitic graffiti or desecrate Jewish graveyards and other buildings of religious and cultural significance in Serbia. However, in Novi Sad, in November 2005, incidents and violence were also provoked by the organized neo-Nazi group National Guard (*Nacionalni stroj*). The authorities responded rather quickly in the case of their intrusion and violence at the Philosophical Faculty in Novi Sad and at the concert of KC Gradilište, but the pronounced sentences were just symbolic once again. Namely, their violence was not qualified as a criminal offence, but as a disciplinary one. They even received indirect support from Milorad Mirčić, an official of the Serbian Radical Party and the President of the Republican Assembly Security Committee. Namely, for the intrusion of 25 neo-Nazis into the Philosophical Faculty, he condemned, in the first place, Professor Milenko Perović who organized that anti-fascist forum.

During the early 1990s, under conditions of war and nationalist euphoria in Serbia, anti-Semitism was first revived in some political and religious circles. It was the question of the so-called "new left and right" (*JUL*, *Radicals*), as well as the clero-nationalist, Ljotić and Nedić movements in present-day Serbia. The former were the loudest as regards "the world conspiracy against the Serbs" and hegemony of the new world order (*TV Palma*, *Velika Srbija*), while the latter are known for a number of articles in the journals such as *Logos* and *Pravoslavljje*. So, for example, in its issue No. 16/1994, Šešelj's *Velika Srbija* published *The Protocols of the Elders of Zion*, while on *TV Palma* the Jews were accused of being "murderers and criminals" (David, 2000: 33). Those TV programmes propagated "theories" that present-day Jews (Ashkenazi) are actually "false Jews" and descendants of the Khazars, a Turkish tribe which converted to Judaism, while the Serbian Jews were requested to apologize for the actions of the US Administration, including the bombing of Yugoslavia (David, 2000: 33)! The Dean of the Philological Faculty in Belgrade, Professor Radmilo Marojević, even wrote that "in Serbian culture and science there is the fifth column of the world's Judeo-Masonic project". In *Logos*, the journal published by students of the Theological Faculty of the SOC, it was claimed that there was "a planetary Jewish conspiracy against Christian Orthodoxy, especially against the Serbian people and Russia" (David, 2000: 33). In one issue of *Pravoslavljje* in 1994, a member of the Serbian National Renewal called the Jews "the worst people that deserves despise" and regretted that there was no inquisition any more (Gredelj, 1999: 161). After publishing the article *Jeoreji ponovo razapinju Hrista* (The Jews Are Crucifying Christ Again), the editor of this journal was removed from that position. However, this did not prevent hooligans to write graffiti at the Jewish cemetery and on the synagogue, such as: "Death to Jews!" and "Long Live Adolf Hitler!" (David, 2000: 33). A long time ago, researchers observed a correlation between anti-Semitism and one's authoritarian and antidemocratic political orientation (Mihailović and Mihailović, 1969: 257), which was especially suitable for the

creation or revival of various pseudomyths, as well as for ethnic, racial and religious intolerance in Milošević's Serbia.

Unfortunately, in Belgrade's book shops one can still find copies of the new editions of *The Protocols of the Elders of Zion* (2001), while in some of those book shops in the centre of the city the paraecclesiastical publisher Dr Ratibor Djurdjević distributes anti-Semitic pamphlets from his edition *Judaica*. Some of those pamphlets are entitled *Centuries-Old Malice: How Is Britain Secretly Governed by Judeans; The Conspiracy of Conspiracies: The Protocols of the Elders of Zion Before the Court in Berne; Enemies of Mankind: The Hidden History of Judean Criminals; Holocaust: The Dogma of Judaism* and the like. Over 140 titles of this kind were recorded only in Belgrade.<sup>23</sup> It is not known whether the SOC ever condemned the publishing and distribution of this literature in which the identity and historical memories of members of a "traditional" religious community in Serbia are again attacked in the most morbid and monstrous way, in the Ljotić style.

## The Attitude Towards Europe and the West

Apart from pronounced anti-ecumenism, as well as intolerance against small religious communities, the SOC also emphasizes the fear of the destruction of the "true faith" through open resistance to the secularization of the modern world, especially the western one. Instead of initiating a dialogue with that world, the SOC decides for the official condemnation of secularization. So, for example, the programme of *de-secularization* of the Serbian society has recently been announced from a high position in the hierarchy of the SOC - the Metropolitanate of Montenegro and the Littoral. Moreover, in November 2000, the Information Service of the SOC announced that "secularization reduced Serbia and its people to poverty... As for the democratic system, its bruises on the body of the Serbian people are only now becoming evident". Consequently, the SOC does not see any problem in destructive and suicidal politics, which it also supported wholeheartedly during the war years. On the other hand, the imposition of a certain *programme of de-secularization* as a new political ideology, with the government's assistance, resembles very much the period of communism and its utopia that secularization and atheism could be imposed.

The views of Nikolaj Velimirović and Justin Popović on the secular and "de-christianized" West and Europe are well known and are often cited by historians. Today, however, those views are uncritically repeated in the books and at the public forums of the leading bishops of the SOC, such as Atanasije Jevtić, Artemije Radosavljević and Amfilohije Radović. Even more moderate

<sup>23</sup> The interview of Filip David for the radio broadcast *Peščanik* on Radio B92, 11 November 2005.

bishops also tend to such exclusivism relative to the West. In his book *Savremeni svet i Pravoslavna crkva* (The Modern World and the Orthodox Church), published in 1993, Bishop Ignjatije Midić says with resignation that "Christianity in the West ceased to exist as the Church: it has become an ideology, a set of ethical laws". And in "Pravoslavlje i Evropa" (Orthodoxy and Europe), the Bishop says that "the real reason why the Orthodox people should aspire to integrated Europe" is, neither more nor less, the possibility "to influence a change in the modern European world-view. All of us are aware (underlined by M.V.) that Europe, that is, the modern western civilization founded by Europe in which all of us, the Orthodox and others, participate, is undergoing a severe crisis" (Midić, 2003: 39). Midić gives several reasons why, in his opinion, Europe is in a crisis and states that the crux of the problem, at least in the spiritual sphere, lies in "the appearance of nihilism in Western philosophy". The other problem lies, believe it or not, "in the expansion of the freedom of personality" (Midić, 2003: 46)! Here is how that is explained by this contemporary Serbian theologian:

"Nihilism is becoming an unavoidable companion of freedom which is often forced to renounce itself, so that we can release ourselves from its fatal embrace (according to J. Zizioulas). On the social plane, the uncontrollable freedom of the other is becoming dangerous for society, for community, because freedom is inevitably threatening the existence of the other by its contents. Behind the aspiration of the West to control the entire world lies the fear of the other and his freedom" (*ibid.*). Here is the way out and remedy for that "illness of the West": "For the recovery of the modern society, it is necessary to point to the original interpretation of the eschaton, that is, the authentic Christian interpretation of eschatology, since Christian ontology originates from it. *We have no more reliable guide for this than the Liturgy of the Eastern, Orthodox Church*" (*ibid.*, underlined by M.V.).

In the same collection of papers in which Ignjatije's text was published (*Hrišćanstvo i evropske integracije*), the theologian Vladan Perišić poses the question: "Does Europe need Christianity?", and answers: "Let us eliminate everything that is Christian from Europe and then take a look at the remaining poetry, literature, architecture, painting, music, philosophy and European culture and civilization, in general. What will we see? Only: a) brutal barbarism, or b) arrogant egotism or, probably, a miserable union of these two (Perišić, 2003: 123). Accordingly, there is nothing left from ancient Greece and Rome, the Islamic and Jewish civilizations in Spain and their poetry, philosophy and architecture, not to mention the legacy of enlightenment, which has been largely profiled as an anticlerical view.

The term *ecclesiastical fundamentalism* could probably be the most appropriate for describing the view of this author, which is expressed in continuation: "Even those who do not like to hear this must be informed that *Europe is not the measure of Christianity, that is, the Church* (which is the same

because, let us not forget – *Christianity exists only as the Church*); on the contrary, *the Church is the criterion of Europe*. Whether Europe and the so-called 'European values' will survive not only in history, but will also be extended into the eternity... depends on whether they will conform to the Church" (Perišić, 2003: 124). Consequently, Perišić views Europe only as *ecclesiastical* Europe, while the values that have been embodied in its Constitution by the European legislators (humanist and cultural heritage, as well as the heritage of other, non-Christian religions) should probably refer to those "so-called European values", which the author calls into question in advance.

Bishop Grigorije of Zahumlje and Herzegovina, the successor to the "throne" of Bishop Atanasije Jevtić, holds that the West and Europe request from the Serbs to renounce their identity: "The people from the West expect us to be pragmatic and lose our identity or say that we are Bosniaks for clothes, shoes and food. But, such expectations are an absolute illusion" (Vučetić, 2005: 13). This is also followed by the usual lament of the Serbian bishops, enhanced by the recognizable "Masada complex" when the fate of one's own people is in question: "We are again threatened as the people, because we feel that we are requested to renounce ourselves. As if it was told to us: 'Give up yourselves – your identity, history and culture and we will then consider whether we will accept you or not'" (*ibid.*).

In that latest resistance of the SOC to Europe, secularization and democracy, some authors in Serbia also tend to recognize its step towards the establishment of a state church. It is interesting to note that very soon after the October changes the representatives of the Office for Religious Education within the Serbian Patriarchate stated that "the state should protect its substance and the nation and, to that end, it should proclaim Orthodoxy a state religion or, in other words, our state should be verified as an Orthodox state" (Brkić, 2000: 8). As for other religions, they would have the right to exist, but would not have the same rank as Orthodoxy and would be registered only if "they are not satanic" in the view of the SOC (*ibid.*).

In Serbia today, there is a very pronounced tendency towards the clericalization of the society both in the ecclesiastical and some political circles. At the same time, that is also resistance to democratization and, naturally, to Europe, which is often manifested by emphasizing the anti-European view, from that of Nikolaj Velimirović to that of Atanasije Jevtić, who speaks, for example, about our "eurowhiners" (i.e. those who strive for Europe) and always wins applause for that at his forums (Byford 2005: 18).

At the same time, civil society and non-governmental organizations, as well as ordinary citizens wishing to be a part of present-day Europe are severely criticized and demonized:

"Here the Church opts for a monistic pattern which reminds us strongly of the time of communism and - regardless of the fierce condemnation of that communist legacy in the ecclesiastical circles – that is the same

authoritarian pattern and model, only the ideology is different. In fact, the priests, like retired Bishop Jevtić, face the believers, that is, ordinary citizens, with a senseless and harmful dilemma – whether to be Orthodox or a European Serb, thus forbidding them to manifest the multitude of their identities. Moreover, these priests present Orthodoxy in the wrong way, in some autarchic and primitive form, thus betraying their spiritual mission in the modern society and demonstrating that they are not up to their task. In such discourse, for example, the struggle with Europe is often reduced to the primordial struggle between God and Devil which is for Mr. Atanasije Jevtić, judging by his forums, the most decisive battle of our times" (Vukomanović, 2005: 25).

At the forum, which was organized at the Faculty of Mechanical Engineering of the Belgrade University, on 2 December 2004, by the paraecclesiastical organization Srpski Sabor Dveri, which has been acting as of late under the auspices of the journal *Pravoslavlje* and the Information Service of the SOC, Jevtić presented the "Serbian problem" with Europe in the following way:

"That what they serve to us as a multiethnic, multicultural, multi-, multi-society... As if we are crazy, as if they underestimate us and think that we are stupid. Well, that underestimation of common sense by that which is called modern Europe is intolerable. When they tell us: choose between Kosovo and Brussels – gentlemen, I am returning you the tickets for your Brussels, leave us in our mud to drown ourselves, but leave us alone" (Forum, 2004).

Bishop Filaret of Mileševa was also speaking in the similar spirit at the consecration of the foundation for the church dedicated to St Marina the Great Martyr in Lazarevo near Zrenjanin:

"We had and still have the best presidents. We have the best generals and the best people with the heart, spirit and faith. Therefore, I, the Bishop of Mileševa, also believe that you will build this church in a year and that you will not allow that its building lasts longer than a year. For you have faith and you have the face, courage and bravery which many of them wish to destroy, but cannot kill Christ, God and Saint Sava in us. I promise you, as the Bishop of Mileševa, fifteen tons of cement for building this holy temple. I appeal to the deputies to buy cement... we are following Christ and Saint Sava, our saints and enlighteners, and not the Serbian swindlers and Serbian traitors who betray us today on every corner. And what will we do in Europe? My White Angel was in Europe a long time ago. America is about two hundred years old and my angel is from the 13<sup>th</sup> century. This is why we have been driven into a corner... because we believed every trash from the West, as well as domestic one that appear as the true saviour of the Serbian people, but that was not so. The true saviour of the Serbian people is the Serbian Church" (Pudar 2005: 16).

## The SOC and War Crimes

During the period of five years, which passed after the 5 October changes, it was expected that the Church would manifest its ethical position on the immediate past to a much greater extent, considering the political weight that was undeservingly attached to it, as well as the fact that this is just the field in which religious communities are the most competent and, thus, are expected to voice their opinion in public. The central problem here is the attitude towards war crimes and the criminal legacy of the Milošević regime. In view of the fact that one unjust society was inherited, this had to be of special significance for the Church, because it is the question not only of a legal dilemma, but also of a serious moral one. What is, for example, its position on injustice in the society and the fact that many people became rich under suspicious circumstances and that they profited from the war? That is one of the questions which every religious organization should answer. However, the Church keeps silent. On the other hand, there is much talk as to what should be recommended to the Prime Minister or President concerning the Kosovo elections, how Serbia should look like in the future, on what principles it should be based.

The role of the SOC in the wars of 1990s was very controversial, to say the least. That is probably best seen from various official and semiofficial statements issued by the Church at that time. On the one side, there were appeals for reconciliation, prayer and the termination of the war and conflicts. In 1991, when the war in Croatia was already waged, Patriarch Pavle, for example, met twice with Cardinal Kuharić. In 1992, all three leading religious communities in Bosnia and Herzegovina (the SOC, the Roman Catholic Church and the Islamic Religious Community) issued an official statement, that is, an appeal for reconciliation. Some foreign analysts say that this is something without precedent in the history of relations between religious communities, that there are not many examples that the representatives and leaders of religious communities established any contact during the war, let alone that they officially called the faithful for prayer and reconciliation, that is, for forgiving which is, after all, the church mission.

However, there was also a number of different official statements (e.g. at the level of bishops' conferences), especially in 1993 and 1994, when the war in Bosnia was well underway. In these statements one could recognize an attempt at continuing the war and keeping the conquered territories and towns, as well as see the resistance to peace plans, in addition to some other participants in this conflict. That was the case with the Vance-Owen Plan in 1993 and the plan of the Contact Group for Bosnia and Herzegovina in 1994, when the Bishops' Conference of the Serbian Orthodox Church issued a statement from which it was clear that the conquered territory was treated like some kind of patrimony. There should be no withdrawal from that territory

and when even the deputies of the Republic of Srpska were also prepared to do so, one could observe the Church's much more militant position. Thus, all previous appeals for peace and the cessation of hostilities were overshadowed by the statements which were *de facto* trying to block the peace process.

During 1993 and 1994, the persons who were indicted or already sentenced by the Hague Tribunal, such as, for example, Biljana Plavšić, were mentioned by high representatives of the SOC in superlatives. So, Metropolitan Amfilohije called Biljana Plavšić "the new Kosovo maiden", while Radovan Karadžić was also referred to as some hero. Even in 2005, he still persisted in his view that the late mother of Radovan Karadžić, Jovanka, was "Mother Jevrosima and the mother of the nine Jugović brothers" (Tasić, 2005).

Consequently, those are, at least for some representatives of the SOC, the persons of great significance. At that time, the Church was more inclined towards the Republic of Srpska, because it was evidently disappointed by Milošević's defeatism. The Republic of Srpska was glorified as the "new Serbian Piedmont" and Radovan Karadžić and Biljana Plavšić as those who were following in "the footsteps of Saint Lazar", as it was put pathetically. That was a consistent policy which resulted in horrible crimes and ethnic cleansing, so that after the war there was not one mosque left in the territory of the Republic of Srpska. And when an attempt was made to rebuild such an important mosque as the Ferhadija in Banjaluka in 2001, there were incidents and scandals, which were not condemned by the Church. Consequently, one could observe here that the conduct of the SOC was rather consistent.

The SOC "sobered up" to a degree in 1996, after it was realized that the state jurisdiction over a certain territory did not have to coincide with that of the church and that the church jurisdiction could be retained even if the state had no jurisdiction over that territory. Those territorial claims, which are usually characteristic of the armies in conflict, were also displayed by the SOC during the war. At the time the Patriarch met with Cardinal Kuharić and called for reconciliation, he also wrote to Lord Carrington asking that a part of the territory of the Republic of Croatia should be united with the homeland, that is, with the Republic of Serbia, because it was populated by the Serbs. That *territorialistic* orientation of the SOC was certainly the result of its organization which is based on the territorial principle, although it is also a national church. The dioceses behave like fiefs over which the bishops exercise sovereign authority and if such a fief finds itself in the territory of a new state, which was recognized by the international community in the meantime, then this turns into the world's historical question. At the same time, the fact that the monastery of Chilandar is located in the territory of another state, Greece, which was not a part of the former Yugoslavia, has never posed a problem.

Here mention should also be made of the views that came to expression in certain texts. In the collection of papers entitled *The Lamb of God and the Beast from the Bottomless Pit*, Atanasije Jevtić poses the question as to the

character of the war waged in Bosnia and Herzegovina and then says that it was the worst of all possible wars and, in the next few sentences, expounds his theory on this subject. He concludes that it was the defence war for the Serbs and then, in the next sentence, that it was actually a heroic war from the viewpoint of the Republic of Srpska. However, it is clear that these two statements are not compatible and that the dominant view is the one that justifies the war, without entering into the genesis of war crimes, as well as other crimes and consequences of the war which are still felt.

Unfortunately, such concern shown by the Church in the case of Slobodan Milošević in Scheveningen, General Lazarević or the late mother of Radovan Karadžić cannot be seen when many other important issues in Serbia are in question. It is clear that in the circles of the SOC, the Hague Tribunal is regarded as an evil, as something directed against the Serbian people. In fact, it is the question of the total ignorance of its significance for the punishment of war crimes.

One of the latest examples of the controversial role of the SOC in the past wars was the case of Hieromonk Gavriilo from Šid. Where makes some priests to bless the warriors wearing uniform and weapons? Isn't the church the place where every faithful soul meets in private, without the Kalashnikov over his shoulder, with his spiritual shepherd, confesses to him and asks him for a blessing? That would be a more appropriate way in which a soldier may ask his spiritual shepherd for advice before going off to war, while the latter – when providing him with spiritual guidance and blessing him – should dissuade him, in the Christian way, from doing any evil. However, this is not what the entire world could see and hear on the video recording which was shown at the Hague Tribunal and then in the domestic and world media. The members of the Scorpio unit, who were blessed by Hieromonk Gavriilo from the Privina glava monastery on that video recording, committed a war crime against the Muslims captured near Srebrenica soon afterwards. What is also disturbing here is the fact that the Church did not find it necessary to announce itself on this occasion for a longer period. With the greater rights in the post-socialist period the church's responsibilities are also greater. The SOC issued its official statement only after more than ten days: "Lord, do not let it happen again!", whereby it soothed, only in part and too late, the resignation of all those who had seen that moving video recording of the execution of Muslims in Srebrenica and had asked themselves what connection the SOC could have with the crime. As a rule, the representatives of the SOC do not comment and interpret their official statements from the assemblies, that is, their public statement, thus putting the citizens and believers in Serbia in an absolutely passive position.

## Fundamentalism in the SOC?

Even outside its Balkan context, Orthodoxy has always insisted on the view that was formulated by John of Damascus as early as the 8<sup>th</sup> century: "We do not change the everlasting landmarks which our fathers have set, but cherish the tradition just as it has been handed down to us" (*On Holy Images*, 11, 12). This return to the Tradition (with the capital T), the conciliary origin of Christianity with which the unbroken continuity is established, represents one of the major principles of the Serbian Orthodox Church, as well as of other Orthodox churches in the world. This is where the *traditionalism* of the SOC is reflected the most.

However, one should also add quite a specific characteristic of Serbian Orthodoxy – one imaginary concept of *Svetosaavlje*, which was framed in more recent time and became the ideology of the leading Serbian theologians and the Church as late as the 20<sup>th</sup> century. The projection of some golden Christian past before the schism, the "Kosovo testament" and the myth of Saint Sava, accompanied by the myth of Saint Sava, resemble, on the one side, Sunni Selefism and, on the other, the Shiite cult of Caliph Ali and the myth of Karbala, i.e. the historical defeat that turned into heavenly triumph in the religious tradition (Dejzings, 2005, pp. 221-234). In this context, it should also be noted that, at the end of the last century, both branches of Islam displayed pronounced *fundamentalist* tendencies.

Let us turn our attention to several typical characteristics of fundamentalism which are mentioned in modern literature about this phenomenon:

1. The return to the fundamental principles, to the origin, to something that was in the beginning and was corrupted later on.
2. Hegemonism and exclusivism in interpretation: fundamentalism is against hermeneutic pluralism, because it leads to cognitive and value relativism; instead, fundamentalism perseveres in dualistic rhetoric and the philosophy of Manicheism (We-They, God-Devil, Friends-Enemies, etc.).

The essential feature of fundamentalism is its resistance to the pluralism of interpretation, regardless of whether religious or non-religious phenomena are in question. Hermeneutic monism appears as the path to sectarian integrism and exclusivism. However, rigid adherence to only one possible interpretation of a phenomenon, regardless of whether it is the question of religion, politics, history, science or some other sphere of the human spirit, may turn a certain hermeneutic problem, under specified conditions, into a serious political, police or military problem (Vukomanović, 2001: 127-139).

3. Resistance to secularization and the rejection of a secular world-view; in that sense, the tradition of enlightenment poses a special challenge to



and is the enemy of any fundamentalism; fundamentalism also gives its response to the challenges of modernism.

4. Fundamentalism is the product of a political, social and economic crisis, or a response to a crisis situation.

5. In an ideological sense, the fundamentalist ideas are directed against science, although, in a practical sense, fundamentalism often takes advantage of modern science and technology.

6. The spirit of ecumenism, dialogue and tolerance are alien to fundamentalism and are usually its greatest enemies.

In his paper "Fundamentalizam – cilj ili sredstvo" (Fundamentalism – the Aim or the Means), in which he lists a greater number of those characteristics, Ljubiša Rajić emphasizes one more important characteristic of religious fundamentalism: "the political programme based on religion, whose true aims are outside of it" (Rajić 2003: 55).

Resistance to secularization, enlightenment, ecumenism, religious and social pluralism, as well as the more recent attempts to impose the SOC as authority in the field of science represent, as we can see, some of the recognizable characteristics of religious fundamentalism. Truly, in this respect the Serbian Church is not lagging very much behind the New Christian Right in the United States, its creationism and literal interpretation of the Bible. On the other hand, the role of moral mind-guards in Serbia is now being increasingly performed by various paraecclesiastical organizations, under the auspices of and with the blessing of the SOC, such as *Obraz*, St Justin the Philosopher and Srpski Sabor Dveri, in addition to the young followers of the priest Žarko Gavrilović, who beat up peaceful protesters, advocates of homosexual rights, in Belgrade's streets and squares. At the same time, there is still the vow of silence in the SOC as regards child abuse charges.

Apart from the West, secularization and modernization, the problem for some theologians of the SOC is also posed by the advancement of science, especially of social sciences dealing with religion. In his book *Isus Hristos u mraku istorijske kritike* (Jesus Christ in the Darkness of Historical Criticism), the Orthodox theologian from Chicago, Predrag Samardžić, calls, for example, our sociology of religion "one of the affiliations, sections, that is, sects" of the Marxist-atheistic ideology and says: "In the conclusion of this reflection it can be stated that we have the university sect at the state university in whose survival it is invested mostly by those who act against it. In whose name the state university of a democratic state supports the propagation of a sect that is definitely anti-Christian?" (Samardžić, 2004: 2005).

Such a view is met with approval by the Serbian bishops, such as Irinej Bulović and Atanasije Jevtić, who spoke very affirmatively about Samardžić and his book at one of their forums held at the end of 2004.<sup>24</sup>

Finally, that new fundamentalism of the SOC could also be viewed as the product of the crisis, or its response to the crisis situation that was created after the suspension of the reform and political and economic transition of the Serbian society, which was initiated by the Zoran Djindjić Government. After the tragic wars of the 1990s, the Church manifested again its militant and philetistic position, ranging from the scandalous speech of Metropolitan Amfilohije at Djindjić's funeral to the direct public defence of the indicted of war crimes (who are, at least in some clerical circles, still treated as patriots and heroes). Here mention should also be made of the Church's phobia of facing the question of responsibility for war crimes (which makes it abhor international institutions, such as the Hague Tribunal, to an even greater extent), as well as its proverbial reservation and unreadiness to initiate a more productive dialogue and reconciliation with other religious communities in the Balkans within various ecumenical organizations and initiatives that encourage such meetings.

<sup>24</sup> This forum was held at the Faculty of Mechanical Engineering of Belgrade University on 25 November 2004.

## THE MEDIA: AN UNREGULATED SPHERE

Although the media laws were completed between 5 October 2000 and 2005, a number of their provisions were still not enforced; this omission had serious consequences in the media sector, enabling a great many outlets to continue their anti-reform course as well as preventing most from operating normally. This was particularly true of the information, broadcasting and telecommunications laws in relation to media privatization, frequency allocation and transforming Radiotelevizija Srbije (Serbian Radio and Television - RTS) into a public service organization. Every deadline for completing these processes had been missed and extended by several months or even years. A comparative study of 20 European countries by the Open Society Institute in Budapest found that Serbia's media sector was one of the worst-regulated on the continent, above all owing to decades-long destruction and slow reforms after democratic changes in 2000. Sorting out broadcasting problems is a condition for European Union membership.

### Media Privatization

Under the Information Law of April 2003, the print media ought to have been privatized by 22 April 2005 at the latest. However, the deadline was extended until April 2006, necessitating amendment of the Information Law. The outlets which are not privatized by this new deadline will be shut down. The deadline for the privatization of electronic media outlets, which are of far greater importance owing to their influence on public opinion, was extended until 31 December 2007,<sup>1</sup> meaning that radio and TV stations will remain in municipal ownership pending the next local elections. Although the privatization rules were adopted in June 2005 – their absence having been the cause of the delay – ownership transformation only started at the end of the year, affecting only 10 or so public media outlets at that. According to the

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<sup>1</sup> The original deadline, set by the law adopted in July 2002, was the end of 2006.

records of the Broadcasting Agency, none of the 113 radio and TV stations founded by a municipality had been privatized for three years.

Indications abound that there is no political will to privatize these outlets before the local elections because the local media can be used to advantage once again during electioneering.

The controversy surrounding the privatization of RTV Kragujevac (RTK) is the clearest example of the extent of resistance to municipal media privatization. The mayor of Kragujevac, Veroljub Stevanović, and his associates opposed an effort to privatize the establishment after the Serbian government had given the go-ahead for its ownership transformation. The initiative to start privatization proceedings had been made by the former management which ran RTK under the ruling Democratic Opposition of Serbia (DOS). The town administration approached Prime Minister Vojislav Koštunica asking him to shelve his government's privatization approval 'until such time as the conditions are created for a correct and transparent privatization of RTK'. The trade unions and RTK employees also called for a suspension of the privatization proceedings on the grounds that a 'sell-off of the town media establishment at a time when frequencies have not yet been allocated and when judicial proceedings are under way over damaging contracts exceeding several million euro raises the risk of someone unconnected with the media acquiring RTK for little money'.<sup>2</sup> However, the representative of the Independent Association of Journalists of Serbia (NUNS) on the working group entrusted with preparing a strategy for the development of broadcasting, Mirjana Milošević, said that while this might be a valid reason, 'there is a range of legal and market mechanisms which cast doubt on what has been said in Kragujevac'.<sup>3</sup>

Because frequency and broadcasting permits are not the only assets of a media outlet that is put up for sale, they are not essential to its privatization. 'It should be borne in mind that in a privatization an investor is buying above all potential for profit, and that frequency, buildings and equipment are but a means to an end. While a frequency and a broadcasting permit may increase the value of a company, they are no guarantee that the company will operate successfully,' Mirjana Milošević said.

Buying a TV station before it is allocated a frequency also carries a risk for the potential buyer and investor. If he buys a station after it is allocated a frequency, he is required to take over the concept and operating plan of the present management although it has no market experience. 'He will inherit not only an inefficient organization owing money due to its poor performance, one with a low-skill or unqualified personnel structure, but also a future charted by the development plan worked out by the same people. Once a permit is

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<sup>2</sup> *Blic*, 2 November 2005.

<sup>3</sup> 'Šta je starije: frekvencije ili privatizacija', NUNS Dossier, no. 17.

obtained, the development plan will have to be adhered to. The new owner will not be allowed to alter the programme orientation substantially even if it is established that it will bring considerable losses,' the NUNS says in its *Dosije* (Dossier).<sup>4</sup>

On the other hand, given that municipal outlays on media have declined steadily during the last five years, depending on municipal budgets is no longer in the interests of the media outlets themselves.

NUNS points out that RTK Director Slavica Trifunović was dismissed in a political purge of public companies carried by the Kragujevac City Assembly. Mirjana Milošević says that the experience of various local media outlets across Serbia indicates that frequent changes of management do not make for the stability of operation. Trade union official also allege that each new local government increases the number of fictitiously employed and that this is the main threat to the survival of local radio-TV establishments.<sup>5</sup>

The Privatization Rules include provisions enabling electronic media outlets to be privatized without being allocated frequencies, giving local run-down outlets an opportunity to replenish their equipment and resources with fresh privatization capital and therefore to improve their chances of being allocated a frequency at the forthcoming competition. Since the new owner must ensure continuation of production and broadcasting for at least five years, the concerns that the owner will change the main line of business are unfounded. The new owner can do this only if he or she is not allocated a broadcasting frequency at a competition. Furthermore, only persons engaged in publishing or radio-television broadcasting are eligible to participate in media auctions.

The records of the Privatization Agency show that there are 141 media outlets in Serbia awaiting privatization, including 14 local newspapers and 23 newspapers operating as part of mixed companies also owing an electronic media outlet. Mixed companies are given the choice of embarking upon privatization as a whole or as two companies after carrying out status changes and splitting into a print and an electronic establishment.

US Ambassador Michael Polt and OSCE Deputy Head of Mission Douglas Wake, at a round table meeting held by IREX, warned the Serbian authorities that media privatization was a precondition of their professionalization and European integration. Polt said that it was important to bring the job to a close on time, adding that quite frankly even yesterday was too late; Wake also said that Serbia must no longer delay.

In 2005 an agreement was reached to privatize the media owned by the State Union which have been operating poorly for years. These media will be privatized according to legislation in force in their home republic. Among

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

them are Tanjug news agency, the newspaper publishing house Borba, Radio Jugoslavija, TV JU Info, Filmske novosti and Jugoslovenski pregled. Serbia will receive 93.3 per cent of the privatization proceeds and Montenegro 6.7 per cent.

The privatization of the daily *Večernje novosti*, which is 30 per cent owned by the State Union, has given rise to most disputes so far. Opposition to privatizing this daily with an editorial policy favouring the right-wing and nationalistic forces in Serbia is considerable because it is the largest circulation and therefore the most influential outlet in the country. Academic Nikola Milošević suggests that there are political reasons behind the moves to sell the daily to the German concern WAZ and that the outcome 'might have political implications with serious and, in certain cases, long-term consequences on state and national interests'. 'Therefore Manojlo Vukotić [the daily's editor-in-chief] is right in saying that the battle *Večernje novosti* is fighting with that German concern is not only a battle for the paper. It is a battle for Serbia. And if that battle is lost – on this point Mr Vukotić is right again – then it will be lost not only for *Večernje novosti* but for this country in which we all live,' Milošević said.<sup>6</sup>

## Distribution of Frequencies and RTS

The Broadcasting Law has been the most widely obstructed piece of legislation in the media sphere. Because it regulates the allocation of frequencies to electronic media outlets and the transformation of RTS into a public service establishment it is of exceptional importance for general reforms in Serbia. Although it was adopted as far back as July 2002, its enforcement was stalled by controversies up until August 2005. During the first two years, at the time of the Đinđić and Živković governments, most criticism came from the media and the then opposition circles, impeding and slowing the election of members of the Broadcasting Council<sup>7</sup> and putting off the start of its work. The Council was not established before February 2005 and implementation of the law continued to be delayed. The Broadcasting Law was amended in August 2005, putting off the electronic media privatization deadline until 31 December 2007 and the formation of the public service organization until April 2006.

As well as postponing transformation, the government succeeded in getting the Assembly to amend the Law in order to ensure that RTS will be financed from TV subscription pending its transformation. In this way the government retained control of RTS and forced citizens to pay TV subscription. In March 2004 the Serbian government dismissed Aleksandar Crkvenjakov as

<sup>6</sup> 'Udar na *Novosti*', *Svedok*, 1 February 2005.

<sup>7</sup> For more detail see the Helsinki Committee report for 2003.

RTS general director and appointed in his place Aleksandar Tijanić (onetime information minister under Slobodan Milošević and author of numerous articles spreading hate speech against certain public personages), in clear violation of the Broadcasting Law which provides that the director is elected by the RTS Governing Board. Tijanić was appointed in accordance with the Public Companies Law. The RTS Governing Board, which had been set up by the Đinđić government, resigned in protest against Tijanić's appointment, insisting that the move was contrary to both the Broadcasting Law and the RTS internal rules. The new Governing Board was also installed by the Koštunica government.

Transforming RTS will necessitate dividing it into two public service establishments to serve Vojvodina and Serbia respectively. Before RTS and TV Novi Sad are separated their assets and liabilities will have to be divided, but this process has also been delayed: while the provincial government appointed the members of its commission at the end of September 2005, the Serbian government failed to follow suit. RTV Novi Sad Director Dragomir Grnja says that a division of assets and liabilities was agreed upon under the Živković government but that the government's fall prevented its completion and verification.

Special concerns have been raised by the August 2005 amendment depriving the Vojvodina member of the Broadcasting Council of the right to veto decisions concerning the development of broadcasting in Vojvodina, an arrangement curbing Vojvodina's autonomy.

The Broadcasting Council prepared a broadcasting development strategy until 2013 after what was effectively a three-year delay. Nonetheless, not all the preconditions had been created for the allocation of frequencies, nor did the political elite appear willing to speed up the process. Before frequencies can be allocated, the Managing Board of the Telecommunications Agency must render its opinion on the broadcasting frequency allocation plan. Under the relevant law, the Broadcasting Council announces a public competition for applicants for broadcasting licences; the licences will be granted subject to an Allocation Plan to be prepared by the Telecommunications Agency. The Allocation Plan should contain all the necessary basic technical parameters (transmitter location, effective frequency range, coverage zone, etc.).

The attempts to find a plausible excuse for the delay created a new confusion in the public as to who was responsible for producing such a plan, this on top of a conflict simmering between the two regional frequency allocation bodies. The Telecommunications Agency, which failed to come up with a plan by year's end in spite of having been founded in May, blamed this on the Ministry of Telecommunications, saying its had 'withheld from it necessary computer equipment'. On the other hand, members of the Broadcasting Council accused the Telecommunications Agency of obstructing

the allocation of frequencies; they said that the delay had nothing to do with any computer equipment and that the conditions were in place for the Ministry of Telecommunications to take over temporarily from the Agency.

The broadcasting development strategy provides for national frequency permits being granted to five commercial TV channels and four commercial radio stations. National frequencies will also be allocated to the republic and Vojvodina public service establishments. Forty regional television and as many regional radio frequencies will be allocated, as well as granting local broadcasting permits to some 160 television and about 200 radio stations. Under the strategy, the number of broadcasters, which reached 755 in June 2005 and kept rising, will nearly be halved.

## The Media under Pressure

An analysis of the incidents that occurred during 2005 indicates that media outlets were targeted for reporting on war crimes, promoting cooperation with the Hague tribunal or blaming Serbian politics for the wars in the former Yugoslavia. Individual politicians continued to accuse media of being anti-Serb. In a country like Serbia where war crimes indictees are still glorified and where no change of heart has taken place, such political messages are very dangerous: they can be taken by some as meaning that the outlet in question may be attacked with impunity.

The daily *Danas* and RTV B92 received anonymous bomb threats on several occasions. The police investigated the incidents and found that the alarms were false but failed to discover the culprits.

In July, B92 received two anonymous telephone calls within three days saying a bomb had been planted on the premises 'because of the anti-Serb campaign being conducted by the outlet', as the caller put it. According to B92 staff, the bomb threats were merely part of a daily intimidation routine against the establishment. The pressure on B92 increased after Nataša Kandić announced the existence of informal evidence linking the deputy president of the Serbian Radical Party (SRS), Tomislav Nikolić, with the killing of civilians in the Croatian village of Antin in 1991.

On 11 June an anonymous man who introduced himself as 'personal security of General Ratko Mladić' rang up *Danas* to say that the daily's editor-in-chief and executive editor Grujica Spasović would be 'killed'. The daily linked the call to the publication two days previously of an article announcing that the whereabouts of the Hague tribunal indictee Ratko Mladić had been identified. Although the daily's director urged Minister of Internal Affairs Dragan Jočić to take every measure to protect Spasović and his family, Spasović was interviewed by the police only several days later, after an intervention by the US ambassador. Spasović was later told by the police that

while they could not trace the caller's number they believed that the call had been made via satellite.

TV Pančevo went through a similar ordeal after broadcasting a programme commemorating the tenth anniversary of the Srebrenica massacre. In June it received an anonymous written message saying it was going to suffer deserved punishment for 'commemorating' the event. The message, written on the back of an old SRS leaflet advertising the party's 2002 Pančevo rally, read: 'Just as you're celebrating the tenth anniversary of being launched by Soros, you're in for the punishment you deserve - you're going to be auctioned off for a song to that very Soros'. The high-ranking SRS official from Pančevo, Serbian deputy and local councillor, Božidar Koprivica, denied any SRS involvement in the affair. All the same, speaking in the local assembly, he accused TV Pančevo of being 'anti-Serb' for commemorating the tenth anniversary of the Srebrenica crime while refusing to run the documentary about the crimes committed against Serbs during the wars in the former Yugoslavia screened by the Radicals in Belgrade's Sava Centre. In this way, rather than condemning the threat made to TV Pančevo, the SRS official encouraged others to join in.

Local officials in Kragujevac tried to exert subtle pressure on RTV Kragujevac, which is financed from the municipal budget, to stop it running the B92 serial 'Why People Talk Low in Church', which criticizes the role of the Serbian Orthodox Church (SPC) in the wars in the former Yugoslavia. After RTV Kragujevac ran the first instalment, Kragujevac Deputy Mayor Saša Milenić made an apology to the Bishop of Šumadija, Jovan. Milenić said that the 'religious feelings of the members of the Serbian Orthodox Church, and consequently the open society values guaranteed by the Constitution, were grossly violated in an irresponsible, unprofessional and, probably, politically tendentious manner'. But the editor-in-chief, Gordana Mirović, stood her ground and showed the rest, noting afterwards that 'after the transmission of the first instalment there were no negative reactions'.<sup>8</sup>

The Minister of Capital Investments, Velimir Ilić, continued to attack and insult journalists throughout 2005. When a B92 journalist asked him a question about Slobodan Milošević's son Marko, he replied: 'You're sick, you're ripe for psychiatric clinic, you ought to be receiving treatment collectively...All you talk about is Marko. Forget about Marko.' Ilić said this in front of a local audience, during the opening of a ski-lift on Mount Kopaonik on 15 August 2005.

NUNS associate Mirjana Kalinić says that journalists in the provinces are targets of direct or anonymous threats, cautions, 'well-wishing advice' and often physical attacks conveying the same message - Leave off! Journalists were targeted not only by local politicians but also by people with criminal

<sup>8</sup> www.nuns.org.yu, Dossier No. 17.

connections and, increasingly, tycoons. Every three months there was a case of a journalist being beaten up, as well as receiving daily threats. Kalinić said that journalists on local media outlets in the provinces were often 'left to their own devices, unprotected by their desks and poorly organized. Besides, the police and judiciary have failed where attacks on journalists are concerned, so it's mainly "take care of yourself" or "God help you"'.<sup>9</sup> NUNS has recorded every threat or attack against journalists since 2004.<sup>10</sup>

In September 2005 the Serbian Assembly passed a Criminal Code which provides for no custodial penalty for defamation, as initially intended and entered in the draft. The new Criminal Code instead envisages fines for those found guilty of defamation; the amount of these fines could be a problem for journalists not employed by the mass-circulation sensationalist tabloids. A fine for slander ranges from 460 to 5,200 euro and for libel from 1,150 to 11,500 euro. Proceedings are instituted only subject to a civil action for slander or libel. The law took effect in December 2005.

## Media Responsibility

In post-October 2000 Serbia, the matter of media professional ethics was raised after the assassination of Prime Minister Zoran Đinđić, with certain circles alleging publicly that certain journalists and outlets had been assigned the role of preparing the public for the assassination and later of presenting the murder as a mafia hit. Nonetheless, long after the assassination allegations of media responsibility and analyses of relevant texts kept being dismissed by certain media and political circles; furthermore, those who criticized the media outlets in question, pointed out breaches of the code of professional ethics and denounced political influence on the media were accused of suppressing free speech.

For instance, *Kurir* and *Nacional* launched a smear campaign against B92 journalist and *Insajder* programme author Brankica Stanković after she raised the question of media responsibility.

It was only in 2005 that the subject was raised within the profession itself: a Press Council, made up of journalists on various editorial staffs, was

<sup>9</sup> 'Ne piši ili bijemo!', *Večernje novosti*, 19 September 2005.

<sup>10</sup> *Večernje novosti's* correspondent from Loznica Vladimir Mitrić, who reported mostly on economic and classic crime in the Drina valley, was beaten up in October 2005. Also, a retired colonel knocked out the Kruševac correspondent of *Glas javnosti*, Radojica Barjaktarević, because he did not like an article Barjaktarević had written. Biserka Milosavljević, the *Blic* correspondent from Paraćin, received threats for many days in connection with a trial she was covering. *Politika's* correspondent from Kruševac, Miroљub Dugalić, was assaulted in 2004 over a series of articles about the machinations of a property Mafia: he was attacked by a man featured in his texts and the police categorized the incident as a breach of the peace.

attached to the Media Centre, publishing monthly reports on respect for the code of professional ethics on the part of the print media.

On the basis of analyses of print media coverage, the Council warned on several occasions that 'half-truths, campaigns targeting individuals or political or other groups based on half-truths, harangues against political dissenters, imprecations and untruths - are a characteristic of a segment of the press'. As an example of a breach of journalism ethics the Council cited the case of Čedomir Jovanović (April 2005): after Jovanović gave evidence before the Special Organized Crime Court a number of tabloids began publishing 'verbatim records' of a conversation he was alleged to have had with Dušan Spasojević, a suspect in connection with Đinđić's assassination. None of the tabloids bothered to check the accuracy of the material in spite of denials and *Kurir* went on publishing instalments regardless, saying it had obtained the records from telephone surveillance services. The state authorities, however, did not dissociate themselves from such alleged public leakage or react in any other way.

According to the Council's analyses the public prosecutor ought to have reacted a number of times. There was, for instance, no timely action from the judicial authorities in connection with *Tabloid*, which conducted from one issue to the next smear campaigns against certain public figures; the information it published, believed to have been culled from secret police files, was unverified and intended to discredit the victims so as to lay them open to any attack.

The most frequent breaches involved infringement of the right to privacy, disclosing the names of minors, insensitivity to the fates of ordinary people, sensationalism. According to the Council, the tabloids were the main culprits although others were not entirely free from blame. 'The totally uncontrolled publication of unverified information concerning politicians and ordinary people, which could affect their lives in this or that way, poses a big problem. The topics are approached from a sensationalist point of view, a political model is followed which is rather clumsy and boils down to inter-party confrontation. The tabloids that often publish fabricated material and go for the jugular are particularly troublesome,' said Dragan Janjić, a member of the Council.<sup>11</sup>

The Council noted in a Declaration that 'politicians and big businessmen abuse the existence of a free press...in order to accuse each other of various crimes including the assassination of Prime Minister Đinđić'. 'This atmosphere, in which crime goes unpunished, is additionally burdened by racism, chauvinism, far-right nationalism, xenophobia, paranoia, conspiracy

<sup>11</sup> 'Kodeks i kazne', *Danas*, 11 October 2005.

theories and pornography, which are today a component part of the press in Serbia.<sup>12</sup>

The Helsinki Committee pointed out that the problems were augmented by non-transparent media ownership. At the beginning of 2006, for instance, the YU Info TV channel was privatized without the public having been told anything about the identity of the buyer. The tender was submitted by the buyer's agent who declined any comment on the grounds that he was not authorized to do so. It was not known what exactly was sold either, given that the channel had not been broadcasting for some time and was in debt.

During the last five years many new media outlets have sprung up only to disappear after a short life. In view of the huge number of print media already on the market and the small non-paying circulations of most of them, their purpose may well be to publicize particular election campaigns that suit their proprietors at a particular time. *Balkan*, which stopped publishing on 7 February 2005, was a case in point; there was a rumour among journalists that the newspaper was owned by Bogoljub Karić and existed to boost his election campaign. *Balkan* was owned by the company Generalpublik until 13 April 2004, when the majority stake in the company was acquired by BNN Ltd from Cyprus whose owner was unknown. After *Balkan* stopped publishing, Generalpublik Director Mirjana Gogoljević told the employees that she was unable to contact the paper's founder BNN Ltd. *Balkan's* editor Milka Ljubičić wrote to the Republic Labour Inspectorate on behalf of the employees, saying she had talked with Bogoljub Karić (about the pay arrears) who 'promised in the name of the Generalpublik majority owner, namely the firm of BNN Ltd, as well as by reason of having exerted an influence on the editorial policy, to procure the wages and fees'. 'In this connection, he referred me to his lawyer Vesna Čabarkapa and to Goran Milić (of Astra Simit Group) who were supposed to solve the problem,' she wrote.<sup>13</sup>

### ***Politika* Personnel Changes**

October 2005 saw changes in the management of the daily *Politika*, signalling the outlet's closer support for the policy of the ruling Democratic Party of Serbia (DSS). (Although *Politika* had always been a newspaper under strong government influence, particularly under Slobodan Milošević, it had been hoped that its ownership transformation would lead to a modified editorial policy. The daily has a long tradition and great influence on public opinion.) The new editorial staff appointed in October by Editor-in-Chief and

<sup>12</sup> 'Novine ugrožavaju dostojanstvo', *Danas*, 8 October 2005.

<sup>13</sup> 'Balkanski sindrom', *Vreme*, 24 March 2005.

Executive Editor Ljiljana Smajlović<sup>14</sup> made a number of personnel changes, also quietly discontinuing the Sunday column of journalist Ivan Torov, a critic of the work of the Serbian government. He was first stopped writing for the central Sunday issue, something he had been doing for two years, then he himself refused to write a column to be published on a weekday. The changes took place on the eve of the Kosovo talks and the Montenegrin referendum, developments in respect of which the government will want to exercise considerable control of the media.

The very selection of the *Politika* Governing Board members indicated a relapse into the nationalistic model developed by the Serbian elites, particularly the Serbian Academy of Sciences and Arts, which the daily furthered under the Milošević regime. The film director Emir Kusturica was appointed president of the Governing Board. The Board also includes Matija Bećković, the academic who made his mark during the nationalistic campaigns in the 1980s and 1990s and a chief opponent of Montenegro's independence, the Serbian prime minister's adviser Aleksandar Simić, and the Komercijalna banka Vice-President Predrag Mihajlović. The old Governing Board was dismissed during the summer, of which the former director Darko Ribnikar was informed after all was over.

Kusturica said on his appointment that Serbia's oldest daily should be 'made up in a Serb not a German head'. 'It ought to be made up in our not a foreign head given that the people who live on this territory are its market. I wish to help *Politika* to be the good old *Politika*, whose principal market should be, quite naturally, its own people. I am going to insist on its traditional good and tried values, because I do believe that *Politika* is not the same as *Blic* or B92. And there are indeed tendencies to that effect,' he said.

## Conclusions and Recommendations

Since all the legal preconditions are in place for transforming Radiotelevizija Srbije into a public service company, the process must be accelerated and a new management elected in accordance with the media legislation.

Media ownership must be made transparent to help the citizens distinguish between bulletins of political parties, economic barons, secret services and other influential groups on the one hand and professional media on the other.

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<sup>14</sup> Smajlović was previously a columnist on the highly influential weekly NIN. The weekly is one of the establishments which have never made a clean break with the nationalistic policy of Slobodan Milošević and denounced the responsibility of Serbian politics for the wars in the former Yugoslavia.

## EDUCATION: ANOTHER WASTED YEAR

Despite declarative advocacy of "educational system fine-tuning with European standards" vocally announced by the newly-appointed (October 2004) Education and Sports Minister, Slobodan Vuksanović, he did his best, a year on, to keep the Serb educational system as far from the European educational system as it was possible. His reform performance in the field of education, mostly exacted under public pressure, was reduced to the correction of lethal conservative moves of his predecessor, Education Minister, Ljiljana Čolić. In other words, during the first year of his mandate, foreign language classes were reintroduced in the first-grades of primary schools, as were the subject-matter "From Games to Computers", and martial arts in physical education classes.

In "school reform" the incumbent minister went even further: namely he compelled Belgrade primary school pupils to go gratis to cinema every Thursday, instead of going to school. Films were selected by the Ministry of Education and Sports<sup>1</sup>. Instead of dealing with modernization of teaching methods, entire teams of Education Ministry officials engaged in making lists of schools destined for cinema attendance.

Non-start of a comprehensive reform of educational system could exact a heavy price on Serbia, that is, slow down its accession to Europe and recognition of our diplomas in the world. Added to that such a state of affairs helps the preservation of a near-retrograde mind-set (entrenched nationalism, quasi-traditional values, theory of self-sufficiency, resistance to new knowledge and modern world, reluctance to accept new values), notably among the young population already badly affected by a long-isolation from the world, wars and across-the-board pauperization.

A humiliating fact that nearly half of population of Serbia-45.8%- has completed only one grade of primary school or primary school, fits into a bigger, anti-reform picture of Serbia. As regards the total number of illiterate (3.45% of total population) Serbia is at the very bottom of the educational ladder of Europe. <sup>2</sup> The 2003 expert team for education and curbing of illiteracy

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<sup>1</sup> *Politika*, 31 March 2005

<sup>2</sup> *Blic*, September 2005

has been disbanded. Allegedly the *Secondary Education Department* has an expert team dealing with education of adults, but concrete data on its activities are not available.

The best indicator of the state's disinterest in education are catastrophic conditions in which children are being taught. Findings of the UNICEF survey conducted three years ago by educational forum, "Optimization of school network in Serbia", and which was resumed in 2005, indicated the worsening of elementary hygiene and standards in some urban and rural municipalities in Serbia. Over 55% of rural schools have only outdoor WC facilities. The same holds true of 78 city schools. Most of them—notably the one in a Belgrade suburb of Zeleznik—have poor access to water, and some are even without electricity. Garbage bins, toilet paper and soaps are a rarity in Serb schools. In spring 2005 only in Belgrade schools three cases of jaundice were reported.<sup>3</sup> It also bears mentioning out-of-date teaching aids and equipment, old infrastructure and outdated teaching methods.

### **Reform of Primary and Secondary Education: Without a Clear Strategy and Responsibility**

Dismantling of achievements of former governments led by Zoran Djindić and Zoran Živković, at the hands of Koštunica-led government, is also evident in the field of educational reforms. In a follow-up to the work done by his predecessor Lj. Colic, Education Minister, Slobodan Vuksanović effected a systematic overhaul of his ministry, that is, replaced all participants, creators and advocates of a comprehensive educational reform initiated in 2001, by his own appointees.

Thus a teacher of physical education, with no experience whatsoever of the reform process, was appointed to the post of director of the Institute for Evaluation of Standards, one of the most important institutions for the future of education in Serbia.

Under a new job sistematization scheme, the Ministry's Department for Democratization of Education, was dismantled. This could be a bad message for Europe, in view of the fact that Council of Europe, and Serbia is its member, proclaimed the year 2005 as the year of development of civil society through education.<sup>4</sup>

Since *National Educational Council*, designed as the highest form of social control in the entire educational system—from primary schools to universities—has not yet been put in place, (it was to be formed two years ago!) the incumbent Minister for Education and Sports, Slobodan Vuksanovic, has

<sup>3</sup> *Glas*, 26 October 2005.

<sup>4</sup> *Danas*, 13 April 2005

all the prerogatives, from the reform-related ones to the personnel appointments.

Newly-formed commissions for the reform of primary school education have done very little, barring the adoption of a dubious program for the fourth grade. In absence of the National Council, that program was introduced in schools without a previous expert certification, and only thanks to Minister's approval.

In line with the populism-minded policy of the incumbent Prime Minister, Vojislav Kostunica, instead of a high quality reform, the Education Minister announced placing of basketball facilities in all schools, presence of parents at the entry exams fro secondary schools, purchase of new computers, a 30% reduction of mandatory programs in primary schools, in order to make "the children more joyous."

On such a "joyous" note the Serb Education Minister announced in early 2005 the start-up of a public debate on the *Natonal Strategy of Education in Serbia from 2005 to 2010 godine*, with a principal slogan: "Swifter integration of education into a contemporary European educational space". But even a cursory glance at the document may lead us to conclude that reforms are a non-starter, and that the said Strategy is only a list of nice wishes. Instead of focusing on pupils, as it was done by the 2001 national educational strategy devised by Djindjić-led government, the new strategy focuses on-teachers. The new national document envisages re-vamping of schools, equipping of gyms, computer networking of schools, placing of policemen in front of every school, and also announces continuing expert capacitation and training of teachers, promises adoption of more modern teaching sullabyses and texbooks, backs bi-lingual classes (under our school programs part of classes must be held in foreign language), introduction of new educational profiles in secondary vocational schools, etc.<sup>5</sup>

Committments, like the Seminar for *Education of Professors*, for which Council of Europe earmarked donations during the Djinjdic-lead government, are hardly met. In fact they rather resemble rallies then expert training. The job is completed by rallying of several thousand of educational professionals in Sava Centre to listen to lectures and then return to their homeplaces. And that is all. Teachers of Serbia by dint of their Association proposed in mid-2005 as many as 11 serious topics for expert training, notably professionalism in the teachers' work, initial reading and writing, planning of optional subject-matters, work with children with special problems, work in combined and undivided classes. Minister Čolić's banning of accredited seminars, deprived educational professionals of a possibility for further education. And mass rallies in Sava Center cannot surely replace that kind of education.

<sup>5</sup> *Danas*, 31 March 2005.



Seminars for foreign languages professors have barely survived the suspension of the reform process, first by the repeal of the pertinent law, and then by subsequent, personnel changes. The only change in that regard was the British Council's take-over of training of the English language professors. Aside from technically organizing groups of attendees, the Serb Ministry of Education and Sports has no insight whatsoever into the BC-run training programs and results. On the other hand the British Council is not duty-bound to submit to the Serb Education Ministry any seminar-related reports.

It became manifest in 2005 that teachers of religion, that is graduates from Theological Faculty, who four years ago had officially become part of educational system (the religious education alongside the civil education is an optional subject-matter in primary and secondary schools), were totally ignorant of basic principles of pedagogy and methodology. The pertinent ministry then prepared education programs for 2,000 religious education teachers. As an active participant in destruction of educational system reform and advocate of national education the Serb Orthodox Church continued its aggressive impact on the Serb educational system. Backed by educational cadres, Kostuncica loyalists, in that regard SOC has been given a free hand. The round table organized by the *Textbook Institute*, an institution which has regained primacy in textbook-publishing (all other publishers, *Kreationi centar*, *Narodna knjiga...* have been long sidelined) tackled the issue of religious education plans, syllabuses and textbooks.<sup>6</sup> At that round-table the SOC and state jointly and unreservedly backed the religious education classes. Minister Vuksanović went as far as to assert that "Serbia is ahead of Europe in the field of religious education", "children respond wonderfully to religious education" "which should be open and light and not confronted to the civil education". Member of the SOC hard-line faction, Bishop Irinej Bulović reiterated the thesis of a great need for a larger presence of the church and religious communities in designing the religious education classes, for their authenticity may solely be guaranteed by the top church brains". His stand was backed by Mevludin Dudać from the Islamic Community of Sandžak,<sup>7</sup> who took to task the narrow-minded character of education "which imparts knowledge/informs without educating, while religious education deals both with education and information".

Pedagogical faculties have also announced introduction of religious education classes, as an optional subject-matter for future teachers of foreign languages, ecology, civil education. Before laying the groundwork for introduction of religious education into its curricula, the faculty leadership obtained the SOC Synod consent for that measure.

<sup>6</sup> *Večernje novosti*, 16 March 2005.

<sup>7</sup> *Danas*, 16 March 2005

Barring the attempt to modernized the system of expert education in secondary schools-for which the Serb Education Ministry proposed a draft strategy full of nice words "education should be attractive and accessible to all, it should meet the labour market demands, lay the groundwork for a life-long learning process, be flexible..." and devoid of any implementation plans, the reform process in the secondary school education, notably, lycees, is not mentioned at all. Salient problems of educational system shall disappear only when pupils of outdated secondary school face a totally new system of studying at the Serb universities.

Schooling system is in a total disarray: new programs, old textbooks, banning and then re-introduction of subject-matters, uneducated "professionals", are only some of the features of the system under which the younger generations are educated in the 21st century in Serbia. To realize the extent of mental torture to which the children in the present-day Serbia are exposed, it suffices to look into the latest Collection of the Serb Language Tests for the Secondary School Entry Exam (2006), published by the Serb Ministry of Education and Sports.

In their analysis of the aforementioned Collection, Dr Savica Tome and Dr Željko Djurić, professors of Italian and German Literature respectively, draw their attention to the fact that in tests for the entry exams archaic language was used profusely. They underscored that preference was given to rural language and terminology, instead to the urban one. In many tests patriarchal life-style was extolled. The two analysts also warned that authors of the Collection not only disregarded achievements of emancipation of sexes, but openly insulted other peoples, for example, Romany. The Collection of full of examples of "oaths to death", and "of brave hearts ready for a battle."<sup>8</sup> The concept of the Collection is such that pupils are induced only to memorizing everything or learning by heart instead of engaging in active thinking process.

The aforementioned analysts stressed that in some tests from the Collection of Serb Language tests, notably "Letters from Italy" and Njegoš's objections to the then Europe, examples from history of literature acquired the character of fakes, for they were ideologically misused to allude to the contemporary political and ideological situation in our country. Thus pupils are compelled to store a multitude of "patriotic", or rather ideologically blinded replies in the part of memory, which is often called a short-term one."<sup>9</sup>

Most symptomatic example of negligence of educational authorities are *textbooks*. Judging by history textbooks, the competent bodies endeavour to hide from the children the fact that the new century has been ushered in, that Milosevic regime belongs to the past, and that Serbia, in one way or another, has embarked upon a new road. Contemporary history textbook for the second

<sup>8</sup> *Vreme*, 19 January 2006.

<sup>9</sup> *Idem*

grade of vocational, secondary schools, which first appeared 14 years ago, was re-issued by the Textbook Institute in 2004 and approved for use by the Serb Ministry for Education and Sports. For authors and publishers of that textbook history stopped on 5 October 2000. Thus, pupils are imparted the following "truths": "we still live in the FRY", "Yugoslavia was broken by a vicious policy of the US and Germany whose politicians decided to make several new states from our country."<sup>10</sup>

The aforementioned textbook dates back to the post-SFRY disintegration period, when history in Serbia and in newly-emerged states took on an important role of educator in extolling the magnitude of respective nations. "Raising awareness of the people" through strengthening of nationalism and chauvinism was necessary for mobilizing the nation for Milosevic's lethal policy. Re-issue of that textbook only demonstrates that retrograde forces in Serbia are still strong and bent on keeping up momentum in their anti-Western and anti-European education of pupils in Serb schools. Later-day reformers obviously did not have the time to modernize textbooks. Emina Stanković, a historian, says that "in the Balkans textbooks still serve for the national settling of old scores. In Europe such books offer historical sources and questions which induce you to draw your own conclusions. Such a way of presentation excludes the possibility of a whole class drawing a collective conclusion and a uniform opinion being imposed to a nation."<sup>11</sup>

European Association of Teachers "Euroklio" suggested to teachers in Serbia, Federation of Bosnia and Herzegovina, Republika Srpska and Croatia to write historical textbooks which would present the contemporary history in a different way. With justification that time was not ripe for such a move, they all refused to deal with the post-1990 history and decided to "research everyday life of the SFRY from 1945 to 1990." The principal donor, the Danish Foreign Ministry, gave them three years to collect the material and fine-tune their stands.

Another initiative for the change of interpretation and perception of history in the Balkans, this time around by the Greek *Centre for Democratization and Reconciliation in South-East Europe*, bore fruit. Namely the first of four books (60 authors from 11 countries – from Slovenia to Cyprus) under the joint title "Classes of Modern History of South East Europe" was promoted in Belgrade on 1 December 2005. Books were intended to history teachers as a supplementary material for classes. Along with the assessment that education plays a major role in the process of reconciliation and strengthening of tolerance in the region, each book dealt with one of four historical periods which are common for all regional historical curricula: the Ottoman empire, Emergence of States and Nations, the Balkans Wars, and WW2. Events were

<sup>10</sup> *Glas javnosti*, 22 May 2005.

<sup>11</sup> *Glas javnosti*, 22 May 2005.

presented through historical documents of all the countries. Editor-in-chief, Kristina Kuluri, stated that "textbooks are a kind of response to those who see our region as a synonym for brutality, violence and bloodshed."<sup>12</sup>

For interested teachers in Serbia seminars intended to teach them how to easily use the books are in the offing. The project was backed by the Serb Education and Sports Ministry. Publishers of the Serb edition are Prosvetni pregled and Centre for Democracy and Reconciliation in South East Europe. The book was translated into English and Serb. The following question obviously must be raised: what will happen when information from that manual clashes with "educational" history textbooks printed in early 90's, but which still serve as the principal sources of knowledge in our schools.

### **Bosniak Language in Sandžak Schools: An Optional Course**

Decision of Education Minister, S.Vuksanović, to introduce Bosniak language with elements of national culture into curricula of the first and second grade of primary schools in Sandžak was sharply contested by members of the *Educational Committee of Serb Parliament*, from the ranks of the Serb Radical Party and the Socialist Party of Serbia. They even demanded him to do away with that decision, for, according to them "such matters should be regulated by the law."

In the International Crisis Group last report, in the chapter titled "Linguistic Apartheid" introduction of Bosniak language into the Sandzak school curricula was assessed as the most dangerous political move after Milosevic's Sandzak policy. According to the ICG "that move nearly destroyed four-year long improvement of national relations." Namely that organization fears that introduction of Bosniak language could lead to division of pupils on national grounds. The foregoing could furthermore result in polarization and self-imposed, ethnic apartheid if Serbs continued to attend one kind of classes, and Bosniaks the other". The ICG accused the Bosniak National Council of Sandzak of forcing the government's hand to make that move, that is, "of undermining peaceful co-existence by its insistence on introduction of textbooks written in dialects spoken by no-one in Sandzak."<sup>13</sup>

Insistence on Bosniak language as the second, official language has been long-running. The BNCS as early as during the 2002 census asked Bosniaks in Sandžak to declare that their mother tongue was Bosnian and not Bosniak. Since then three Sandžak municipalities have introduced Bosniak as an official languages alongside Serbian.

<sup>12</sup> *Danas*, 3 December 2005.

<sup>13</sup> *Večernje novosti*, 17 May 2005.

## Teachers and Students: Strikes and Violence in Schools

Prime movers of educational system-teachers and pupils alike-feel disgrunteled. Teachers manifest their discontent by sporadic strikes (mostly on ground of low pays), and pupils by aggression and violence.

This school-year -1 September 2005-also began by a pay rise-related strike by 80,000 educational workers in Serbia. Instead of a dialogue, the authorities, like in the past, responded by threats related to possible lay offs and blackmails. This time around educational professionals also remained empty-handed. They went back to their teaching posts, where they are the safest, for the authorities are not in the least interested in how they educate children. The most important thing is that they don't rock the boat.

Schools in Serbia employ a total of 101,676 educational and non-educational staff. Some comparisons with European standards indicate that our teachers have smaller number of classes than those in European countries, and that in Serbia 1 teacher covers 10 pupil, whereas in EU that ratio is 1:18.

In an aggressive, frustrated and poor society, children are conflict-prone, and that may result in dire consequences. Only in the first 3 months of 2005 the balance of aggression and violence of school-age children was the death of three youths and of one 11-year boy. The first boy was beaten to death in a Belgrade secondary school, during a break. The second one was killed by his peers just because he wore the shawl of a rival football club. The third one was thrown out of train in Batajnica. The fourth victim, an 11-year boy, was thrown off the Sava bridge by a group of older boys.

Aggressiveness of our pupils was felt also by our neighbours, Hungarians. Namely a group of Belgrade secondary school pupils during an October excursion to Budapest, had a fight with the security team of a disco. Some of those boys were detained by the Hungarian police.

All expert research indicates an increase in violence among the young in the last 15 years, but to date no serious measures have been taken to curb that violence. Children are permeated with the ideas and mood offered by their milieu: highly politicized society, war criminals glorified as national heroes, rich parvenus of shady past, and folk singers. Underestimated and sidelined school offers them disgruntled, nervous and underappreciated professors, which pupils can see only on TV, once the big school scandals erupt.

Step-by-step pupils aggression prevention program funded by the Finnish government was adopted only by Pedagogical Faculty in Jagodina.<sup>14</sup> That and similar programs are yet to be approved by the Serb Education

<sup>14</sup> Author Branka Savović, Institute for Pedagogical Research, *NIN*, 31 March 2005.

Ministry. It bears mentioning that children usually get mad during classes. Then the quarrel ensues. And that quarrel usually ends up with a fight in the school-yard or corridor. Pupils' anger is usually provoked by furious or drunk teachers, listening to lectures which they don't understand, non-communication of their marks, disrespect of pupils' opinions or lower marks than deserved.<sup>15</sup>

Education Ministry responded to those brutal incidents by a host of repressive proposals: mandatory pupils' stay-at-home -after -midnight measure and ban on sale of alcoholic beverages in the vicinity of schools. After the murder of a Belgrade secondary school pupil, the Minister called on pupils to join him in a prayer-walk to Saint Sava church. Defectologist Nadežda Milenković said that Minister Vuksanovic "seriously invited pupils and their parents and professors to protest against violence, and not to pray for its non-emergence."<sup>16</sup> Unfortunately the young are only emulating the conduct of their elders, which was shaped as such during the Milosevic nationalistic populism era.

## University Reform: Fear of Loss of Privileges

Two and a half years on from Serbia's accession to the *Bologna Process* (September 2003) under which by the year 2010 the EU high-school system should establish a uniform educational system at the Belgrade University, those in charge of education are still shilly-shallying: high-quality mode of studying is declaratively backed, and essentially denied.

*Act on High-Schools* which formally enables faculties to reform, was belatedly adopted in September 2005. That document should have been discussed by the Serb Parliament MPs in February or in early March, but the Serb government failed to propose it for discussion to parliament. At the regular spring parliamentary session MPs were more interested in resolving a 60-year old dilemma of Chetnics or Partisans, then in dealing with the future of our universities. On the eve of the major education ministers summit in Bergen, on 15 May, at which Minister Vuksanovic was to submit the official report on Serbia's performance in education field in the past 2 years, the Serb Parliament discussed the Bill on Government.

*Act on High-School Education* was a pre-condition for further reform moves. In line with international obligations, in 2003-2005 period Serbia had to adopt that law, introduce a two-tier system of studies, adopt national standards for quality control and fine-tune them to European ones, and

<sup>15</sup> *NIN*, 31 March 2005.

<sup>16</sup> *NIN*, 31 March 2005.

establish a procedure for adoption of qualifications in line with the Lisbon Convention.<sup>17</sup>

Education Minister went to Bergen without any of the aforementioned commitments fulfilled, but he came back in a gloating mood. Allegedly, "our schooling system in Bergen was well-received and praised", "Serbia occupies a high place in the European academic family" and "no-one raised the issue of our belated adoption of the High-School Act." Then the Serb Education Ministry posted the following, Bergen-related message on its web site: "the Bergen meeting also dealt with the contents of the Act on Students' Organization". And though no-one knows the date of adoption of that act by the Serb Parliament, the Serb Education Minister nonetheless assessed that "when that act is promulgated, Serbia shall be in the vanguard of European countries and the Act shall be a unique one in European territory."

Dr Srbijanka Turajlić, UNESCO, Head of Management Department of AAOM, maintained that the Minister's words of praise were not well-grounded, "for Serbia shall have to pass an additional exam in 2007, at the new conference of European Educational Ministers." According to the Bergen communique, Serbia shall pass satisfactorily that additional exam, if that country, by 2007, enforces the newly-adopted Act on High Schools, constitutes the national council and commissions for accreditation and checking of quality of studies and faculties. Added to that the Bergen Meeting report related to fulfillment of obligations (criteria: quality of studies, length of studies and the scope of recognition of diplomas), indicated that "of 43 countries, Serbia with an average mark of 2.2 occupies the 41st place, behind Serbia are only Bosnia and Herzegovina and Andorra. All other countries from the region, including Montenegro recived higher, above 3, mark".<sup>18</sup>

Opponents of Bologna reforms at the university and also in broader society (conservative advocates of traditional school, who think that European criteria destroy the national identity of our university,) feel relieved because a more rational and high-quality future of high-school system is being postponed. Of course they are totally unconcerned about the following hard facts: only 11% of enrolled students graduates within four -years time, 70% of enrolled students never get their diplomas, students have to attend classes of one subject-matter for four years prior to passing the pertinent exam, students have to learn from outdated textbooks, students meet their professors only at exams, and professors' obligations towards students are reduced to only two or four hours every week.

Though before the adoption of the Act on High Schools, 15 of a total of 31 faculties making up Belgrade University seriously embarked upon the reform path (by changing the curricula and introducing active teaching

<sup>17</sup> *NIN*, 26 May 2005.

<sup>18</sup> *NIN*, 26 May 2005.

methods), a large number of professors and their collaborators still don't know what should be done and changed at the university. Some espouse the thesis that we should let Europe do that, and then emulate its work, and some even don't care if they impart to students the obsolete facts taken from old textbooks. Of special concern is the fact that professors and their collaborators place the need for changes at the university in the context of "the international conspiracy against Serbs" aimed at "abolishing our tradition and values." Those in the know maintain that the division into the pro and against reforms camps is not of a generational character, but rather a result of fear of changes and the wish to retain positions. A decade-long isolation of the country, sidelining of universities, brain-drain and poverty play also their part in the anti-reform stances.<sup>19</sup>

On two grounds the weakest link of the reform is the very Serb Ministry of Education and Sports. Firstly, that ministry is devoid of awareness that high-education is the focal point for enhancing the quality of human resources and pulling the country out of crisis. Dr. Slobodan Cvejić, dean of the Belgrade Faculty of Philosophy, cautions that the key officials of that ministry tend to harbour and spread illusions that "We are very clever people, just because 5,10, or 100 Serbs teach at prominent international unviuersities. At each, more prominent, US university you may find three men from Serbia, or three from Guinea Bisao".<sup>20</sup> Secondly: Education Ministry in the initial state of reforms did not render a genuine support to faculties. It is not even able to stop unlawful opening of private faculties, let alone assist state faculties in elementary matters, such as, provision of decent premises and of decent pays for professors and their collaborators, whose further education is not even mentioned at the state level. University is in the spotlight only on the eve of momentous events, notably, general or other elections or outbursts of discontent or strikes which threaten to undermine someone's position.

### Indiscriminate Opening of New Universities

Along with one fourth of illiterate or semi-literate population, Serbia has five state and six private universities with 150,000 students or 7% of population. Bologna Documents envisage that by the end of 2010 20% of population of each European country should have university education. Chaotic development of high-school education is not only a transition phenomenon. It has always been characteristic of Serbia, and gained momentum in 2005. On the eve of adoption of the Act on High Schools, which envisages more stringent conditions for opening of new faculties and universities, the Republican Council for Development of High School

<sup>19</sup> *Vreme*, November 2005

<sup>20</sup> *Idem*

Education faced as many as 25 applications for opening of new faculties. In June that body greenlighted opening of 10 new faculties, but at its September session representatives of the state universities opposed further moves of the kind. Though private faculties are still devoid of official operating licences, a large number of new students enrolled at them. On the other hand no-one knows the exact number of departments opened by state faculties Serbia-wide. No-one knows anything about their work conditions, the number of full-time professors, and their diploma-acquiring procedure.

The most drastic example of a reigning chaos in the high-school system is opening of a bevy of law faculties. The Belgrade Law faculty warns that in Serbia there are over 100 state- and privately-run law faculties and their departments. Furthermore their work is not controlled and classes thereof are a throwback to night schools and mass literacy schools in the immediate post-WW2 period. In the past three years the oldest law faculty in the country, the Belgrade Law Faculty (was founded 160 years ago), "lost" about 2,000 students which in pursuit of an easier diploma enrolled at the newly-opened private faculties and their departments.

During "mutiny" of representatives of the state-run universities in the Council for Development of High-School Education, who rightfully tried to foil random founding of private faculties, the problem of shortage of university professional able to cover classes on so many faculties was barely mentioned. Large part of prominent professors of state universities have found a financial refuge in so-much contested, private universities. 146 professors from many Serb medical faculties, including 44 from the Belgrade faculty of Medicine applied for jobs in the newly-formed Medical Academy, to hold its classes in the Sports Centre "25 Maj" premises.<sup>21</sup>

Representatives of private law faculties think that state faculties want to hold on to their monopoly in faculty education, that they fear competition, and brain-drain of professors. Essentially both kinds of faculties are more interested in their own interests than in students or in the facts that only one third of enrolled students finishes their studies and that Serbia ranks the first in the category of duration of studies in Europe.

What has emerged so far is the fact that mostly poor pupils of well-off parents tend to seek refuge in private faculties, recognized or unrecognized by Education Ministry. Hefty fees or even kickbacks are guarantees that such pupils shall get their diplomas. The only chance for putting some order in the uncontrolled spreading of network of high schools are the new provisions of the Act on High-School Education. Namely those provisions spell out that both old and new faculties shall not be able to operate without licences, to be acquired only by a thorough testing of employment and equipping policy. As regards the reform, faculties were given a deadline of the next three years to

<sup>21</sup> *Vreme*, 3 November 2005.

fine-tune their studies to the European ones, to which, Serbia, declaratively strives. What lies ahead of Serbia, along with the announced rationalization of educational system, is a genuine reform of the high-school system.

## Universities Steeped in Corruption

According to the Students' Union of Serbia research on corruption in state universities, published on 18 May 2005, "students and professors are equally corrupt." The top of the corruption list is occupied by medical faculties. Of a total number of respondents-students, 72% were of opinion that corruption was mostly felt during entry exams and regular exams. Over 95% of respondents stated that they had a close encounter with corruption. However, what concerns most is the fact that as many as 57% of respondents stated that they would never report corruption.

## Law Faculty in Belgrade: What Are Law Students Being Taught and "The Truth about Srebrenica"

Since the 1998 forced departure of a group of Belgrade Law Faculty professors opponents of Milosevic regime, from that prominent high school, that institution has not recovered. It is still a stronghold of hard-line Milosevic backers, spearheaded by the Dean, professor Oliver Antic. He even ventured to employ Vojislav Šešelj in the capacity of professor, after the aforementioned group of professors had left the faculty. Some Belgrade Law faculty professors are members of the Council of University Professors of the Serb Radical Party and are the principal advocates of the anti-Hague lobby.

Vladimir Milovanović, graduate of the Belgrade Law Faculty, in the text titled "I am the student of Belgrade University"<sup>22</sup> warned the general public that "at the Law Faculty social phenomena are viewed from the angle of a scientific discipline characterized by a high degree of dogmatism and intellectual narrow-mindedness. Studying at that faculty may be best described as a voluntary indoctrination." He reminded the general public that "students have to prepare the international law exam on the basis of textbook written by professor Smilja Avramov, the first defence witness of Slobodan Milosevic in the Hague Tribunal." Milovanovic then added: "Of a total of 576 foot-notes in that textbook 134 are related to books written more than 50 years ago. Since professor Vojin Dimitrijević was removed from the faculty, textbooks relating to subject-matters of International Relations and International Organizations have not been published. Therefore students have to study international

<sup>22</sup> *Danas*, 25 May 2005.

relations from the Cold War era. At the pertinent exam we are questioned by professor Branko Rakić, legal aide of Slobodan Milošević."

Milovanović furthermore maintained that "students have not been told that the international law is familiar with international criminal offences covered by multilateral treaties, and that future jurists are stripped of possibility to learn something about positions of those writers whose value judgements and ideological leanings are contrary to those espoused by the authors of current textbooks. An additional problem is educational system based on dogmatic rules and absence of critical thinking." He cautioned that "xenophobia and national frustrations in Serbia are enlisting new followers among the Law Faculty students.". According to Milovanović: "the consequence thereof is the anti-Hague lobby and the fact that winners of competitions in oratorical skills are those participants whose oratorical speeches sum up the totality of national frustrations and phobias".<sup>23</sup>

Barring Radical Party rallies dedicated mostly to criticism and denial of the Hague Tribunal under the slogan "Defence of Vojislav Šešelj", the strongest outburst of racial, religious and national intolerance happened on 17 May, at the Belgrade Law Faculty panel discussion: "The Truth about Srebrenica". That panel discussion was organized on the eve "of the 10th anniversary of liberation of Srebrenica.". Without any opposition of the faculty management, the panel discussion was staged by Association of Students, "Nomokanon", one of the most militant, right-wing NGOs, regularly registered by the Federal Justice Ministry in 2002 as "association of citizens proposing to promote classes at the Belgrade Law Faculty."

The meeting was approved by the Students' Parliament and its Dean, Dr Mirko Vasiljević who then said the following: "I personally think that the time of banning panel discussions and punishing words spoken at them, has passed. Everyone should assume responsibility for what he or she says."

Aside from a militant attempt at lynching several NGO representatives, insulted, booed and threatened "to be expelled to Croatia and Turkey", all those in attendance cheered on "Radovan Karadžić and Ratko Mladić".<sup>24</sup> Because of the police intervention students donning T-shirts with inscriptions "Serbia is in a hurry" or pictures of the then leader of Liberal-Democratic Fraction, Čedomir Jovanović were ordered to leave the faculty. On the other side, in attendance remained members of "Obraz" and of other right-wing organizations, the Serb Radical Party, and even a youth donning a T-shirt of the disbanded Unit for Special Operations.<sup>25</sup>

Those in attendance frenetically applauded the following words of journalist Ljiljana Bulatović: "In July 1995 Srebrenica was liberated, the Serb

<sup>23</sup> Idem

<sup>24</sup> *Danas*, 18 May 2005.

<sup>25</sup> Idem

people were liberated from Naser Orić and similar bandits. They conquered Republika Srpska - Potočare to bury the alleged victims of Ratko Mladić. We want them to relocate their graves to their territory, for on ours they are not welcome."<sup>26</sup> Another participant in the round-table, retired general Radovan Radinović, Milošević's witness at the Hague Trial, stated that he was convinced that genocide did not take place in Srebrenica. But he added that crimes were committed in Srebrenica, and that the number of casualties might have been - two, three or even- eight thousand people. Other participants also glorified the mass killing of Muslims as a patriotic act. All in all, participants in the debate, lecturers and organizers agreed that the killing of innocent civilians did not take place-and even if it did, it was-necessary.

A group of professors of the Belgrade Law Faculty thus responded to a disgraceful panel discussion held under the auspices of the faculty: "Those responsible for staging that panel discussion should be punished."<sup>27</sup> They appealed to the academic community and public at large to join in their protest against the trend of covering-up committed crimes. *Legal Forum* called on all expert, professional and students' organizations and political parties to join in the civil initiative aimed at "liberation of Law Faculty and firing of Dean Vasiljević for breaching the university autonomy." Its communique read: "Let us not forget that Vasiljević is a former activist of the Associated Yugoslav Left" and "it is necessary to effect the reform of program and personnel policy of Law Faculty."<sup>28</sup> YUCOM demanded resignation of Education Minister Slobodan Vuksanović because of his post-discussion statement: "Though lot of people are sick and tired of that topic....I am full of understanding for people who need more time to be rid of such memories."<sup>29</sup>

*Popular Movement 5 October* condemned fascization of the country and indicated that "the Law Faculty panel discussion was a panel discussion of Nazis and Fascists." That event was also sharply condemned by the Social-Democratic Union, the Civic Alliance of Serbia, League of Social-Democrats of Vojvodina, and NGOs.

Panel discussion on Srebrenica shed light on a deep crisis of the Belgrade University. It indicated the malaise of Law faculty, whose professors, by their testimonies in the Hague Tribunal, defended Milošević's policy. At home they poison the minds of students, future lawyers, judges and jurists, with stories about alleged anti-Serb conspiracies, and the unjust position of international law, embodied in the ICTY, on Serbia. Discussion on Srebrenica at the Belgrade Law faculty is yet another proof that Serbia shall need a lot of time to own up to the crimes committed by its citizens in recent wars.

<sup>26</sup> *Danas*, 22 May 2005.

<sup>27</sup> *Danas*, 20 May 2005.

<sup>28</sup> Idem

<sup>29</sup> Idem

## Conclusions and Recommendations

Reform of educational system, notably of primary and secondary schools has been stalled, but no-one responds to that fact. Only former educational experts of Djindjic-led government, those who had ambitiously launched the overhaul of educational system in 2000, keep warning that changes in education are very belated. Thus, for example, former Education Minister, Dr. Gaša Knežević, in an interview to magazine "Education and Development" stated that the team tasked by Education Ministry to effect changes, "fears all that is foreign."

What dominates is the wish to restore the mood of self-sufficiency, self-isolation, along with inaccurate and awkward definition of traditional values allegedly justifying such moves.<sup>30</sup> All criticism was rebuffed by the incumbent Education Minister, Slobodan Vuksanovic, who, in an interview, called their authors "Bologna Declaration profiteers."<sup>31</sup>

To date there has been no official debate on any educational issue, no official, pertinent statements either by the authorities or opposition, barring a mild-toned parliamentary discussion on the Act on High Schools. No-one seems to be concerned about the following issues: schools which are educating experts whose diplomas are not recognized in the world, the state subsidies to non-functional and unefficient schooling system, continuing "poisoning" of pupils' minds with outdated textbooks extolling "the virtues of heavenly people" and highlighting a host of "anti-Serb conspiracies", the manifest ignorance of pupils who when polled at the last Belgrade Book Fair did not know who Ivo Andric was, let alone that he was the only Yugoslav author to receive the Nobel Award.<sup>32</sup>

It is quite clear that a more serious educational system turnaround or rather an U turn towards a modern, European schooling system cannot be made with educational cadres taken under Kostunica government wing (and also impacted by its coalition partner, the Socialist Party of Serbia) and exposed to an increasingly dominant influence of the SOC, which opposes the introduction of a new set of values in our schools.

The ruling school structures don't want changes, notably because of a possible conflict with their conservative loyalties (monopolistic centres like publishers, university professors, various quasi-expert professional associations, employees of the Serb Education Ministry) which are bastions of conservatism advocacy.

Only the Serb universities have a chance of moving forward, thanks to the Act on High Schools, under which faculties were granted a higher degree

<sup>30</sup> *Danas*, 19 February 2005.

<sup>31</sup> *Večernje novosti*, 31 May 2005.

<sup>32</sup> October 2005 public opinion poll conducted by B92. [www.b92.net](http://www.b92.net)

of autonomy. The latter poses a challenge to part of professors, reform-backers, to try to more aggressively introduce changes into the university system. But on that road they face the following, not negligible hurdles: lack of funds and poor -quality educational cadres fearsome of reforms, that is, of the loss of their current privileges.

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**MINORITIES  
IN SERBIA**



## UNCHANGED MATRIX

In the course of 2005 the Serb elite on several occasions realized the importance of the minority issue. Firstly, it happened in early 2005, during the EU Parliament commission visit to Vojvodina aimed at collecting information on the status of minorities and nature of incidents which had so strongly marked the previous year 2004.<sup>1</sup> According Žolt Bečei the commission's report " as an official document of European parliament shall make part of the Serbia file" and "shall be taken into consideration during deliberations on accession of Serbia and Montenegro to Europe."<sup>2</sup> Secondly, in its Resolution on the Protection of Multiethnicity in Vojvodina, European Parliament made it clear that "the respect of human rights and fundamental freedoms" is a precondition not only for "acceptance of European parliament to conclude the Agreement on Stabilization and Association with Serbia and Montenegro," but also "for any future partnership with EU in general." And finally, Olli Ren, EU Commissioner for Association, draw attention to the importance of the minority issue in the first half of October. In his address to Vojvodina MPs he underscored that the respect of human and protection of national minorities rights constituted one of the most important political criteria of EU. Furthermore he tried to get the following message across: the Agreement on Stabilization and Association could be suspended if the said rights are violated anew.<sup>3</sup>

Those repeated warnings, uttered by various bodies and representatvies of the international community, have not always been adequately met or responded to by the Serb public and political elite. Instead of being prioritized, from the standpoint of strategic interests, as an important integrating and developmental resource, the minority issue is constantly marginalized in Serbia, and due to such sidelining thereof it has become a

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<sup>1</sup>Commission was led by Doris Pack, and its members were Johanes Svoboda, Jelko Kacin, Đura Heđi and Žolt Bečei.

<sup>2</sup> *Gradanski list*, 29/30 January 2005.

<sup>3</sup> "European Union shall monitor the status of national minorities in Serbia and Montenegro, notably of Romany, and in case of reported violations of human and minority rights, under a clause of the Agreement on Stabilization and Association, it could suspend entry in force thereof. " *Dnevnik* 12 October 2005.

major security issue<sup>4</sup> and the one which is constantly monitored by the international community as its primary concern. Instead of using that issue for a more accelerated and easier integration into supra-national structures, in the first place into EU, the Serb political elite position on minorities is still steeped in Milosevic era political rhetoric which tends to see in a pronounced interest in the minorities status "evil intentions and a deft engineering."<sup>5</sup> Nervous reactions which followed internationalization of the minority issue<sup>6</sup> indicated that in the Serb political agenda it was accorded a second-ranking status. Attempts of national minorities, notably of the Hungarians to draw attention of the international community to its position, not only call into question an already impaired credibility of the Serb authorities, but also its commitment to European values. Recent makeover of public rhetoric and its stilted pro-European tones, can hardly cover up the inability to make a clean break with the past state of affairs in the field of national minorities status. Several incident and scandals which happened in 2005, led to a bleak conclusion that Serbia was still in a vicious circle, that is, moving within the same ideological framework which fueled the war in the first place.<sup>7</sup> Against such a backdrop it should be emphasized that the number of incidents in 2005 was reduced with respect to 2004. However that fact should not illude us, for at work are still all those factors which contribute to escalation of inter-ethnic relations,<sup>8</sup> and

<sup>4</sup> See Resolution of European Parliament, point 7.

<sup>5</sup> Milorad Mirčić, high official of the Serb Radical Party, in his statement to "Dnevnik" assessed that "some parties are again raising the issue of minorities and if the Resolution is adopted, that will only exacerbate the whole situation, not only in Vojvodina, but in Serbia too." Mirčić also stressed that "EU is directly interfering into internal political issues of a state". *Dnevnik*, 17 October 2005.

<sup>6</sup> In his interview to "Dnevnik", Petar Lađević, Secretary of the Serb Council for National Minorities, stated that "every internationalization of the minority issue in Serbia was unnecessary" and "utterly ill-intentioned", for, "globally speaking, the rights of national minorities in the Republic of Serbia are fully respected", *Dnevnik*, 4 November 2005.

<sup>7</sup> Currently in Serbia there is no will for a political showdown with the Serb nationalism. Nationalists have consolidated their positions, and militants from their ranks are acting in an increasingly arrogant and aggressive way. War crime indictees are publicly glorified, and genocide is interpreted as-liberation. The Serb Orthodox Church is using the identity crisis of the majority nation and the fact that the state is weak and inefficient, to impose itself as a political arbiter and the only integrating prime mover. Anti-Semitic documents and books are freely reprinted and distributed, and church dignitaries who glorified Hitler are now canonized. Public squares are named after Fascist ideologues and Nazi collaborators, and national reconciliation is recommended as a condition for survival and progress of the nation. All this is happening in a post-war ambience, amid highly pauperized and traumatized society. Such an ambience is conflict-prone, especially to conflicts on ethnic grounds.

<sup>8</sup> Laslo Joža, President of the National Council of Hungarians, stated that a lesser problem is a decrease in the number of incidence, and the bigger one a poor inter-

whose potential for conflict, without assistance of the international community cannot be either pacified or removed.

The international community responded differently to problems in multi-ethnic relations: - by monitoring,<sup>9</sup> by a discussion on situation in Vojvodina and on status of national minorities held in Brussels<sup>10</sup> in the first

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personal and inter-ethnic mood in the society for it leads to incidents. *Gradanski list*, 12 October 2005.

<sup>9</sup> European Parliament commission toured Serbia, in early 2005, with a view to collecting facts and figures on the status of minorities and nature of incidents which so strongly marked the year 2004. During their visit the commission members toured several towns and had talks with representatives of minorities, NGOs, media, parties, religious communities, and different local, provincial and state officials.

Doris Pack then stated: " All officials, our interlocutors, gave us their assurances that they were committed to multiethnicity, that they were concerned about incidents, and that they were resolved to prevent their repeat." Without going into details of the causes of incidents, she mentioned a bad economic situation and a high unemployment rate as the principal causes, and also pointed out that an important vehicle in incident prevention was a more integrative educational system and higher prerogatives of the local and provincial authorities. Having in mind a large number of refugees in Vojvodina, "who, though Serbs, are obviously not accustomed to the life in a multi-ethnic milieu", Doris Pack underscored that "via education refugees may get used to the idea of European Vojvodina", and "familiarize with characteristics of their new milieu". That statement of Doris Pack prompted the following reaction by the Regional Committee for Aid to Refugees in Vojvodina: "her words are an insult to refugees from Croatia and Bosnia and Herzegovina."

One of the most important insights of the commission was the following: "The whole state cannot be blamed for recent multi-ethnic incidents in Vojvodina. We were convinced that those incidents were acts of individuals, but what remains to be explored are the whys and wherefores of the mass character of those incidents.". Danas, 31 January 2005.

<sup>10</sup> Discussion in Brussels was convened after the European Parliament adoption of the Resolution on Protection of Multiethnicity in Vojvodina. Participants in the discussion were representatives of the state bodies of Serbia and Montenegro, national councils of Vojvodina Hungarians and Croats, and NGOs. Before the Brussels discussion, Committees for European Integration and Minorities Rights of the Serb-Montenegrin Parliament, adopted their conclusions assessing that "minorities-related allegations in the European Parliament Resolution on the status of minorities in Vojvodina are-exaggerated and totally ungrounded."

Josip Pekanović, President of the National Council of Croats and one of the participants in the discussion, assessed that in the course of the Brussels discussion emerged conspicuous differences in positions of Belgrade and Vojvodina representatives, for the Belgrade authorities tried to downscale the problems in inter-ethnic relations, and also showed their reservations with respect to autonomy. Rasim Ljajić, Minister for Human and Minorities Rights of Serbia and Montenegro, after discussion stated that he was surprised by the sharp-toned exposes of political representatives of Vojvodina Croats and Hungarians, which "could play into the hands

half of October, and by the Resolution on Multiethnicity of Vojvodina adopted in late September 2005. Other institutions, notably the Council of Europe, High OSCE Commissioner for Minority Rights, EU countries ambassadors, also showed their concern for and interest in developments related to inter-ethnic relations.

Driven by the intention to use the interest of the international community in stabilization of Serbia for improvement of position of their own communities, various ethnic prime movers endeavoured to keep the minority issue open.<sup>11</sup> Thus, the three political parties of Vojvodina Hungarians<sup>12</sup> –

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of nationalists both among the majority and minority people." Petar Lađević, Secretary of the Serb Council for National Minorities, assessed the discussion as "an attempt to internationalize the issue of autonomy of Vojvodina and territorial order of Serbia, which, is entirely the matter of every sovereign state, even of Serbia."

According to the pertinent press coverage, the state delegation was especially revolted by the expose of Sonja Biserko, Chair of the Helsinki Committee for Human Rights. She stressed that despite the efforts made so far, the negative stance on minorities and overall animosity-rife mood towards them in the society has not changed. She added that the ethnic concept of the state was still prioritized though within that concept the issue of minorities cannot be solved. She said that in a response to such a concept, minorities demand special arrangements and statuses, which then cast doubt on their loyalty.

In her expose Sonja Biserko pointed out that the Helsinki Committee continually monitored the issue of minorities, and consequently forwarded its relevant reports/findings to competent domestic and international institutions, and that "the Helsinki Committee insists on the need for the facing up to the past, which made that NGO a target of attacks, and its representatives a target of the public lynch." According to her opinion, in Serbia room should be made for the civilian society, notably organizations dealing with human rights. Having in mind such a goal, in the last 2 years the Helsinki Committee activities focused on human and minorities rights education of secondary school pupils and students with a view to equipping them with knowledge to contribute actively to decomposition of the predominant ethnic model. She advocated constitutional independence of Vojvodina and stressed that imposition of the ethnic model on Vojvodina would be a dangerous precedent, and not only for Vojvodina and the region.

<sup>11</sup> According to "Danas" coverage, the thirteen MPs of Council of Europe from 10 countries, at the proposal of a Moldavian MP, demanded a resolution on violations of the rights of Romanian minority in Serbia. Rasim Ljajic, Minister for Human and Minority Rights of Serbia and Montenegro, stated that the declaration was still under discussion on various levels of different committees of Parliamentary Assembly of Council of Europe, and that it was highly likely that the Serb-Montenegrin delegation in that body would prevent the adoption of that declaration, *Danas*, 4 November 2005.

<sup>12</sup> Leaders of those parties in mid-December 2005 sent their proposal on the start-up of talks on autonomy of Hungarians and other minorities in the country to President of Serbia Boris Tadić, Prime Minister, Vojislav Koštunica and the Serb-Montenegrin Foreign Secretary Vuk Drašković, in view of their assessment that "preparations for negotiations on Kosovo are an ideal moment for a discussion on

Democratic Party of Vojvodina Hungarians (DPVH), Democratic Community of Vojvodina Hungarians (DCVH) and the Civil Party of Vojvodina Hungarians (CPVH) decided to forward their proposals<sup>13</sup> on a desirable model of autonomy for Vojvodina Hungarians to Marti Ahtisari, the UN envoy to Kosovo and Metohija, and Stephen Lene, EU representative, and ask for their assistance in the realization of the project.<sup>14</sup>

In mid-December the three Bosniak parties – National Movement of Sandžak, Sandžak Alternative and Sandžak Democratic Union-have defined "Initial guidelines and principles for the resolution of status of Sandžak and status of Bosniaks in Serbia and Montenegro." In view of their assessment that human and minorities rights of Bosniaks are violated, and that the status issue of Sandžak is neglected, the aforementioned parties think that the State Union of Serbia and Montenegro "should be administratively and territorially re-arranged and transformed into a democratic community of equal peoples," in which Sandžak would be arranged/defined "as a whole political-territorial unit within Serbia and Montenegro." The document furthermore underscored the following: "In case of separation between Serbia and Montenegro, citizens of Sandžak would decide in a referendum with which state they would unite their the whole territory ." The three Bosniak parties also called on all the state bodies and institutions to back their "Initial Guidelines and Principles," in order to resolve the issue of status of the Bosniak people and Sandžak.

And finally, in late October 2005, Presidency of the Democratic Alliance of Croats (DAVC) put forward its "Declaration on Status of the Croat People in Vojvodina". That Declaration stressed that members of the Croat community were in an inequitable position with respect to the majority people, and also with respect to the other minorities. Declaration listed the biggest problems: discrimination, non-implementation of principle of proportionate representation, and lacking provision on the official use of the Croat language and alphabet. Declaration pointed out that a special problem was an active

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possible forms of autonomy." Those leaders stressed that "problems should be solved in Serbia, but we noticed that the authorities lack the will and courage to start dialogue with the Hungarian minority, for authorities in some countries who thought that the minority issue would be resolved by appointment of "some representatives of minorities to positions of Vice Prime Ministers or Ministers for Human and Minority Rights", were terribly wrong, for those appointees were guided more by their self-interests than interests of their community. Dnevnik, 15 December 2005.

<sup>13</sup> At their Novi Bečej meeting the three parties failed to agree on one model of autonomy. Instead they decided to forward to the domestic and international addresses "three ideas on the paper" – DPVH urges personal autonomy, DCVH proposal consists of elements of personal and territorial autonomy, while CAVH opts for a territorial autonomy.

<sup>14</sup> Laslo Rac Sabo, leader of CPVH, stated: "We have not informed Vojvodina Parliament of our proposals, since that body cannot take pertinent decisions." Građanski list, 23 November 2005.

policy of division of the Croat community into Croats and Bunjevci, with the goal of assimilation of Croats. In the final part of its document DAVC stressed that "all the aforementioned problems shall be reported to the competent domestic and international organizations, notably to Council of Europe, European Parliament and High Envoy for National Minorities."

All the three aforementioned attempts to inform the international institutions of the issue of minorities and consequently prompt them to proactively tackle that issue, were met with negative public responses. Minister for Human and Minority Rights opposed internationalization of Sandžak-Bosniak issue, for "minorities, in all the previous cases, had experienced more harm than benefit from internationalization. And, according to Ljajic, it would be especially harmful now when negotiations on Kosovo are to start, because possible tackling of Sandzak-Bosniak issue would be understood by the Bosniak people, as a minority conspiracy against Serbs and their state".<sup>15</sup> Ljajic also had a negative stance on the Declaration on Status of Croats, for, according to him "it was awash with ungrounded assessments and accusations".<sup>16</sup> According to Petar Lađević, Secretary of the government-run Council for National Minorities, DAVH in its declaration "espoused a series of lies", while Oliver Dulić, official of Democratic Party and President of the Serb-Montenegrin Committee for European Integrations assessed that the "DAVH document was out of sync with reality".<sup>17</sup>

In contrast to the previous two, the proposals and "papers" of the Hungarian political protagonists, attracted great attention. Mandate of special envoy for negotiations on status of Kosovo, Marti Ahtisari, was considered to broad, and according to Dušan Janjić, Director of Forum of Ethnic Relations, "it is likely to cover Vojvodina, though no symmetry can be drawn between Kosovo and Vojvodina".<sup>18</sup> Social-Democratic Party MP, Meho Omerović, criticized leaders of Hungarian parties because of their demand that negotiations on autonomy of Hungarians start in parallel with negotiations on Kosovo: "Equalization of status of Hungarians in Vojvodina and Serbs and other non-Albanians in Kosovo is totally inadequate, totally irresponsible, harmful and very dangerous." In Omerovic's mind by making such demands leaders of Hungarian parties "joined the ranks of those bent on weakening the international position of Serbia".<sup>19</sup> Borislav Novaković, Vice President of Assembly of Vojvodina, criticized Andraš Agošton, Šandor Pal and Laslo Rac Sabo, for bypassing the provincial bodies in their campaign to enlist support for

<sup>15</sup> Danas, 28 November 2005

<sup>16</sup> Građanski list, 26 October 2005

<sup>17</sup> Građanski list, 26 October 2005

<sup>18</sup> Građanski list, 5 December 2005

<sup>19</sup> Dnevnik, 16 December 2005

their demands.<sup>20</sup> In his mind the initiative of the three Hungarian parties is "extremely detrimental to the preservation of the principle of multiethnicity of Vojvodina."<sup>21</sup> Proposals of Hungarian parties were opposed by the Social Democratic Party of Vojvodina. In its communique the latter underscored that "carving up of Vojvodina on ethnic basis is impossible, and that discussion about such project is harmful, for it fuels tensions and plays into the hands of nationalists." Demand for simultaneous negotiations was also assessed as unacceptable by Rasim Ljajić,<sup>22</sup> and criticized by the Vrbas municipal Committee of Democratic Alliance of Vojvodina Hungarians. In its communique the Alliance of Vojvodina Hungarians thus responded to the initiative of its political opponents: "the Finnish diplomat does not have a mandate to take any decisions relating to Vojvodina and Vojvodina Hungarians."<sup>23</sup>

Noteworthy are two elements in the AVH communique. In contrast to DAVH and CAVH that is, Šandora Pal and Laslo Rac Sabo,<sup>24</sup> who think that the issue of autonomy is the Serb matter, AVH stresses that from the viewpoint of survival of Hungarians and their equality, broader autonomy of Vojvodina is important, for it creates or has created more favourable framework for attainment of Hungarian interests. It is however also underscored in the communique that "in addition to personal, the regional Hungarian territorial self-rule is also important."<sup>25</sup> However, the demand for the regional territorial

<sup>20</sup> "Address for resolution of the minority issues is neither Strasbourg or Brussels. The right address is Novi Sad. If someone resorts to European institutions, then it is a clear message that this society and state don't have a democratic potential to solve their problems within the framework of their own institutions. And that is not correct." Dnevnik, 24 November 2005

<sup>21</sup> Dnevnik, 24 November 2005

<sup>22</sup> Initiative of the Hungarian parties was assessed by Rasim Ljajić as their attempt to impose themselves onto the Hungarian community as its sole political representatives. Danas, 24 November 2005

<sup>23</sup> Dnevnik, 26 November 2005

<sup>24</sup> Laslo Rac Sabo thus explained his advocacy of the territorial autonomy of Hungarians: "We back autonomy of Vojvodina, but it cannot solve, for example, continuing inter-ethnic incidents, re-distribution of goods in which Hungarians don't participate, high unemployment among Hungarians, or consistent enforcement of laws. It is up to the Serbs to settle the issue of autonomy of Vojvodina, but if Vojvodina were granted autonomy similar to the one it had in the pre-90's period, it would not improve the status of Hungarians because the present-day Vojvodina is different from the pre-90's one." *Gradanski list*, 23 November 2005.

<sup>25</sup> Dnevnik, 26 November 2005, The AVH communique includes the following stance: "Autonomy is not a magic wand which could resolve all the worries and troubles of Vojvodina Hungarians. We need an economic and political revival of Serbia, its European integration, creation of a decentralized legal state, of new jobs and legal security, in order to make it possible for Vojvodina Hungarians to live equitably, freely and in prosperity."

self-rule<sup>26</sup> was also met with criticism. Position of Democratic Party, a coalition partner of AVH in the provincial government was espoused by head of the MP club and vice prime minister of provincial government, Dragoslav Petrović : "Introduction and formation of territorial autonomy on national basis is not in the interest of citizens living in the area claiming independence, as it is not in the interest of the minority collective, or in the interest of development of autonomy of Vojvodina in general...for if the AVH idea were translated into reality about 120,000 Hungarians, that is over 40% of Hungarian population, would remain outside the imagined area of the Hungarian regional autonomy and then, in the face of the mood of pressure and hatred they would tend to concentrate in the autonomous area, and that, by extension, would lead up to new escalations.<sup>27</sup> In explaining his opposition to the AVH proposal, Rasim Ljajic, the Serb and Montenegrin Minister for Human Rights, stressed that ethnically-based autonomies are not a solution for they lead to transformation of Serbia into a confederation of ethnic autonomies. He also warned that "the things then could easily get out of hand, that is, other minorities could as well lay claim to ethnic autonomies."<sup>28</sup> Similar criticism was voiced by Đorđe Bašić, Vice President of Vojvodina Parliament: "That kind of ethnic region would not be good for anyone. Tomorrow Slovaks, Romanians, Serbs and Rutenians could place similar demands. And then, should we make the ghettos?"<sup>29</sup>

<sup>26</sup> That demand was present in the "New Serb Constitution-related Platform of AVH": "in the areas traditionally inhabited by national minorities and in which they make the majority population, multi-national territorial self-rule (MTS) may be formed...to include the territory of at least 5 units of local self-rule. Decision on formation of MTS is taken by bodies of local self-rule and confirmed by citizens in a referendum. MTS guarantees full equality of the Serb language and language of the pertinent national minority. Officials and employees, barring those elected in direct elections, are duty-bound to know both official languages, while local bodies, organizations and public services are duty-bound to proportionally employ members of national minorities. MTS has financial prerogatives and manages finances to the extent it was entrusted to do by the units of local self-rule. Province and Republics also may entrust MTS with certain prerogatives and some finances for the exercise thereof.

<sup>27</sup> *Dnevnik*, 5 November 2005

<sup>28</sup> *Građanski list*, 1 November 2005

<sup>29</sup> Jozef Kasa thus responded to criticism that territorial autonomy claims led to ghettoization of Hungarians: "no-one has the right to prescribe to us recipes for our better life. We, Hungarians in Vojvodina, we all who live here, we are the ones who should say whether our claims would lead to ghettoization or not. Alliance of Vojvodina Hungarians is not telling anyone how to resolve problems in their entities." *Građanski list*, 8 November 2005

Andraš Agošton, a political rival of Jozef Kasa, also availed himself of the opportunity to float his stand: "There are no genuine prospects or need for establishment of territorial autonomy of Vojvodina Hungarians...Ideal solution is a personal autonomy, for it does not entail any demarcation, but only creation of areas of

Criticism of the Serb establishment was both directed at domestic, political protagonists, and at international institutions acts. In late September, European Parliament adopted the Resolution on Protection of Multiethnicity in Vojvodina,<sup>30</sup> which, in view of continued violations of human and minority rights,<sup>31</sup> called on authorities in the Republic of Serbia and the State Union of Serbia and Montenegro, to legally recognize as criminal offences acts targeting the minorities and their rights, and to act successfully in order to prevent their repeat in the future. By pointing out "a high security risk of intimidation of national minorities in Vojvodina" European Parliament demanded the Commission, Council, and High Representative for Foreign and Security Policy to continue to monitor the situation in Vojvodina, and to send EU observers to the province.<sup>32</sup>

There were different responses to the European Parliament document. Smaller part of the political elite, notably Bojan Kostres, President of Vojvodina Assembly, responded in a restrained fashion, by saying that the Resolution is a clear message and a serious warning to the Belgrade authorities that worsening of inter-ethnic relations in Vojvodina<sup>33</sup> would no longer be tolerated. The second and more numerous part of the Serb elite<sup>34</sup> continued to

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importance for preservation of identity and their running by minorities in question." *Dnevnik*, 2 April 2005.

<sup>30</sup> Resolution was adopted by 88 votes. There were no against votes and only two abstention ones.

<sup>31</sup> Not a single Serb institution, governmental or governmental, has the accurate figure of ethnic incidents. None of the disclosed facts and figures were correct. Helsinki Committee was led to make such a conclusion, after its activists' conducted interviews with representatives of Hungarian NGOs in Subotica. There we were told that some families did not want to report cases of physical and verbal harassment of their members, in order to avoid additional troubles.

<sup>32</sup> In its Resolution European Parliament confirmed "its readiness to exercise all its budgetary prerogatives in order to bring pressure to bear on Serbia and Montenegro to respect fundamental human rights and liberties, including the rights of national minorities, but also to encourage them to do that and assist them in that endeavour." European Parliament also backed the initiative of the Inter-Parliamentary Delegation for Relations with South East Europe countries to organize a public debate on the political situation in Vojvodina and on problems of national minorities. Having in mind domestic responses, one element of the Resolution is also noteworthy. Namely, in its point 6 European Parliament calls on authorities in Serbia and in the State Union of Serbia and Montenegro to re-establish in Vojvodina the autonomy which the province had enjoyed until the year 1990.

<sup>33</sup> *Građanski list*, 2 October 2005

<sup>34</sup> It is interesting to note that the criticism of resolution helped homogenize diverse ideological elements, starting from the Socialist Party of Serbia and the Serb Radical Party to Democratic Party and G 17 plus.

relativize the importance of Strasbourg-adopted document,<sup>35</sup> even by saying that it was not grounded in real facts. Public statements varied, some said that formulations in the Resolution were overemphasized and ungrounded in reality,<sup>36</sup> some asserted that the resolution was of a political character and its findings contrary to the status of inter-ethnic relations on the ground,<sup>37</sup> others maintained that it was utterly ill-intentioned and contrary to fostering of human rights,<sup>38</sup> some that it was incorrect and false,<sup>39</sup> or too sharp-toned,<sup>40</sup> or

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<sup>35</sup> Several sides repeatedly demanded discussion on positions expressed in the Resolution. Thus MP group of the Serb Radical Party in Vojvodina Parliament demanded an emergency session of the provincial parliament to discuss the Resolution; Radicals suggested the text of their own resolution rejecting the controversial positions of European Parliament. Committee for International Co-operation and European Integrations suggested to Vojvodina Parliament to set up a committee to probe into allegations of the Resolution. At the republican level Meho Omerović, member of parliamentary Committee for Inter-ethnic Relations asked the president of parliamentary- Esad Džudžević had been relieved of his duties-to urgently convene a session which would discuss the aforementioned document of European Parliament. At a session held in late October, international community was, inter alia, accused of using double standards, disregarding the status of Serbs in Kosovo, of trespassing its prerogatives for the Resolution of European Parliament dealt with constitutional order of Serbia. Added to that Hungary was accused of misusing that issue for its day-to-day politics. (*Danas*, 27 October 2005.) At the joint session of the Serb-Montenegrin Parliamentary Committee for European Integrations and Minorities' Rights, members of those committees assessed the Resolution's positions as exaggerated, and out of sync with the reality of multi-ethnic Vojvodina on the ground.

<sup>36</sup> Oliver Dulić i Asim Dizdarević, presidents of the Committee for European Integrations and Human and Minority Rights of the Serb-Montenegrin Parliament, without casting doubt on good intentions of MPs of European Parliament, told "Građanski list" that "positions espoused in the Resolution could backfire, that is make more difficult life of all citizens in Serbia and Montenegro, and even of national communities, and consequently destroy very fragile democratic structures and institutions in our society." *Građanski list*, 11. October 2005.

<sup>37</sup> Momčilo Grubač, *Danas*, 3 October 2005. According to professor Grubač, the most important thing is that violations of minority rights, which exist, are no longer, tacitly encouraged by the state.

<sup>38</sup> Petar Lađević, Secretary of the Republican Council for National Minorities, *Građanski list*, 27 October 2005. Lađević stated that the wording of the Resolution reminded him of police lingo, and that its goal was not internationalization of the issue of minority rights, but an attempt to impact the contents of the future constitution. *Dnevnik*, 27 October 2005.

<sup>39</sup> The Resolution was qualified as false and inaccurate by Željko Tomić, member of the Committee for Inter-Ethnic Relations of Assembly of Serbia. He added that the Resolution should be linked to activities of Jožef Kasa, leader of the AVH, "who instead of calming the spiritis, is fuelling passions." *Građanski list*, 1/2. October 2005. Contrary to Tomić, Jožef Kasa, stated that he agreed with the appraisal of the Resolution. Kasa's rival from the DAVH, Andraš Agošton, assessed the resolution as

that it was provoked, but not justifiable,<sup>41</sup> that it was full of doctored elements written on the basis of actions of lobbies and ill-intentioned reports of some, domestic NGOs,<sup>42</sup> that the Resolution contained political assessments and enabled interference into internal affairs of a state,<sup>43</sup> - and there were also demands that European Parliament should instead tackle violations of human rights of Serbs in Kosovo.<sup>44</sup>

Responding in that way to not- at- all- laudatory assessments of the Resolution, parts of the political elite only emulated the very conduct which in the first place had made the status of minorities attract the attention of international institutions and compelled minorities proper to seek allies and assistance for resolution of their problems outside Serbia. Instead of recognizing political and economic interests for stabilization of situation in Serbia in activities of European Parliament and those of other international institutions, the fear was expressed that internationalization and open debate would be conducive to further radicalization.<sup>45</sup> Despite that manifest and repeated fear, internationalization proved to be a useful and adequate vehicle, for it primarily led to the fall in the number of inter-ethnic incidents in Vojvodina.<sup>46</sup>

Smaller number of incidents is one of the positive spin offs of internationalization, but the public attention should be drawn also to an important aspect of that problem, namely that incidents are a tell-tale sign or information about developments in the depth of the society. In addition to

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justified, and underscored that any pressure aiming at betterment of situation, was most welcome. *Danas*, 3 October 2005.

<sup>40</sup> That was the opinion of president of provincial government, Bojan Pajtić (*Dnevnik*, 12 October 2005), president of provincial committee of G17 plus Goran Anđelić (*Dnevnik*, 13 October 2005), members of the Serb-Montenegrin Parliamentary Committee for European Integrations and Minority Rights (*Dnevnik*, 12 October 2005). According to Ksenija Milivojević, president of the Serb Parliamentary Committee for European Integrations, "the Resolution is rather a result of very good lobbying, than a reflection of a situation on the ground. ". *Građanski list*, 1/2 October 2005

<sup>41</sup> Dušan Janjić, Co-ordinator of Forum for Ethnic Relations, *Danas*, 3 October 2005.

<sup>42</sup> Milorad Mirčić, high official of the Serb Radical Party, *Dnevnik*, 15 October 2005.

<sup>43</sup> Statement of Milorad Mirčić, President of the Security Committee of the Serb Parliament, *Dnevnik*, 17 October 2005.

<sup>44</sup> Vuk Drašković, Foreign Secretary of Serbia and Montenegro, asked the president of European Parliament "to finally deal with the most gross trampling upon national and civil rights of Serbs and other non-Albanians in Kosovo and Metohija". *Danas*, 3 October 2005.

<sup>45</sup> The stand that internationalization in recent cases was more harmful than beneficial for members of minorities was repeatedly floated in public.

<sup>46</sup> The fall in the number of incidents was publicly explained both by internationalization and more efficient police work. Judging by all appearances, the more active police work resulted from the international community pressure.

laying bare the fact that some important institutions were malfunctioning,<sup>47</sup> recent incidents also pointed at the problem of ethnic divisions and segregation. Causes of that phenomenon may be found in the policy which Serbia pursued in late 20th century and its deep impact on inter-ethnic relations. According to the UNDP survey on humane development in Serbia in 2005, over half of respondents - 50.5%-think that ethnic and cultural differences inevitably lead to tensions and that countries without national minorities are in a better position. 85.4% of minorities members, with respect to 56.8% of Serbs, have a positive attitude on those differences. The biggest degree of ethnic distance expressed was the one towards Albanians,<sup>48</sup> and the highest degree of ethnic-centrism was registered among the youngest population (20 to 23 years of age). They are the people,<sup>49</sup> who were born, who grew up and were socialized in the society deeply involved in the war, in which intolerance, hatred and ethnically motivated violence, represented a kind of patriotic duty. Big ethnic distance and lack of inter-ethnic familiarization not only lead to national divisions and parallel lives of members of various ethnic communities, the phenomenon registered in several Vojvodina municipalities, (Kanjiža, Senta, Temerin), but by thinning inter-ethnic communication, they create an empty social space, which, in absence of an adequate state reactions, is filled by violence against minorities perpetrated by various nationalists and militants. Traces of their presence were seen throughout 2005 on facades of public institutions, schools, religious and other buildings.<sup>50</sup> Intolerance was not only expressed by sprays, but also by assaults

<sup>47</sup> This is a reference to the police, prosecution and courts of law. The list could be expanded, for the Serb public opinion also ignores the importance of the minority issue.

<sup>48</sup> Over one quarter of citizens of Serbia are against Albanians becoming the citizens of Serbia (25.5%), 30.4% of them don't want Albanians as neighbours, and 44.4% of them don't want Albanian superiors in their workplaces. 65.5% of respondents oppose marriages between their family members and Albanians. *Danas*, 3 October 2005.

<sup>49</sup> The survey conducted in 2003 by the Centre for Study of Alternatives established that "every fourth respondent, if empowered to do so, would introduce discrimination in employment policy, every fifth respondent believes in intellectual superiority of his own nation, and every seventh respondent opposes ethnically mixed marriages". *Hrvatska riječ*, 8 April 2005.

<sup>50</sup> In March graffiti and anti-Semitic and chauvinistic posters appeared on entrances to premises of NGOs, the Humanitarian Law Fund and the Helsinki Committee for Human Rights. Sonja Biserko, chair of HC, was branded as "the Jewish stooge-an obedient servant of the Jewish World Order." On the wall of the Jewish cemetery the following message was sprayed: "We must put up resistance to the Zionist-5 October occupation of Serbia. B92- Jewish TV. Out with Jews, parasites. We want freedom and not the Jewish occupation. Serbia belongs to Serbs." On posters signed by the National Squad, the following was demanded: "We should boycott B92 because of its : anti-Serb activities, lethal influence on the Serb youth, support to

on members of minorities, their property and symbols, with metal rods, or Molotov cocktails. Unidentified persons attacked on 7 January the seat of the Bosniak National Council and damaged the Bosniak flag and the ones of EU and Serbia.<sup>51</sup> Several days before arrival of the commission of European Parliament windows on houses and the van windshield of two Futog locals, of Romany ethnicity, were broken.<sup>52</sup> The last day in January in Subotica was

independence of Kosovo and Metohija, support to spreading of drug-addiction, homosexuality and other diseases imported from the West, support to the multi-racial New World Order." On facades of many schools, companies and monuments the following messages were sprayed: "Serbia belongs to Serbs", "For White future, for race and nation" with crossed-out Star of David "Out with Shiptari", "General Mladic thank you for the Serb Srebrenica", "On your knees before Serbs", "Crystal-clear 11. 11.", "Equality between races is a Jewish trap"; graffiti were written in Zrenjanin too: "Have healthy white children, and not homosexuals", "Serb Orthodox religion or death" and "Here devils serve", "White power" and "Yellow scum". Graffiti against Chinese appeared in Novi Sad: "Out with Yellow scum. Serbia belongs to Serbs." and also graffiti "Knife and wire make Srebrenica", "General, thank you for liberation of Srebrenica. 1995 - 2005. National Squad", "Less Negroes, less racism", "Don't wait for an uprising, wake up, we butcher Hungarians. Serb children", "Your rebellion, our revenge", "Slobo, Serb, come back". Subotica was the scene of anti-Croat graffiti: "Croats, you are lesser beings", "Ustashi we shall slaughter you", and anti-Serb ones: "Kill a Serb" and "Hungary = Vojvodina". On several buildings in Nis Nazi swastikas and graffiti appeared: "Nataša Kandić, the Muslim of the 21 century", "Death to servants of Zionism", "Serbia belongs to Serbs, out with Turks", "Ratko Mladić thank you for Srebrenica", Ratko Mladić, the Serb hero", "Knife and wire make Srebrenica". In Nis, the group convicted of torching the mosque in front of a municipal court sang: "After many years spent in prison because of torching of Islam Aga-mosque I am singing again - Death to Muslims". In Novi Sad on 15 October windows of the Christian Adventist Church were broken, and two months later the two upper wings of its entry gate were demolished and two sound boxes and a cassette-player were taken from the church. Graffiti "Knife and wire make Srebrenica" were written in Sivas, Novi Pazar, Belgrade, Niš, Sremska Mitrovica and in other towns. Posters with the same message appeared during the football match between Serbia-Montenegro and Bosnia and Herzegovina. In Temerin, in Hungarian language were written graffiti with insulting contents, and double cross and the coat of arms of the Kingdom of Hungary. In Temerin anti-Semitic graffiti also appeared, while graffiti: "Shiptari bitches", "For killers of Serbhood, a bullet anytime -National Pride", were found in Odzaci, etc.

One detail is noteworthy: Djordje Mamula (DPS), member of the Defence and Security Committee of Parliament of Serbia, asked: "Have you recently seen the graffiti with messages instigating national hatred"? Mamula asked that question in response to claims made by Jožef Kasa that inter-ethnic relations have worsened. *Danas*, 21 September 2005.

<sup>51</sup> *Gradanski list*, 10 January 2005.

<sup>52</sup> Charges were filed against under-age B. M. For instigation of racial, religious and national hatred. B.M admitted that he was prompted to commit his misdeed by his

assaulted Lorant Hevera, a local correspondent of the Hungarian state radio.<sup>53</sup> In mid-February three skinheads beat up at Nis fortress two young Romany.<sup>54</sup> On the facade of Dimitri Pinku's house the graffiti "KLA" was written, and before that he received phone threats.<sup>55</sup> A group of 10 hooligans attacked locals of the Romany shantytown in Vršac. Romany were insulted on racial and national grounds, and one of was repeatedly stabbed.<sup>56</sup> On the first of March a group of Serb pupils beat up S.A. while he was waiting for a Novi Pazar spa bus.<sup>57</sup> In downtown Senta in front of the fire brigade headquarters on 13 March the Serb flag was burnt, and three months later two soldiers beat up another soldier, Mačas Kovač, who allegedly committed that offence.<sup>58</sup> A group of soldiers in May, around 22.30 hours raided the Pozarevac garrison dormitory and beat up soldier Anis Mašović, who thus sustained lighter bodily injuries.<sup>59</sup> In Stara Moravica Jožef Mike (23) was beaten up by a refugee, who maintained that „Hungarians should be re-settled in order to make the village totally Serb." Mike sustained grave head injuries. In early June in Bor unidentified persons broke windows of the Vlachs-Romanian Cultural Society, "Arijadne filum".<sup>60</sup> In Novi Sad Klisacka street, upon leaving the cafe "Bela lađa" two Hungarian youths were beaten up for speaking in Hungarian.<sup>61</sup> In settlement Tošin bunar unidentified youths threw several Molotov cocktails on Romany houses, and similar incident was reported in a Romany settlement in Bežanijska kosa.<sup>62</sup> In late August unidentified youths threw two Molotov cocktails on Romany-inhabited barracks in Sumatovacka street.<sup>63</sup> Murder of one and wounding of another youth by an underage Romany contributed to escalation of anti-Romany mood in Sivac. At the protest rally of citizens held

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membership of Skinheads, and nationality of the damaged party. v nedela M. B. je naveo nacionalnost oštećenih i svoju pripadnost "Skinhedsima".

<sup>53</sup> *Gradanski list*, 31 January 2005. Hevera said that the attackers, three or four persons, probably heard him speak Hungarian, that they asked him for money, and insulted him on national grounds.

<sup>54</sup> Robert Dimić sustained lighter bodily injuries. *Danas*, 23 February 2005.

<sup>55</sup> *Gradanski list*, 22 February 2005.

<sup>56</sup> *Gradanski list*, 23 March 2005.

<sup>57</sup> That case was reported to Sandžak Helsinki Committee by the boy's father, Nevzat Alomerović. He stated that a group of pupils while beating his son was shouting "Chetniks, get ready, get ready".

<sup>58</sup> Kovač sustained grave bodily injuries, and doctors had to remove his spleen.

<sup>59</sup> Initiative of the Young for Human Rights filed charges against a group of soldier for instigating racial, religious and national hatred, *Danas*, 19 August 2005.

<sup>60</sup> *Gradanski list*, 7 June 2005.

<sup>61</sup> The jaw of one of them was broken, while the other lost consciousness.

<sup>62</sup> According to communique of the Centre for Minorities Rights, the first incident took place on 30 July at 21 hours, while the second one happened on the 1st of August. There were no injured persons.

<sup>63</sup> Municipality Vračar condemned attacks on Romany.

on 30 August in the building of municipal assembly of Kula the authorities were given a deadline to re-settle all Romany from Sivac by 20 October, the Liberation Day of that town. Some citizens suggested that the Romany Cultural Centre "O đila" be destroyed by Molotov cocktails, and when someone remarked that Romany were not second-class citizens, a group of citizens shouted out: "Of course they are! We want Hilter!"<sup>64</sup> In fear of retaliation, all six Romany families with a total of 27 members left the settlement.<sup>65</sup>

Intolerance towards Romany was also manifested by denizens of New Belgrade settlement Dr Ivan Ribar. At protest rallies against the city authorities decision that containers be placed to temporarily accommodate Romany, citizens yelled "We don't want Romany", and "Mayor Radmila Hrustanović go back to your native Sarajevo".<sup>66</sup> At dawn, on 30 August, a bomb was thrown in front of the family house of Jožef Kasa, the AVH leader.<sup>67</sup> In late night hours of 18 September in Novi Itebej signposts with Hungarian names of locality were re-painted.<sup>68</sup> In Srbobran was repainted the traditional Hungarian name for that locality, Sentomaš,<sup>69</sup> and before that the cyrillic name of locality was repainted and the date January 1942 was added.<sup>70</sup> In late October several drunk youths stoned a group of Romany in a parking place behind Najlon market in Novi Sad.<sup>71</sup> Youths with crew-cuts, donning black leather jackets, and armed with metal rods and wooden batons, in the course of November, demolished a Romany shantytown in the vicinity of the Old Fairgrounds, and insulted its inhabitants on racial grounds.<sup>72</sup> On Christmas

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<sup>64</sup> *Gradanski list*, 1 September 2005.

<sup>65</sup> Thanks to mediation of Tamaš Korhec, the Provincial Secretary for Administration, Regulations and National Minorities, that is, his appeals to the police and prosecution to "prevent cruel, inhumane and irrational" treatment of Romany, in early September all Romany returned to Sivac. But all windows of the Romany Cultural Centre had been broken.

<sup>66</sup> As regards Romany, it is worth mentioning that the Centre for Minorities Rights in January-September period reported 121 cases of unlawful police conduct and violence and discrimination against Romany committed by private persons.

<sup>67</sup> Kasa stated that he did not want to qualify the bombing attack as an international incident before the final police report. He added that he was in the house with his family when the bomb was thrown, and that they were woken up by the explosion. According to him the police swiftly appeared on the scene to conduct inquiry and the Interior Secretary Dragan Jočić, and President of Serbia Boris Tadić phoned him. Vojislav Koštunica, Prime Minister of Serbia assessed that the attack on Kasa was tantamount to an attack on the state of Serbia. *Dnevnik*, 31 August 2005.

<sup>68</sup> *Danas*, 20 September 2005

<sup>69</sup> *Danas*, 11 November 2005.

<sup>70</sup> *Gradanski list*, 10 November 2005

<sup>71</sup> *Gradanski list*, 25 October 2005.

<sup>72</sup> *Gradanski list*, 19/20 November 2005.



Eve in Banatski Dvor, Stojan Novković and his peer Branko Stevandić physically assaulted Janos Drobina from Sombor and Tibor Belovaija from Novi Bečej and compelled them to shout out "I am Serb" and recite the Serb Orthodox litany.<sup>73</sup> During the Catholic Christmas in village Torda, municipality of Žitište, a group of youths from a nearby village Cestereg, barged into the local disco and demanded that DJ played Serb songs instead of the English and Hungarian ones. After that they started shouting out "This is Serbia". The police removed the youths from disco, but they continued to shout nationalistic slogans in front of the church.<sup>74</sup>

In some cases it is very difficult, due to contradictory information, to establish the nature of incidents,<sup>75</sup> and sometimes, by wrong qualifications, the nature of incidents is changed. Thus the police reported the Torda incident as "disturbance of public peace and order" and not as a nationalistic incident. According to Jožef Kasa, AVH leader, "that is yet another proof that the police in Serbia is not actively engaged in clarification of cases of nationalistic incidents."<sup>76</sup> Kasa has repeatedly criticized the police work. In late March, he expressed his satisfaction with a quick arrest of persons who in Belgrade had affixed anti-Semitic posters, but took the police to task for "failing to act as efficiently in identification of authors of most strident chauvinistic graffiti". He then posed the following question: "Why the police has not yet found those who have attacked family Šetec? Why there is no progress in investigation and

<sup>73</sup> *Gradanski list*, 28 December 2005.

<sup>74</sup> *Gradanski list*, 28 December 2005. According to Šandor Sič, owner of the club, a group of youths from Banatski dvor and Čestereg occasionally comes to Torda to cause trouble. Sič maintains that minorities-Hungarians, Slovaks, and Romanians-in villages belonging to Žitište municipality, feel threatened and object to the work local policemen, that is, accuse them of not using the same standards for Serbs and members of minorities.

<sup>75</sup> Restaurant "Mala gostiona" at Palic in May was the scene of an incident.<sup>75</sup> According to Albert Boroš, the incident started when he and his friend were approached by a girl who then criticized them for speaking Hungarian and moreover told them: "Go to Hungary, this is Serbia". Soon the two youths turned up and started provoking and cussing them. Then the physical brawl ensued. Hungarian Prime Minister Ferenc Đurčan, in his response to the incident, demanded an energetic action of the Serb authorities against the perpetrators. Tamaš Korhec, Provincial Secretary for Administration, Regulations and National Minorities, then stated that the Hungarian Prime Minister was not sufficiently informed of the case, for according to "the police head in Subotica the brawl between the Serb and Hungarian youths was not nationally motivated." According to the police communique, Boroš and his pals, who were sitting on the bench in front of the restaurant, started making passes at the girls sitting nearby. Revolted by his conduct, Cvijanović (the youth who took part in the brawl) took his girl in, and then came out for a showdown with Boroš. Then Cvijanović hit Boroš several times and inflicted on him lighter bodily injuries. Against Cvijanović were filed misdemeanour charges. *Gradanski list*, 1 June 2005.

<sup>76</sup> *Gradanski list*, 29 December 2005.

why the police keeps mum about the brutal murder in Horgoš?". After accusing the police of being a political institution and of using double standards in clarification of crimes, Kasa cautioned that "Concrete steps against perpetrators are made only when the political will exists".<sup>77</sup>

Various individuals and organizations repeatedly expressed their discontent with the police and judiciary work in clarification and punishment of perpetrators of inter-ethnic incidents. In mid-October, NGO "Civilian Movement", disgruntled with the police work, staged a public protest in Subotica.<sup>78</sup> Pal Sandor told a 200-strong crowd: "Representatives of Vojvodina Hungarians in the past 15 years have resorted to all institutional recourses in order to resolve their problems, but they have not succeeded in their intent. That is why this time around we opted for a public demonstration." Pal then accused the Interior Secretary Dragan Jocić and the Justice Minister Zoran Stojković of "waging a psychological war against minorities" and "for failing to timely schedule trials of perpetrators of anti-Hungarian incidents." After mentioning the Temerin case, he stated that "an equitable treatment of cases of inter-ethnic incidents does not exist."<sup>79</sup>

Now we should point out some facts. Though the Temerin case was judicially finalized, it is still 'alive' in political terms. It was a case of brutal violence. Namely in mid-2004 5 youths inflicted grave, life-threatening injuries

<sup>77</sup> *Dnevnik*, 26 March 2005. Presidency of the AVH interpreted charges against the party's frontmen as "political persecution and a covert attack on Vojvodina Hungarians". AVH announced that it would ask the international fora to protect its president, officials and membership from "a dishonest campaign targeting protectors of a national community." The AVH communique also stressed that "it was only question of time when the Serb police would resort anew to covert attacks on Vojvodina Hungarians, that is, its President Jožef Kasa, Vice President Imre Kern and Zoltan Bunjik." *Dnevnik*, 4 June 2005.

<sup>78</sup> Speakers at the rally were Andraš Agošton (DAVH), Pal Šandor (DCVH), Laslo Rac Sabo (CAVH), Tibor Sabo (former President of Department for Diaspora Hungarians of the Republic of Hungary), and Agota Gubaš (NGO Arač). Protest in Subotica was assessed as a badly staged performance (Meho Omerović, SD), as a protest of militants, and not Vojvodina Hungarians (Oliver Dulić, DP), as manipulation of young people (Tihomir Simić, PSS), as an attempt of marginal politicians to stage their political comeback (Velibor Radusinović, DPS). Minister for Human and Minority Rights, Rasim Ljajić, interpreted the protest as -an expected response: "I have announced in Brussels an imminent power struggle within the Hungarian community, and also within other minorities' communities. Namely, now every minority politician shall try to prove that he is the best protector and guardian of interests of his community." Jelica Rajačić Čapaković, president of Democratic Vojvodina, told a press conference that "there are evident threats to the rights of Hungarian national minority....tensions in Vojvodina additionally escalated because of relocation of *Madar so* to Subotica, and trials of Đerd Ozer, Zoltan Bunjik and Jožef Kasa. *Gradanski list*, 18 October 2005.

<sup>79</sup> *Dnevnik*, 16 October 2005.

to a denizen of Novi Sad, Zoran Petrović.<sup>80</sup> For that crime, the five youths of Hungarian nationality were sentenced to a total prison term of 61 years. Local public opinion assessed that sentence as a "draconian one", and also as "an example of unequitable law enforcement, for in similar cases, perpetrators of Serb nationality, have not been passed such harsh sentences." As an example of double standards was also quoted the case of soldier Mačas Kovač.<sup>81</sup> Namely the two soldiers who beat up Kovač and gravely injured him, were sentenced to a total of 2 years and 4 months in jail.<sup>82</sup>

In cases of inequitable enforcement of legal provisions in sentencing procedure it is difficult to prove ethnic bias, but reactions of public opinion to differences in prison terms should not be ignored. Hence we would like to point out in this report that public opinion tends to interpret such sentencing as steeped in ethnic bias, which could potentially represent a major problem in recovery of inter-ethnic relations for such interpretations impact the formation of positions and conduct of people and may represent an additional element of radicalization.

As regards the police, it is noteworthy that public attention was focused on lack of efficiency in its work, and on the national composition, that is, prerogatives of Vojvodina administration. After assessing that members of minorities are underrepresented in police forces, provincial government asked the republican bodies to prepare measures for removing that disproportion,<sup>83</sup> and fine-tune the national police structure to the population structure. On the other hand, worsening of multi-ethnic relations indicated that, at least in Vojvodina, the police had its hands tied. Namely the police are still a very centralized organization, over which the provincial government has no power or control. Demand of Bojan Kostreš, President of Vojvodina assembly, that the police administration for Vojvodina be formed, was rebuffed. Kostreš stated: "While we had our police there were no inter-ethnic tensions...inhabitants of municipalities, the scene of incidents, are convinced that an inter-ethnic police would protect them more efficiently."<sup>84</sup>

<sup>80</sup> After beating up Petrović, the youth started firing up matches on his body, and finally pushed a branch into his anus.

<sup>81</sup> Kovač had his spleen removed by doctors.

<sup>82</sup> Atila Juhas, Mayor of Senta, told journalists that the conviction was to mild, and incomparable to the one meted in the cas of Temerin incident. *Građanski list*, 26/27 November 2005. The youth's parents complained of being banned from speaking to him in Hungarian and of being beaten up after arrest. Jožef Kasa, leader of the AVH, stated that he would demand repeat of trial and inform of the case international institutions.

<sup>83</sup> *Građanski list*, 22 April 2005.

<sup>84</sup> *Građanski list*, 17/18 December 2005.

Republican authorities took a very hard line on problems which marked the year 2005, namely they treated them only as incidents.<sup>85</sup> They insisted on that position even when incidents spread horizontally and involved an increasingly large number of minorities members. By sheer politicking they tried to relocate the problem from Serbia and Vojvodina to the neighbouring Hungary and interpret it as a reflection of internal political strife in that country. The basic underlying reason for such a rigid stance of the Serb political elite should be seen in preparations for negotiations on the final status of Kosovo and the elite's assessment that opening of the minority issue would present an additional burden for them and make more difficult its negotiating position. According to some assessments more efficient work of the police in 2005 was not accompanied by an efficient work of the judiciary, despite resolute statements of politicians that "the Serb state would do its best to punish all perpetrators of incidents."<sup>86</sup> The foregoing may be interpreted by the need to reduce pressure on the government in order to enable it to devote its full attention to Kosovo-related negotiations thanks to a "pacified" issue of minorities.

Kosovo issue is present in inter-ethnic relations in several ways-as an element of radicalization, as an element of pacification, and as a factor impacting formulation of claims laid by ethnic protagonists.<sup>87</sup> There is a palpable public fear that if settlement of Kosovo issue results contrary to interests of Serbia, radicalization and a major pressure of nationalists<sup>88</sup> on minorities would ensue. A direct spin off of such radicalization would be direct violence against some minorities, notably Albanians, Romany and Ashkali, which their fellow-citizens liken to Kosovo Albanians, and a major pressure on autonomy of Vojvodina. However, in that regard opinions varied. In his interview to Novi Sad daily *Dnevnik*, Bojan Pajtic, Vice Prime Minister of Vojvodina, stated that opening of discussion on Kosovo, despite negative reflections which had been felt after the March 2004 violence in Kosovo, should not lead to new escalation of inter-ethnic tensions in Vojvodina.

<sup>85</sup> In Dictionary of Foreign Words and Expression, written by Radomir Aleksić, Prosveta, Beograd, 1978, page 313, incident is interpreted as 1. an unexpected, unpleasant event 2. a small -scale conflict, a skirmish (cross-border incident)

<sup>86</sup> During his visit to Budapest, President of Serbia, Boris Tadić, stated that "protection of minorities is an important, civilization-wise, issue for every society" and that "the Serb state would do its utmost to punish those who have provoked incidents in Vojvodina", *Danas*, 4 October 2005.

<sup>87</sup> According to Andraš Agošton, Hungarians in Vojvodina should have the same autonomy being urged for Serbs in Kosovo, *Danas*, 12 January 2005.

<sup>88</sup> According to Vladimir Ilić from the Centre for Development of Civilian Society, unfavourable developments in Kosovo could affect inter-ethnic relations in Vojvodina, frustrate the majority population and lower the threshold of tolerance towards ethnic communities. *Dnevnik*, 24 June 2005.

That interview was particularly interesting from the angle of responsibility for worsening of inter-ethnic relations. In denying the provincial administration responsibility, Pajtić pointed out that "the graffiti, physical incidents, underrepresentation of members of minorities in the police and judiciary belong to competence of the republican, and not provincial administration".<sup>89</sup> The issue of responsibility was raised in October, after appearance of anti-Hungarian graffiti in the Novi Sad suburb of Telep. Then the Alliance of Vojvodina Hungarians demanded resignation of Rasim Ljajic, Minister for Human and Minority Rights. Ljajić thus responded to that demand: „Insistence on my resignation is tantamount to politization of current developments in Vojvodina. By the way if the issue of someone's responsibility is raised, then we should bear in mind that Tamas Korhec, the provincial secretary for minority rights and member of the AVH, has larger prerogatives than I do, which practically means that he should assume responsibility for the status of inter-ethnic relations in Vojvodina."<sup>90</sup>

In contrast to the republican administration, the provincial one demonstrated a higher degree of sensitivity to problems which had arisen in the field of inter-ethnic relations. In early March, the provincial authorities adopted a project "Affirmation of multiculturalism and tolerance in Vojvodina"<sup>91</sup> with a view to presenting to secondary school pupils linguistic, cultural and religious diversity as a value, advantage and prospect.<sup>92</sup> In presenting the project, Tamaš Korhec, Provincial Secretary for Administration, Regulations and National Minorities, stated that preservation of good inter-ethnic relations is one of the priorities of the provincial government, and as such a condition of stability and integration of the country into the European structures.<sup>93</sup> In his mind "we don't only need responses by the judiciary and police...that is, we in fact need preventive actions, that is curbing of phenomena which lead to upsetting of inter-ethnic relations."<sup>94</sup> He added: "The existing inter-ethnic tolerance stems from prejudices and ignorance, and the goal of this program is education and revival of a multi-lingual system conducive to strengthening of inter-ethnic confidence."<sup>95</sup>

<sup>89</sup> *Dnevnik*, 2 November 2005

<sup>90</sup> *Dnevnik*, 28 October 2005

<sup>91</sup> The project was backed by the Hungarian government, the US embassy and the OSCE mission in Serbia and Montenegro, and company "Bambi" of Požarevac. *Danas*, 27 September 2005.

<sup>92</sup> The project would be realized via sports competitions, exhibitions, quizzes, distribution of educational ethnic tradition-themed publications, and other activities.

<sup>93</sup> *Dnevnik*, 4 March 2005.

<sup>94</sup> *Danas*, 4 March 2005.

<sup>95</sup> *Gradanski list*, 27 September 2005. According to Korhec, all actions which shall be realized within the project shall be accompanied by educational publications, which in near future could become part of the school syllabus.

We should mention the Youth Camp of Tolerance, organized at Palic jointly by the Serb and Hungarian Parliament,<sup>96</sup> as an example of good practice, that is an attempt to relax inter-ethnic tensions and to affirm multiculturalism and tolerance. The same holds true of a series of initiatives taken by civilian organizations<sup>97</sup> or announced by the officials. Thus, for example, the provincial government showed its readiness to create, as of 2006, all the necessary conditions for education of members of Macedonian minority in their mother tongue, in municipalities of Plandiste and Pancevo, and to finance Macedonian language newspapers. As regards information of minorities, it bears noting that after 64 years the Ukrainian language daily "Ridne Slovo" was re-launched. Its publishing shall be funded from the provincial budget.

Two more events are noteworthy. At the meeting between the provincial prime minister and representatives of national councils the lack of a consistent state strategy for promotion of status of national minorities was indicated. It was also established that a new democratic platform aimed at improving that status, should be also drawn up. All participants in the meeting agreed that the said platform should include the strategy on the minority policy in the fields of the official use of language and alphabet, culture, education and information, as well as prevention, that is the penalty policy towards perpetrators of inter-ethnic incidents.<sup>98</sup> The second important development was a rapid reaction of the state bodies to the 9 November incident at the Novi Sad Faculty of Philosophy. Namely, in order to mark the International Day of Struggle against Fascism, Anti-Semitism and Racism, the panel discussion was staged. The said discussion was interrupted by a group of neo-Nazis who insulted the participants. Public opinion responded by sharp condemnation of that incident and a demand that all neo-Nazi organisations and groups be outlawed and banned. Vojvodina parliament then also demanded that the Serb government and other competent institutions did something in order to prevent actions and activities of skinheads and

<sup>96</sup> The Camp was inaugurated by Katalin Sili, President of the Hungarian, and Predrag Marković, President of the Serb parliament. In early February they signed an agreement on tolerance, of which the holding of the aforementioned Camp made part. The agreement also envisaged development of economic ties, for tolerance, according to the president of the Hungarian parliament, is possible only if followed by economic support and regional development. *Dnevnik*, 27 May 2005.

<sup>97</sup> As an example of good practice we should mention the re-painting graffiti action taken by a group "Reaguj" in several towns of Vojvodina and Serbia. The painting brush was used throughout 2005 by members of the Council of Local Community South Telep, as well as members of the establishment, -Rasim Ljajić i Tamaš Korhec.

<sup>98</sup> As announced the working group, made up of representatives of the Executive Council and national councils, should start its work within 10 days. *Dnevnik*, 11 November 2005.

organizations "National Squad", "Blood and Honour" and "Racial Nationalists", and banned activities of the political movement "Cheek", and those of Movement of 64 Districts, which harmed integrity of the Republic of Serbia and insulted national feelings of citizens.<sup>99</sup>

And finally it should be mentioned that in a series of municipalities, on the basis of the Act on Local Self-Rule, Councils for Inter-Ethnic Relations were set up. From the standpoint of exercise of minority rights those councils are important for they more or less indirectly indicate the status of some minorities. According to the unofficial data, Romany are the most numerous minority, but a very dispersive one, which strips them of some important collective rights. Due to their territorial non-concentration in certain percentages in municipalities in which they live, participation of representatives of that minority in constituting and work of their pertinent Council is not envisaged.<sup>100</sup> Other minorities, notably Montenegrins, Yugoslavs, or Vojvodinans, are in a similar situation. Though they, in contrast to Romany, are represented in the envisaged percentage in the structure of Novi Sad population, representatives of those minorities are not legally entitled to membership or positions in that Council. Such a nihilistic position on Yugoslavs and Vojvodinans indicates a repressed chauvinistic nature of the majority, Serb nationalism. Attitude towards Montenegrins is even more complicated, because it is mediated by the Serb Orthodox Church. Namely in order to improve its status, the Association of Montenegrins of Serbia, "Krstaš" announced an international conference on the status and rights of Montenegrins in Serbia. Nenad Stevovic, president of "Krstaš" said: "We shall bring pressure to bear on the political elite in Serbia in order to make it improve the status and position of the Montenegrin ethnic community, that is, to effect its equalization with all other national minorities." He assessed that "the rights of Montenegrins in Serbia are now very threatened, including the right to freedom of religious expression, the right to their mother tongue and the right to political activities." The Association plans to build in Lovcenac the Montenegrin Orthodox church, but the Serb Orthodox Church opposes that plan in view of fact that its own church is being built there. According to

<sup>99</sup> *Gradanski list*, 21 December 2005.

<sup>100</sup> During constitution of the Council for Inter-Ethnic Relations in Novi Sad the following question emerged: should a representative of Romany take part in the Council's work. Under the law the Council members should be only representatives of those minorities which account for 1% of population structure, and that is not the case with the Romany minority in Novi Sad. Some MPs of the city assembly criticized the proposed composition of the Council and asked for amendments relating to the scope of work, composition and mode of work of the Council. Subotica municipality was faced with the same problem, but it was resolved in "an elegant way." Thanks to the proposal of Mayor Geza Kučera a Romany representative made part of the Council, but without the voting right.

Ljubomir Perovic, most people who back construction of the Montenegrin orthodox church are vexed by the fact that the Serb Orthodox Church refuses to enter into the church registry their new-born children as Montenegrins. Perović added that people were hurt by the Christmas message of Bishop Irinej Bulović in which he said that people who were building the Serb Orthodox church were entrusted by God himself with a holy mission of serbizing that area.<sup>101</sup> It should be stressed that the Association asked Minister Ljajic to protect the human and civil rights of Montenegrins by returning to the country and publicly destroying the list *with names of Montenegrins in Serbia*, which had been handed to the EU representatives by the Serb Prime Minister Vojislav Koštunica. If a response to that demand fails to materialize then Association "Krstaš" intends to internationalize the issue of violations of the rights of Montenegrin national minority.<sup>102</sup>

Problems in attainment and exercise of the minority rights may be registered and monitored in several areas: in relations between the state and minorities, in relations between the majority and minority, in relations between minorities, and in intra-minority relations. Public attention is usually focused on the first two areas. The state is expected to protect human and minority rights, and not to call them into question by its decisions or moves.<sup>103</sup> However the existing problems cannot be reduced only to the first two areas, and public attention should also be focused on inter-ethnic and intra-minority relations. In those terms we should list problems which exist between members of Croat and Bunjevci Minority, partly because of their long-standing nature. As it has been earlier mentioned in this report, Presidency of Democratic Community of Vojvodina Croats, in its Declaration listed as a special problem, "an active, state action aimed at dividing the Croat minority"

<sup>101</sup> *Gradanski list*, 11 August 2005.

<sup>102</sup> *Gradanski list*, 13 July 2005.

<sup>103</sup> On 11 April the municipal assembly of Šid abolished the official use of Slovak and Ruthenian language and Latin alphabet in the municipal territory. National Councils of Slovaks and Ruthenians criticized that decision, while the Provincial Secretariat for Administration, Regulations and National Minorities, warned that in case of its enforcement, they would ask the Constitutional Court to institute proceedings for the appraisal of constitutionality and legality of that decision. With only one against vote, assembly MPs then repealed their decision. In other cases the right to the official use of language and alphabet because of indolence or resistance of (local) authorities is not fully exercised. The most salient example thereof was the opposition of local authorities in Srbobran to enforce the decision of the Provincial Secretariat for Minorities to add the traditional Hungarian name Szenttamas to official signboards and inscriptions.<sup>103</sup>

Problems with which members of Romany minority are faced, are best illustrated by the following figure of the Centre for Minorities' Rights: in January - September 2005 period 121 cases of unlawfl police actions, violence and discrimination by private persons were reported.

and "efforts to artificially morph a regional Croat ethnic group (Bunjevci) speaking one of the Croat dialects (ikavica), into a new ethnic group under a regional name and to confront it with the Croat community." The goal of that campaign is "to facilitate assimilation of the Croat community.". DCVC in early 2005 sharply reacted to the announcement of the National Council of Bunjevci Minority that Bunjevci language from the start of the new school-year would be studied in primary schools. The follow-up was an open letter of 50 Croat Bunjevci from Serbia, Croatia and Hungary to the Serb and Croat authorities, in which they asked for an end "to the process of division of the Croat ethnic community in Vojvodina into Croats and Bunjevci."<sup>104</sup>

And then there were responses by the other side. In assessing that the aforementioned Declaration confirmed the existence of serious inter-ethnic problems in Vojvodina, Bunjevci Party dedicated special attention to the position that the state was encouraging an artificial division in the midst of the Croat community, and stated that such claim was tantamount to a classical misplacement of thesis and an attempt to assimilate Bunjevci.<sup>105</sup> According to Mirko Bajić, provincial MP and member of the Committee for Inter-Ethnic Relations of Vojvodina Parliament: "It is not right and legal for the national minority or its political representatives to contest the right of other national minority to existence, and to other rights which it lay claims to."<sup>106</sup> He asked the state bodies to protect Bunjevci rights and condemn "unfair and unargued attacks aiming to facilitate assimilation of Bunjevci by the Croat national community."<sup>107</sup> Darko Babić, President of Bunjevci Party, stated that a letter was sent to the Serb Prime Minister Kostunica, and that President of Serbia and representatives of competent committees in the republican parliament were familiar with contents thereof. He added that charges were filed against President of DCCV for instigating racial, religious and inter-ethnic hatred.<sup>108</sup> Davor Vidis, Consul General of the Republic of Croatia in Serbia, also spoke about existing problems between Croats and Bunjevci. Namely he stated that "the Republic Croatia considered Bunjevci in Vojvodina as a sub-

<sup>104</sup> *Dnevnik*, 26 February 2005.

<sup>105</sup> *Dnevnik*, 27 October 2005.

<sup>106</sup> *Dnevnik*, 28 October 2005. Petar Ladjevic, Secretary of the Council for National Minorities stated that the appraisal that the state backed Bunjevci, and not the Croat National Council, was very cynical. He added that "in the near future we shall stage an expert meeting dedicated to the official use of Bunjevci language. Experts of the Serbian Academy of Arts and Sciences alongside representatives of Bunjevci minority would also take part in that meeting." Petar Kuntić, president of DAVC, said that in regard to that issue his organization has already contacted the Serb, the Croat, and the provincial academies, and that their positions were different. According to him only the Serb Academy of Arts and Sciences thinks that introduction of Bunjevci language should be approved. *Dnevnik*, 8 November 2005.

<sup>107</sup> *Dnevnik*, 28 October 2005.

<sup>108</sup> *Dnevnik*, 27 October 2005.

ethnic group which clearly belongs to the Croat national body."<sup>109</sup> In underscoring that such a position was based on scientific and objective facts, Davor Vidiš added: "if part of that community does not consider itself as members of the Croat people, and maintains that it is a distinct ethnicity, they are entitled to do so, for nationality is a subjective feeling."<sup>110</sup>

And finally attention should be paid to the following fact: minorities are not homogenous communities, all minority members don't have equally developed national awareness, nor they all are equally ready to engage themselves for the sake of attainment of community's goals, and not all members of pertinent minority agree on measures which should best serve the interests of their community in the given case. For example the decision of the Hungarian National Council to resort to overhaul of popular Hungarian language daily "Mađar so"<sup>111</sup> was strongly contested by part of (non-party members) of the Council,<sup>112</sup> journalists,<sup>113</sup> but also by members of the Hungarian community proper.<sup>114</sup> That decision was publicly interpreted as an attempt of the Alliance of Vojvodina Hungarians to establish a full control over the newspaper and also as a signal to Hungarians to relocate to North

<sup>109</sup> *Dnevnik*, 16 February 2005.

<sup>110</sup> *Dnevnik*, 16 February 2005.

<sup>111</sup> That overhaul includes above all downsizing in Novi Sad and relocation of desk and internal affairs and cultural affairs column-writers to Subotica.

<sup>112</sup> On its 23 September session by the majority vote ( 22 votes) the National Hungarian Council approved the newspaper's overhaul. One of members of the council who opposed that decision, Dr Laslo Gerold, stated that the decision on relocation had been taken long time ago, even before "Altis", a consulting company of former Finance Minister Božidar Đelić, came out with its analysis. According to "Altis" analysis "Mađar so" was in dire financial straits, hence the suggestion to downsize its Novi Sad office and relocate its seat to Subotica. According to Đelić, readers want mostly local information, and they are best covered and found by local journalists, "which means that branch offices in Hungarian milieus in North Backa and Banat should be enlarged, at the expense of Novi Sad and Zrenjanin ones." *Dnevnik*, 30 August 2005.

<sup>113</sup> Journalists did not contest the need for overhaul, but they thought that it would be best dealt with by a consulting house, and not by an expert body. It bears mentioning that the conflict between journalists and the publishing house leadership is a long-running one. The official celebrations of the 60-anniversary of the newspaper were not attended by journalists. They organized their own modest celebrations. Ferenc Čik Nađ, journalist, was fired because he allowed a photo-reporter of "Dnevnika" to take shots of the journalistic celebrations of the jubilee, without authorization of "Mađar so" editor-in-chief.

<sup>114</sup> Before a large audience in the hall of cultural association "Šandor Petefi" a rally discussing relocation of "Mađar so" to Subotica was held. Most citizens opposed re-organization of the newspaper, deeming it a take over attempt by the AVH. Marton Matuska, a retired journalist of "Mađar so" then stated: "We faced such a large audience in this hall the last time 15 years ago when the then Democratic Community of Vojvodina Hungarians wanted to take over "Mađar". *Grđanski list*, 21 September 2005.

Vojvodina,<sup>115</sup> that is as a bad sign <sup>116</sup> for Hungarians in South Backa that other institutions would be relocated to Subotica too. <sup>117</sup> Responses to the decision of the Council also reflect distinct interests of some regions in which members of the Hungarian Community live. Interests of Hungarians in Novi Sad differ from interest of Hungarians in other parts of Vojvodina, and the ability of Novi Sad to harmonize various interests impacts its authority. Regarding the foregoing it should be stressed that legitimacy of the National Council of Hungarians has been contested since its inception. Some Hungarian parties and renowned intellectuals <sup>118</sup> think that the NCH was formed in a legal, but not in a legitimate way, and that it represents interests of the strongest party, AVH, instead of representing interests of the national community. In mid-September a group of Hungarian citizens disgruntled with the work of the NCH launched an initiative, that is sent a proposal on formation of a new organization more legitimately representing the community interests to 400 addresses. Other ethnic communities have also manifested their discontent with the work of national councils. In early May 7 Bosniak parties launched an initiative for convening an extraordinary electors assembly. In their opinion the NC currently does not have the legitimacy to represent interests of

<sup>115</sup> *Građanski list*, 15 August 2005.

<sup>116</sup> "That is a bad sign for Hungarians in South Backa, I fear that a similar fate awaits other institutions of Vojvodina Hungarians. I fear that in 2-3 years time it shall be assessed that the editorial staff cannot function in three places, and then it will be decided that the newspaper would be printed in Subotica, which in turn would mean a loss of job for the printing facilities of Forum." *Danas*, 27 September 2005.

<sup>117</sup> Zoltan Siflis, member of the National Council stated: "This hue and cry should not postpone reorganization of the paper, for then we would face an even greater outcry when we begin reorganization of other Hungarian institutions." He also stated that because of those words of his "I was attacked by my colleague Laslo Galamboš, who accused me that we were also planning to relocate from Novi Sad the radio, theatre, Acting Department in Hungarian language of the Dramatic Arts Academy, and publishing houses. But we have not discussed that in the council and in the party. Though we should discuss re-organization of publishing activities in Hungarian language." Šifliš then went on to explain that he was referring to reorganization of the Cultural Institute of Vojvodina Hungarians in Senta, founded by the National Council. The Institute plans to make a database of cultural heritage of the local Hungarians, while in his mind, old paintings, photographs, books, documents, films from various museums and localities in Vojvodina should be all collected and kept in Senta. *Građanski list*, 29 September 2005.

Laslo Galamboš stated that for Hungarians physical presence of "Mađar so" in Novi Sad was very important and that old institutions of the Hungarian Community should remain where they are, and that Subotica could become a seat of the new ones. *Dnevnik*, 27 September 2005.

<sup>118</sup> That initiative was launched by academician Dr Bela Ribar, historian Đerđ Gal, Geze Nemet, Antal Bozoki, Margit Nađ, Julija and Josip Orovec, Marija Matuska and others.

Bosniaks, for the influence of List of Sandzak on the electorate has waned. Interests of the two conflicted political groupings within the Bosniak community were manifested in conflicts between the executive and representative bodies in Novi Pazar, their mutual accusations and a series of criminal charges. <sup>119</sup> Conflicting interests among the Romany minority culminated with a demand that the National Council be replaced, that is, banned. <sup>120</sup>

Faced with a deficit of legitimacy national councils are one of the elements contributing to escalation of inter-ethnic relations. Indirect, undemocratic election of councils via electronic assemblies proved to be a bad solution. Thus party fractions of national elites were favoured, members of minorities were stripped of their influence, and the very idea of minority self-rule was called into question. It was repeatedly stated that the act spelling out more precisely manner of the council's election, mode of financing and its prerogatives, should be urgently adopted. In early 2005 round-table held in Novi Sad it was pointed out that the process of adoption of the minority-related legislation was slowed-down, and the legal framework, within which the minorities should exercise their rights, was incomplete and contradictory.

## Conclusion

The Serb authorities did not respond adequately to the 2005 escalation of inther-ethnic relations. Instead of facing the problem, they decided to minimize it. Disgruntled with such a tack of the authorities, political representatives of the Hungarian minority decided to attract interest of the international fora, for their and other minorities status and problems.

Internationalization of the probelm proved to be an efficient vehicle, for it led to reduction of incidents. It additionally showed that the Serb problems with minorities were in fact problems with European Union.

<sup>119</sup> Soured relations between Bosniak parties became manifest during inauguration of a bridge in locality Lug. Bulding of that bridge "was funded by Novi Pazar and American people", and the bridge was inaugurated by US Ambassador Michael Polt, municipal president Sulejman Ugljanin and president of the municipal assembly Azem Hajdarević. Arrival of Hajdarević with his collaborators, was loudly boed by Ugljanin's followers. Shocked by such conduct Ambassador Polt discreetly threatened that he would leave if the public did not quieten now. " *Danas*, 10 October 2005.

<sup>120</sup> It was said that the current Council should be disbanded on ground of its financial mishandling, status misuses, breaches of legal provisions, division of Romany on religious basis, etc.

In 2005 the number of incidents fell, but ethnic and cultural rifts in the society continued to deepen. Initiatives to straddle those rifts were met by a strong autism of the incumbent authorities.<sup>121</sup>

Inability of the political elite to make a U turn and constitutionally (re)define identity of Serbia, effect comprehensive decentralization, broaden prerogatives of local self-rules, has a frustrating effect and tends to radicalize the minorities. Faced with a moral insensitivity of the majority, cultural racism, economic marginalizing and political repression-the current Serb parliament has less minority parties MPs than during the Milosevic regime-minorities are increasingly looking for a way out in the shape of -special arrangements.

In current circumstances most attractive are the solutions which in the case of a well thought-out (not only) minority policy would enjoy a marginal backing. In absence of comprehensive reforms the assertion that the claim to territorial autonomy is rather an efficient means of isolation of minorities, than a successful vehicle for problem resolution, is becoming less convincing.

Aside from the Hungarian, other minorities in the province don't have resources to impose themselves as influential political protagonists. Added to that they don't do anything to become more influential in order to prevent down-scaling of inter-ethnic relations to the two, in Vojvodina, most numerous ethnic communities.

Deeply ingrained prejudices and stereotypes cannot be removed by limited affirmative actions. That task should be taken on by social sub-systems, like educational ones, informative one, cultural one, etc.

The fact that minorities are formally recognized and legally guaranteed the rights with bearing on preservation of their identity, can barely conceal the prevailing conviction that minorities are still "a burden", and not "an advantage, value or prospect."

<sup>121</sup> Ljubica Kiselički (DP, Subotica) submitted an official request to the Pedagogical Institute of Vojvodina to launch an initiative regarding the introduction of mandatory classes of the language of social milieu (until 1992 such language classes were an optional subject-matter). Provincial Secretariat for Education also launched a similar initiative. But the final decision on that matter is to be taken by the Republican Ministry for Education and Sports. Slobodan Vuksanović, the Serb Education Secretary, thinks that "to implement that initiative would be tantamount to doing something by force. We believe in the freedom of choice of children ...so I don't see why we should compel someone to learn languages, for they now live and fraternize together." Vuksanović added: "Demand of a municipal committee of a party is the least important one. If such a demand is prompted by a wish to attract voters of Hungarian parties in Vojvodina, I, as a politician, can understand that. I can even understand if such a demand is prompted by elections in Hungary. But that demand is totally unrelated to interests of children." Dnevnik, 20 October 2005.

## Recommendations

- Interest of the international community in inter-ethnic relations in Serbia should be used for further promotion of status of minorities;
- In the institutional respect it is very important to set up on the republican level the Ministry for Human and Minority Rights, to pass a law on minorities and all the accompanying provisions and regulations;
- An anti-discrimination law should be passed;
- Autonomy of Vojvodina should be re-affirmed and its prerogatives expanded to the police; a special Vojvodina police administration should be also formed;
- National set-up of the police and judiciary should be overhauled to reflect the national population structure;
- Work of police, prosecution and judiciary should be made more efficient;
- Media should be encouraged to more systematically cover the issue of minorities;
- Educational programs should include contents promoting interculturality and encouraging familiarization between different ethnic communities;
- Demands for introduction of language of the social milieu as a mandatory school subject-matter should be backed;
- Work of NGOs dealing with human and minority rights should be backed;
- Systematic actions aimed at improvement of the status of Romany minority should be taken, in view of the April 2005 start up of implementation of a decade-long project "Decade of Romany" in which the State Union of Serbia and Montenegro also takes part;
- Formation of the Council for Inter-Ethnic Relations should be accelerated and its composition expanded by representatives of all groups meeting the legally prescribed conditions (Yugoslavs, Vojvodinans, Montenegrins...);
- Process of adoption of the minority-related legislation should be accelerated. A law regulating the issues of election, prerogatives and financing of national councils should be passed;
- Representatives of minorities should be included in the process of adoption of the new constitution.

**VI**

**SERBIA AND  
DECENTRALIZATION**



## VOJVODINA: EUROPEAN INITIATIVES AND THEIR OPPONENTS

"The old idea about rich Vojvodina has not been true for a long time", said Vojvodina Primer Minister Bojan Pajtic at the end of the year. While informing the citizens of the Province about the activities and the results achieved by the Executive Council of the Autonomous Province of Vojvodina in 2005, he illustrated his view by pointing out that "even 19 municipalities in the Province are insufficiently developed and that among the first ten above-average developed municipalities in Serbia - only two are from Vojvodina." The Vojvodina Prime Minister explained the running of the Province by the fact that "during the most difficult decade, under the Milosevic regime, Vojvodina carried the heaviest burden of the country's survival... But now", he emphasized, "we must pull ourselves together and recover as soon as possible".<sup>1</sup>

In Pajtic's view, there are two factors of utmost significance for Vojvodina's economic recovery: the first is investments: "Without new foreign investments there will be no economic development for Vojvodina and Serbia. Therefore, we are doing our best to explain to the world how much and how can be invested in Vojvodina. Today, the Russians, the Americans and the Europeans share the opinion that Vojvodina is the most attractive investment region in South-Eastern Europe. That is a chance we won't miss."<sup>2</sup> The second factor is that the "provincial bodies have more competences". According to Pajtic, if Vojvodina wishes to be a modern European region and a bridge between Serbia and Europe, it must have "constitutionally guaranteed economic autonomy and property, in addition to the necessary legislative, executive and partial judicial authority".<sup>3</sup>

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<sup>1</sup> *Dnevnik*, 27 December 2005.

<sup>2</sup> *Dnevnik*, 27 December 2005. As stated by the Vojvodina Prime Minister, the coming year, 2006, will be devoted to the following aim: more investments, more work, higher pay.

<sup>3</sup> *Dnevnik*, 27 December 2005.

In an attempt to acquaint as many European countries and their firms with its potentials, Vojvodina<sup>4</sup> undertook certain activities during the year. So, in the middle of the year, it opened in Paris the *Centre for the Promotion and Strategic Development of Vojvodina* (or the Vojvodina Business Centre – VBC for short) as Vojvodina's first representative office in Europe. The Centre was established with the aim of promoting Vojvodina, its economy and culture, and linking French and Vojvodina businessmen, while Paris was selected for its seat due to its reputation as one of the world's most important business and cultural centres.<sup>5</sup> In addition to the VBC, the Provincial Prime Minister announced the opening of the Office for European Affairs, which should contribute to the promotion of the European values and Serbia's integration into Europe.<sup>6</sup>

Vojvodina also sees a chance for its own and Serbia's Europeanization and development in the closest possible cross-border cooperation with the regions in Hungary, Romania and Croatia. In addition to Europeanized Hungary, Romania and Croatia could also become EU members which, according to Predrag Grgic, Provincial Secretary for Regional and International Cooperation, would also be good for Vojvodina: "Our chance lies in the Danube-Kris-Moris-Tisa (DKMT) Euro-region, but it is not just a question of money that will be obtained from one programme or another. The point is that this region will soon become the only link with Europe... The region can be the engine that will push Vojvodina and Serbia... towards Europe".<sup>7</sup> In addition to

<sup>4</sup> Vojvodina has been elected the European Region of the Year (2006). This title has been granted since 2003 and so far six regions from Portugal, Spain, Russia, Ukraine, Belgium and Bosnia and Herzegovina have been elected. This provides an opportunity for Vojvodina's recognition and the promotion of its resources.

<sup>5</sup> The Centre was jointly set up by the Provincial Assembly and the Agency for Euro-Regional Integration from Paris. During the first six months, promotional activities in the Vojvodina Business Centre will be financed by French partners and thereafter, according to Bojan Kostres, by participants, that is, firms from Vojvodina and Serbia. At the opening of the VBC, Bojan Pajtic said that this was only the first activity within the promotion of Vojvodina as the most attractive investment area in the region. Pajtic announced that the VBC would also be opened in the heart of the European Union, in Brussels. *Dnevnik*, 18 May 2005.

<sup>6</sup> In an attempt to be a bridge between Serbia and Europe, Vojvodina will take the fraternalized Istrian region, which played a great role in Croatia's Euro-integration, as its model.

<sup>7</sup> *Dnevnik*, 3 January 2005. A similar view is held by the former finance minister, Bozidar Djelic. He said for *Dnevnik* that "Vojvodina has the potential for becoming the most advanced and richest part of Serbia, especially because it will be surrounded by the EU members within less than four years". Djelic also said that the "privatization of domestic banks provides a great opportunity for Vojvodina, since Novi Sad can develop into a large and strong financial centre. The entry of powerful financial institutions into Kontinental banka, Novosadska banka, Panonska banka, Vojvođanska

cooperation with the neighbours and home countries of the national minorities living in Vojvodina, the Committee for European Integration and International Cooperation identified Euro-regional integration and the Assembly of European Regions as its strategic directions.<sup>8</sup>

According to Bojan Kostres, President of the Provincial Assembly, to be able to assume the desired leading position on the road to Europe and promote cross-border cooperation, Vojvodina must be given back its competences.<sup>9</sup> At the conference devoted to regionalism, which was organized in Novi Sad by the Assembly of European Regions and the Autonomous Province of Vojvodina,<sup>10</sup> he stated that Serbia's road to the European Union leads through Vojvodina and that its development must not be hindered.<sup>11</sup> The Novi Sad conference was organized so as to provide a dual impetus – to Vojvodina in realizing its right to autonomy, as well as to regionalization in Europe in general.<sup>12</sup> At the end of April, at its session in Dubrovnik, the Assembly of European Regions adopted the conclusions of the Novi Sad Conference, whereby it practically sent the message to the Serbian authorities

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banka and Meridian Bank, as well as into Metals banka and some other banks tomorrow, not to mention DDOR Novi Sad, will be a crucial moment for the city and the region. According to Djelic, the Province and the city must request from the future strategic partners of domestic banks not to move their seats to Belgrade, because their keys and safe-boxes must remain in Novi Sad. Namely, the centre of financial services brings a lot: not only value added, but also well-paid jobs which will keep young and qualified people from going away. It should also be taken into account that banks especially depend on informatics, so that they spend more money on it than anyone else, and this opens up prospects for Novi Sad and Vojvodina to develop into powerful centres in that sector as well. Fresh capital will also give a significant impetus to the development of agribusiness, while the arrival of big players should also be used to promote tourism in Vojvodina...". *Dnevnik*, 21 January 2005.

<sup>8</sup> Vojvodina signed the Protocol on Cooperation with five European regions – Friuli-Venezia Giulia in Italy, the Austrian province of Styria, Olomouc in the Czech Republic, Trnava in Slovakia and the Duchy of Lodz in Poland. Vojvodina participates in the activities relating to the European initiatives, such as the Central European Initiative and the Stability Pact, and since 2002 it has also been a member of the Assembly of European Regions.

<sup>9</sup> *Danas*, 23 February 2005.

<sup>10</sup> The conference was sponsored by the Council of Europe, UNDP and the CSCE. There were no representatives of the Serbian Government at the conference.

<sup>11</sup> *Dnevnik*, 1 March 2005.

<sup>12</sup> During the two-day debate, it was pointed out that the "best solution would be to vest the region with the highest possible authority, including legislative one. "We also concluded that there are many ways of financing the regional authorities. However, the most efficient way is probably to have each region participate in revenues or, in other words, that it retains the revenues from fees and taxes collected in its territory", said Riccardo Illi, President of the Assembly of European Regions and the Region of Friuli-Venezia Giulia. *Gradjanski list*, 3 March 2005.

that Vojvodina should acquire the appropriate status under the new Constitution, in accordance with the principles of decentralization, autonomy and regionalism. The opinion prevails in these conclusions that "under the new Serbian Constitution, Vojvodina must have the clearly defined legislative and executive autonomy, in addition to its participation in exercising judiciary authority". In addition, the Assembly of European Regions insists on the active participation of Vojvodina's legitimate representatives in the drafting of Serbia's basic law, which should also be institutionalized.<sup>13</sup>

In view of the fact that the new Serbian Constitution cannot be legitimately adopted without cooperation with the provincial authorities, Bojan Pajtic said early in February that the Provincial Government would prepare its own platform concerning the status of Vojvodina under the new Constitution.<sup>14</sup> This announcement of the Provincial Government was commented by Milos Aligrudic, leader of the DSS deputies group in the Republican Parliament: "If that proposal is based on the integrity of the Republic of Serbia, on the principle of a unitary state, and if the autonomies are not defined as federal units, we will be ready to discuss all forms of territorial decentralization". According to Aligrudic, in addition to the mentioned conditions, the position on the Vojvodina Government's proposal will also depend on the position taken by other parliamentary parties. "In any case", said he, "we will see when we receive that proposal... whether it is the question of a realistic proposal that will contribute to reaching a consensus, or something that complicates the political agreement on the new Constitution".<sup>15</sup> In contrast to Pajtic, Milorad Mircic, leader of the SRS deputies group in the Vojvodina Assembly, requested that the proposal relating to Vojvodina's future constitutional status should be shaped through a parliamentary debate, since everything else will lead to the destabilization of the political situation and chaos. At the press conference, Mircic said that some people from the Provincial Government, with the assistance of their international sponsors, abuse the question of the future constitutional status of the Province just at the moment when the Albanian separatists in Kosovo and Metohija are launching a broader campaign with the aim of winning independence.<sup>16</sup>

In contrast to such views of their political opponents, the coalition partners in the Provincial Government reconciled their views and, in the first half of March, the Provincial Government adopted the Platform<sup>17</sup> on

<sup>13</sup> *Dnevnik*, 30 April 2005.

<sup>14</sup> *Dnevnik*, 4 February 2005.

<sup>15</sup> *Dnevnik*, 16 February 2005.

<sup>16</sup> *Dnevnik*, 22 February 2005.

<sup>17</sup> Its basic provisions stipulate that the provinces should enjoy political, legal and economic autonomy in accordance with their specifics. The supreme legal act of the Province is the basic law which is passed by the Provincial Assembly. It stipulates the Province's competences, as well as the election and organization of its bodies of

Vojvodina's status under the new Constitution. The essence of the Vojvodina Platform lies in the request for the constitutional guarantees for Vojvodina's legislative, executive and partial judicial autonomy,<sup>18</sup> as well as the right to have its own property<sup>19</sup> and sources of public revenues.<sup>20</sup> According to Tamas Korhecz, Provincial Secretary for Administration, Regulations and National Minorities, the Platform is not a "dictate or an ultimatum", but a specific reaction of Vojvodina's legitimate representatives to the fact that among the authors of the Constitution there are no representatives of Vojvodina. Korhecz also pointed out that the "Platform contains the solutions only for the part where we think that our word should be respected".<sup>21</sup> The mentioned document was submitted to the leaders of all political parties in the Republican Parliament, with the note of the Vojvodina Prime Minister that its aim is not a confrontation with Belgrade, but its incorporation into the new Serbian Constitution.<sup>22</sup> On that occasion, Pajtic also expressed his hope that the

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government. By its laws, the Province would regulate the areas of information, health care and social security, culture, education, agriculture, transport, official records, town and physical planning, etc.

<sup>18</sup> The Supreme Court of Serbia would set up its department in Vojvodina. In addition, the Provincial Executive Council accepted President Tadic's constitutional proposal for the inclusion of judges, prosecutors and lawyers from Vojvodina in the High Judicial Council. The constitutionality of republican and provincial laws would be verified by the Constitutional Court of Serbia.

<sup>19</sup> The property of the Province would include all public property in its territory, excluding the property owned by local self-governments and the, army, as well as the property used by the republican bodies.

<sup>20</sup> The Province would autonomously levy and collect taxes, fees and other public revenues, whose larger portion would be disposed by the Province and local self-governments in its territory.

<sup>21</sup> *Dnevnik*, 11 March 2005.

<sup>22</sup> In mid-March, the Faculty of Political Science in Belgrade organized the debate devoted to constitutional changes. It was emphasized that, at present, the adoption of the Constitution would not be quite appropriate, because the state borders are not known and the political assumptions are not favourable either. According to Vukasin Pavlovic, Professor at the Faculty of Political Science, the most favourable moment for the adoption of the Constitution has been let slip: "The closing of that door began as early as 6 October when the old regime bought time by participating in the tripartite government. Today, we are witnessing the intensive process of restoration of the old regime, whose exponents use two strategies: to break the democratic bloc and to opt for moderate nationalism." (*Dnevnik*, 14 March 2005). According to Dusan Pavlovic, an associate of the Social Science Institute, the people that should define the new identity of Serbia are afraid, due to which, among other things, they shy away from enabling the citizens to assume a dominant position relative to political authority, as well as from Vojvodina's substantive autonomy. A similar view is held by Professor Grubac. He said for the Novi Sad *Dnevnik* that "the adoption of the new Constitution does not suit anybody, neither the political parties, nor individuals, nor deputies",

Banovina document would not be rejected by any pro-European party in Serbia, since the requested degree of autonomy is in full compliance with the European standards.

As it could be expected, the Platform of the Provincial Government was met with criticism. So, Goran Andjelic, President of the Provincial Board of G17 Plus, called the Provincial Government's statement that the Platform reflects the interests of most citizens of Vojvodina "political demagoguery": "The way in which the Platform was prepared is not politically correct and politically responsible from our viewpoint, because it does not reflect the common stand of the people of Vojvodina on these issues". In Andjelic's view, "the fact that nobody outside the Vojvodina political establishment was in a position to give his opinion and suggestions during the preparation of that platform" is also disputable.<sup>23</sup> Similar criticism was also expressed by the Socialists. Reproaching the ruling parties for failing to include all relevant political parties in the Provincial Parliament in its preparation, Dusan Bajatovic, Vice-President of the SPS, stated that "this document was not prepared in a serious manner but ad hoc" and that "the Platform bears the autonomist signature with a tendency towards the exclusion of the Serbian state from the story about autonomy". As its major deficiencies, Bajatovic mentioned the lack of provisions on the status and rights of minority communities, as well as the lack of government control over the work of the provincial bodies.<sup>24</sup> Arguing that the Platform "does not contain anything new" relative to the solutions on territorial autonomy which are already contained in the Draft Constitution of the Republican Government, Arsen Kurjacki, President of the District Executive Board of the DSS, described the preparation of the Platform as a "marketing move of the Democratic Party and its satellites

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because "the new Constitution will also bring new elections and, thus, the termination of their functions... Simply, there are too many factors which do not favour the new Constitution". (*Dnevnik*, 25 April 2005). In mid-November, Todor Gajinov, an advisor to the President of the Vojvodina Assembly, pointed to yet another factor which could prevent Serbia from obtaining the new Constitution. Namely, Gajinov said that the "citizens of Vojvodina could prevent the adoption of the new Serbian Constitution by not going to vote for it at a referendum, should the fundamental legal act of the country still favour a centralist system and fail to provide for Vojvodina's fiscal autonomy, in particular." (*Gradjanski list*, 18 November 2005).

<sup>23</sup> *Gradjanski list*, 21 March 2005. As for the future constitutional status of Vojvodina, Andjelic holds that all political parties in the Vojvodina Parliament should reach a consensus, including those which did not cross the electoral threshold at the provincial elections, as well as all other relevant factors in various spheres of social life.

<sup>24</sup> *Dnevnik*, 29 March 2005. According to Bajatovic, "the question of the autonomy of Vojvodina and the question of the autonomy of Kosovo cannot be related to each other either historically or politically. In Kosovo, the talks are held with the Albanians and the international community, while Vojvodina is the Serb-Serb question and not the minority one."

from the League of Social Democrats of Vojvodina (LSV) and the Alliance of Vojvodina Hungarians (SVM)".<sup>25</sup> His opinion about the Vojvodina Government's proposal was also expressed by Predrag Markovic, Republican Parliament Speaker. He said that the proposal would be taken into consideration "although it is asked much less than that which is proposed by the majority in the Committee for Constitutional Affairs".<sup>26</sup> Tamas Korhecz, one of the authors of the Platform, objected to such a view and pointed to the deficiencies of the Republican Government's proposal, both with respect to defining the Province's property rights, as well as with respect to its tax autonomy.<sup>27</sup> Finally, Dejan Mikavica, a member of the Subcommittee of the Committee for Constitutional Affairs, said in November that "if the solutions proposed by the Provincial Executive Council were unfortunately adopted, the Province would be defined in the new Constitution as a state within the state".<sup>28</sup>

In the above mentioned reactions to the proposal made by the Vojvodina Government one can find the traces of centralist, ethnocentric and conservative legacy. In addition to their pragmatic results, insistence on the European standards and regionalization, as well as the orientation towards cooperation with the neighbours and links with the European regions could be

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<sup>25</sup> *Dnevnik*, 2 April 2005. "I am afraid", said Kurjacki, "that the authors of the Platform are nervous because the Serbian Government is successfully finalizing its cooperation with the Hague Tribunal and because we are successfully approaching the positive assessment of the feasibility study, so that the citizens now recognize them as those wishing to sell them a pig in a pike. They had three years at their disposal to adopt the new Constitution and define the status of Vojvodina, but they did not do that".

The Secretary of the Provincial Government, Dragoslav Petrovic, dismissed the idea that the preparation of the Platform was a "marketing move". He said that it is "absolutely senseless" to deny the provincial authorities their legitimate participation in the public debate that should contribute to the reaching of a constitutional consensus. *Dnevnik*, 5 April 2005.

<sup>26</sup> "The Committee proposes", said Markovic, "that the definitions of constitutional competences should be in charge of the Vojvodina Parliament and that it should bear responsibility for them, as well as adopt the law on these competences. However, the proposal of the Vojvodina Government anticipates that the Republican Assembly stipulates, define and, thus, limit the Province's competences". *Gradjanski list*, No. 7, 8 May 2005.

<sup>27</sup> "The Government's proposal does not define the Province's property rights. It only guarantees the possibility of having one's own property. Truly, the Government's proposal guarantees the Province's own sources of revenue, but the amount and quality will be specified by law". *Danas*, 10 May 2005.

<sup>28</sup> *Gradjanski list*, 3 November 2005. Mikavica also said that it would be logical that, should it ever resume its work on the new Constitution, the DS would distance itself from the proposals contained in the Platform in some way. In his view, the Platform of the Executive Council of Vojvodina is very close to the ideological solutions and postulates of the liberal-democratic faction within the DS.

also an important asset of the provincial administration in gaining support for its requests from the international community. It was emphasized on several occasions in public that the status of Vojvodina in the new Serbian Constitution depends more on pressure from the European Union than on the position of the ruling political elite in Serbia.<sup>29</sup> After all, by its Resolution on the Protection of Multiethnicity in Vojvodina, the European Parliament called the Serbian authorities to restore Vojvodina's autonomy, which it enjoyed until 1990. Truly, some different views were also presented. So, *Gradjanski list* published the opinion of an unnamed "senior EU diplomat", who said for the Beta news agency that "the European Union regards the Vojvodina question from the aspect of adherence to the European standards relating to minority rights and that the degree of autonomy enjoyed by the Province is Serbia's internal problem". A similar view is held by the renowned Vojvodina journalist Dimitrije Boarov: "Europe has no interest in dealing with the problem relating to the economic basis of Vojvodina's autonomy in greater detail, so that I do not believe that there will be any stronger outside pressure on the Belgrade authorities in that respect".<sup>30</sup>

A certain problem for the supporters of autonomy is (or could be) posed by the fact that support for autonomy is declining<sup>31</sup> or, in other words, it changes with the general political and social trends.<sup>32</sup> "When the Kosovo Albanians attacked the Serbs last March, support for the autonomy of Vojvodina began abruptly to decline".<sup>33</sup> In addition to the events in Kosovo, the decline of support for autonomy is also influenced by other factors – from the discrediting of most political parties advocating autonomy,<sup>34</sup> through a change

<sup>29</sup> Aleksandar Popov, *Dnevnik*, 10 October 2005.

<sup>30</sup> *Gradjanski list*, 9/10 April 2005.

<sup>31</sup> According to the data of SCAN Agency, which were published in October, the current status of Vojvodina is the most acceptable for 40 per cent of the citizens of Novi Sad; 19.2 per cent of the respondents holds that the right solution is a higher degree of autonomy than at present, but a lesser one than under the 1974 Constitution, while 21.1 per cent of the respondents holds that the most appropriate constitutional solution is the one adopted 30 years ago; 1.8 per cent of the respondents opts for the independent state of Vojvodina and 7.6 per cent supports the abrogation of any autonomy. *Dnevnik*, 19 October 2005.

<sup>32</sup> *Dnevnik*, 9 August 2005.

<sup>33</sup> According to Milka Puzigaca, Director of SCAN Agency, *Dnevnik*, 9 August 2005.

<sup>34</sup> *Dnevnik*, 9 August 2005. At the end of January, *Danas* published Mihal Ramac's commentary in which, among other things, he says that "the so-called autonomists have been discredited and politically used up; the political representatives of the Hungarian minority are satisfied with decentralization or regionalization; the Democratic Party is trying to preserve what it can, while the Democratic Party of Serbia and Radicals are waiting for a chance to reduce economically exhausted Vojvodina to a district". *Danas*, 29/30 January 2005.

in the ethnic composition of the population in Vojvodina, to hesitancy about coming into conflict with Belgrade. As for the second reason, it should be pointed out that, in the case of the transformation of NIS (Oil Industry of Serbia), the Vojvodina political establishment showed its resolve to defend Vojvodina's interests even at the cost of coming into a serious political conflict with Belgrade.<sup>35</sup>

Namely, the Executive Council of Vojvodina requested from the Republican Government to remove from the agenda of the Serbian Assembly the Draft Law on Repealing the Law on the Establishment of the Oil Industry of Serbia, as well as to revoke the decisions on the transformation of NIS into two public enterprises and the Joint-Stock Company.<sup>36</sup> In addition, the Provincial Executive Council requested from the Republican Government to work out the NIS privatization and restructuring strategy, and enable the authorized representative of the Provincial Government to participate in it.<sup>37</sup> Since the Republican Government turned a deaf ear to Vojvodina's requests, especially to the request that Transnafta should have its headquarters in Vojvodina and not in Belgrade, the provincial authorities threatened to take all measures so as to protect Vojvodina's interests – from instituting administrative proceedings before the Supreme Court of Serbia,<sup>38</sup> through civil disobedience and protests,<sup>39</sup> to a referendum.<sup>40</sup> "We cannot allow that the

<sup>35</sup> According to Bojan Kostres, if Vojvodina has no right to its resources and their economic exploitation, that will bring not only its political autonomy into question, but also the very essence of its originality and its right to diversity. *Dnevnik*, 26 August 2005.

<sup>36</sup> Pursuant to the decision of the Serbian Government, the national oil company would be divided into three enterprises: Srbijagas, Transnafta and NIS Joint-Stock Company. It was anticipated that two companies should be headquartered in Novi Sad and Transnafta in Belgrade.

<sup>37</sup> In the territory of Vojvodina NIS has 90 per cent of its energy resources and related facilities. "Those below the Sava and the Danube cannot decide all the time what we in Vojvodina should do", said Dragan Surducki, Provincial Secretary for Energy. On 26 September, Surducki was attacked in front of his house in the centre of Novi Sad by a group of young men. They broke his nose with brass knuckles shouting: "You Karic's shit". "I know who stands behind this attack, but I am afraid to say, because I do not want that something worse happens to me or, better said, to my children. That mafia which governs Serbia as if we live in Colombia", said Surducki for *Dnevnik* (29 September 2005). He also noted: "If they move everything to Belgrade, then good-bye, Vojvodina will cultivate corn forever". *Gradjanski list*, 28 September 2005.

<sup>38</sup> The Executive Council of Vojvodina initiated and then withdrew the action against the Serbian Government before the Supreme Court of Serbia for the invalidation of its decision to restructure NIS. The action was withdrawn after the Serbian Government had brought the decision to set up the headquarters of Transnafta in Pancevo and not in Belgrade.

<sup>39</sup> Bojan Pajtic said that the Provincial Executive Council would call the citizens to go out into the streets should institutional pressure on the Serbian Government fail

enormous funds of the Oil Industry of Serbia are transferred from Vojvodina to Serbia", said Bojan Kostres and emphasized: "This is one of the decisive battles for the autonomy of Vojvodina and the moment when the provincial administration does not wish to tolerate Serbia's stepmotherly attitude towards it any more".<sup>41</sup>

The transformation of NIS is not the only case when the Belgrade authorities demonstrated their ignorance about Vojvodina.<sup>42</sup> Despite Vojvodina's resistance, the Serbian Parliament adopted the proposal of the Republican Government for granting a concession for the construction of a

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and should the Government stick to its decision to set up the headquarters of Transnafta in Belgrade. *Dnevnik*, 24 September 2005.

"They can call the people to go out into the streets, because they have no other fish to fry", said Dejan Mikavica from the DSS. "I don't think that the citizens will respond to those calls, nor do I see that Vojvodina will lose anything". *Gradjanski list*, 24/25 September 2005.

<sup>40</sup> Dragoslav Petrovic, leader of the DS deputies club in the Provincial Assembly, stated that at the meeting of the leaders of the deputies clubs of Democratic Party, League of Social Democrats of Vojvodina, Alliance of Vojvodina Hungarians and Power of Serbia Movement (DS, LSV, SVM and PSS), there was talk about holding a referendum at which the citizens of Vojvodina would express their opinion on the requests of the provincial administration. However, this idea was dismissed, because it was concluded that the referendum would not be efficient under the given circumstances, that it would last too long and that it would not be appropriate in the current situation. *Dnevnik*, 28 September 2005.

<sup>41</sup> The Vojvodina Board of G17 Plus accused Kostres trying to manipulate the citizens of Vojvodina with his malicious and demagogic statements. In its statement, Kostres is asked to explain the citizens of Vojvodina why the revocation of the Law on NIS and the announced restructuring of NIS are not in their interest. *Dnevnik*, 25 August 2005; *Gradjanski list*, 25 August 2005.

In the opinion of the provincial authorities, if the headquarters of Transnafta are moved out of Vojvodina, the Province will lose at least one billion euros in the future privatization process, since it will not be entitled to 50 per cent of privatization revenues, which belongs to it if the privatized enterprise is from its territory. According to some estimates, "privatization money would enable the creation of 50 thousand new jobs".

<sup>42</sup> Such tendencies were observed on a number of occasions. According to Bojan Pajtic, some republican ministries, while drafting new laws, missed to include Vojvodina's competences in the statutory provisions, which leads to the abrogation of its autonomy. Under the laws governing telecommunications, higher education, student standard and energy, the provincial competences are either minimized or completely disregarded. *Dnevnik*, 21 January 2005. In their talk with Josep Lloveras, Head of the EC Delegation to Serbia and Montenegro, the Vojvodina Prime Minister and President of the Vojvodina Assembly expressed their concern about the systematic negation of Vojvodina's competences and a tendency towards abrogating its autonomy, which is demonstrated by the Republican Government and the majority in the Serbian Assembly. *Dnevnik*, 26 August 2005.

highway from Horgos to Pozega.<sup>43</sup> Neither the Parliament nor the Executive Council of Vojvodina were consulted, or included in the preparation of this proposal which, according to Bojan Kostres, shows that the "current Serbian Government is absolutely anti-Vojvodina oriented. They care about Vojvodina only before the elections and when its money should be taken so as to finance projects in Serbia".<sup>44</sup> The Law on the Government especially caused discontent, because it authorizes the Government to verify the constitutionality and legality of the enactments of the provinces, cities, municipalities, public enterprises, institutions and public authority holders, as well as to suspend the enforcement of general and particular enactments and, in real fact, never to launch an initiative for the verification of their constitutionality. In public reactions it was pointed out that the verification of constitutionality and legality comes within the competence of the Constitutional Court and that, in this case, it is the question of "usurping constitutional-court authority to the detriment of the autonomy of the provinces and local self-governments",<sup>45</sup> or, in other words, that it was the question of the "empire of executive authority", and that "contrary to the Constitution, all state regulations are subjected to the Government's discretionary right and bureaucratic voluntarism".<sup>46</sup> "If I wish to be rude, I can say that the Government's attempt to enable itself to invalidate the decisions of the provincial bodies and local self-governments is - a mild

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<sup>43</sup> The semi-highway from Horgos to Novi Sad has not been constructed, while the full-profile highway E-75 from Novi Sad to Belgrade is being completed; the highway section from the Serbian capital to Pozega has not been constructed. In the opinion of Jovan Vujcic, "a concession cannot be granted for the already constructed section of a highway, but only for the section which the concessionary is obliged to construct." *Dnevnik*, 25 May 2005. In an attempt to prevent the transfer of money from Vojvodina, the Provincial Assembly proposed that concession money should be allocated for financing road construction in Vojvodina - the bypass road around Fruska Gora and the Banat trunk road. "We do not shy away from applying the principle of solidarity and allocating a portion of that money for the maintenance of the road network outside our territory as well," said Kostres, "but the larger portion of money should remain here and be spent on road improvement in Vojvodina". *Dnevnik*, 13 April 2005.

<sup>44</sup> *Dnevnik*, 25 May 2005.

<sup>45</sup> Arguing that, by usurping someone else's competences, the Government acts as some kind of governor of the provinces and local governments, Momcilo Grubac said: "Just as it cannot verify the constitutionality and legality of the regulations adopted by the National Assembly, so the Government cannot do that with the regulations adopted by the Provincial Parliament. It is the question of the same authority, so that the same rules must also apply to its organization, since one legislative authority cannot be less valid than the other". *Dnevnik*, 4 June 2005.

<sup>46</sup> Bojan Kostres, *Dnevnik*, 18 June 2005.

form of coup d'état", said Bojan Kostres, President of the Vojvodina Assembly.<sup>47</sup>

The anti-reform and anti-European tendency, demonstrated in the mentioned cases, is not only directed towards the provincial resources<sup>48</sup> and their economic exploitation. It is also an attempt to negate Vojvodina and its autonomy. Commenting on the Platform on the status of Vojvodina in the future Serbian Constitution, Dusan Bajatovic stated that "Vojvodina is the Serb-Serb question and not the minority one".<sup>49</sup> The first part of Bajatovic's statement is the general nationalist pattern used for the negation of Vojvodina's autonomy because, according to the nationalists, "it made sense only in the foreign empire, but not in the Serbian state". The mentioned pattern is also repeated by some Hungarian nationalists, who also hold that the Vojvodina question is a "Serb-Serb question".<sup>50</sup> In the opinion of the Serbian nationalists, the question of autonomy is superfluous from the viewpoint of the state (and the province) in which the Serbs constitute a majority, while in the view of the Hungarian nationalists, Vojvodina's autonomy is unimportant or, at least, less important, relative to the desired ethnic autonomy. Consequently, in either case, the ethnic reason is used against Vojvodina's autonomy.

The second part of Bajatovic's assertion that the Vojvodina question is not the minority question points to the hegemonistic and ethnocentric aspirations, whereby the question of the governmental system is the question of the ethnic (Serb) majority or, better said, the privilege exercised on the basis of one's ethnocultural affiliation, and not the right which arises from the citizen status entitling every individual, regardless of his/her ethnic origin, to

<sup>47</sup> *Gradjanski list*, 1 June 2005. Serbian President Boris Tadic refused to sign the Law on the Government because it was not in conformity with the Serbian Constitution.

<sup>48</sup> One of Vojvodina's resources is agriculture. When Vojvodina was struck by flood, the Vice-Presidents of the Provincial Executive Council, Tihomir Simic and Dusan Jakovljevic, criticized the relevant Republican Ministers for failing to declare the state of natural disaster. Zoran Loncar, Minister for Administration and Local Self-Government, replied that the Government could not do that, since there were no legal grounds for that. According to the print media, one million hectares of arable land in Vojvodina were not protected against flooding, because Vojvodina has no money for the construction of new levees and the reinforcement of new ones, or for the maintenance of water structures. For that purpose, the public enterprise Vode Vojvodine (water management company) required 675 million dinars, but obtained only 200 million dinars from the republican budget. *Gradjanski list*, 16 February 2005.

<sup>49</sup> *Dnevnik*, 29 March 2005.

<sup>50</sup> Vojvodina will be what the Serbs want it to be, holds Sandor Pall, President of the Democratic Union of Vojvodina Hungarians. *Dnevnik*, 27 November 2005. In their letter to President Tadic, Prime Minister Kostunica and Minister Draskovic, Sandor Pall, Andras Agoston and Laszlo Racz Szabo pointed out that the autonomy of Vojvodina is not the autonomy of its minorities, but of the Serbian people in the Province. *Dnevnik*, 15 December 2005.

participate in political decision-making. In an attempt to liquidate Vojvodina's autonomy politically, the ethnonationalists do not hesitate to annul the basic principle of modern democracy – the idea of citizen equality. The question of Vojvodina and its autonomy concerns all citizens of Vojvodina/Serbia. What is at stake here is not only the question of control over its resources, for example, but also the question of identity.

Although it is important, the question of Vojvodina's identity is absolutely disregarded. Through the building of Vojvodina's identity, the process of Vojvodina's forced ethnization and bursting at the ethnic seams can be weakened and slowed down to a great extent. Identity enables every citizen of Vojvodina to cherish his/her specific ethnic identity and, through the common values,<sup>51</sup> build identity which is not based on one's belonging to an ethnic community. As the example of identity multiplication, Vojvodina's identity has become the target of majority ethnonationalists,<sup>52</sup> because, from the nationalist viewpoint, it has been identified as one of the mechanisms by means of which one's own ethnic community is weakening and being fragmented,<sup>53</sup> and which can be "abused" for the secession of Vojvodina from Serbia.<sup>54</sup>

One of the main reasons why the identity of Vojvodina causes the odium of the ethnonationalists also lies in the fact that it can mobilize support for Vojvodina's autonomy. On the other hand, through the request for ethnic autonomy, that support is declining and the position of provincial institutions is weakening. However, one thing must be emphasized – despite all comments that could be heard in public with respect to the request for ethnic autonomy,<sup>55</sup>

<sup>51</sup> One should bear in mind the words of Laszlo Vegel: "Those who advocate the autonomy of Vojvodina do not know how to formulate the values of Vojvodina, nor do they know how to respect the values which do not only have political dimensions... We have always been focused on politics... but, autonomy begins with spiritual force". *Gradjanski list*, 30 April/2 May 2005.

<sup>52</sup> "Those attempts at dividing identity rely on the Komintern's obsessive struggle against 'Greater Serbian hegemonism', which is still encouraged by the still alive 'Kumrovec intelligentsia', with a view to separating Vojvodina from Serbia", holds Velibor Radusinović, a DSS official, 20 October 2005.

<sup>53</sup> The nationalists point out that only the Serbs will be Vojvodjani, while Hungarians, Slovaks and Croats, for example, will remain to be Hungarians, Slovaks, Croats, etc.

<sup>54</sup> "In itself, emphasis on regional identity is not disputable", says Velibor Radusinovic, a DSS official, "if, naturally, there is no abuse. The problem lies in the fact that some people in Vojvodina are ready for abuse. When someone says that he is a Sumadinac, that does not cause negative any negative reaction, because nobody even contemplates seceding Sumadija from Serbia". *Dnevnik*, 20 October 2005.

<sup>55</sup> Dragoslav Petrović (DS): "Should the model of ethnic autonomies be adopted, that would mean the ghettoization of the minority populations, which is not in

it is a forced solution in the situation when the minorities do not accept it and the universal democratic contents are brought into question. Any deal made by ethnonationalists that everyone should govern where his ethnic group constitutes a majority, would get other minorities in Vojvodina into very unfavourable position and lead to their reproduction at the lowest possible cultural level, accelerated assimilation and vanishing. Finally, such a deal would incite migration within Vojvodina, since everyone would like to live in the environment where the members of his ethnic group constitute a majority. In such a situation, ethnic violence would be not only the accompanying phenomenon of a new migratory movement, but one of the basic instruments of ethnic stylization and recomposition of the Vojvodina territory.

Ethnic violence is one of the problems that were faced by Vojvodina<sup>56</sup> for the greater part of the last year.<sup>57</sup> Officially, ethnic violence was reduced to

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the interest of the minority populations, or Vojvodina, or Europe itself". *Dnevnik*, 10 November 2005.

Gabor Lodi, Vice-President of the Executive Council of Vojvodina: "The initiatives of some political parties for the provisions of territorial autonomy for members of some ethnic communities under the Republican Constitution cannot end well for members of those national communities, or the citizens of Vojvodina", which is "permeated with numerous nations so much that there are no ethnically pure territories. For example, almost half of Vojvodina Hungarians (about 124 thousand) lives outside the municipalities in which the Hungarians constitute a majority", *Dnevnik*, 17 November 2005.

Emil Fejzulahu (LSDV): "Ethnic autonomies would be disastrous for a multinational community such as Vojvodina and, therefore, the requests of the Belgrade authorities for the ethnic autonomy of Kosovo Serbs would be especially problematic for us, because some representatives of the Hungarian community in Vojvodina invoke just that formula for settling their status, based on the principle of reciprocity." *Dnevnik*, 21 November 2005.

Djordje Basic (PSS): "Neither the Hungarians nor members of other minority groups in Vojvodina deserve to live in a ghetto." *Dnevnik*, 21 November 2005.

Rasim Ljajic, Minister for Human and Minority Rights of Serbia and Montenegro: "Ethnic autonomies are not a solution, since Serbia would thus practically become the confederation of ethnic autonomies", *Gradjanski list*, 1 November 2005.

Aleksandar Popov, Director of the Centre for Regionalism: "Ethnic autonomies diminish a chance for civil autonomy, which would contribute that we all feel better. Those are the leaders' games that the tendencies towards ghettoization and division into national groups are brought to an end, but I think that this variant enables only the leaders to make gains, while members of all peoples will lose", *Gradjanski list*, 11 January 2005.

<sup>56</sup> Inter-ethnic relations in the Province have become the object of the monitoring mission of the European Parliament. At the end of January, a five-member commission arrived in the country in order to get acquainted with the nature of incidents in Vojvodina. "We cannot blame the whole state for incidents", said Doris Pack, who was at the head of this commission, "but it remains to be seen why they happen so often. At the end of September, the European Parliament passed the

the level of an accident and the political elite insisted on such a qualification even when the public in Vojvodina was faced with the horizontal distribution of violence.<sup>58</sup> Not only the political elite, but also various civil society representatives tried to explain "incidents" in various ways. Once these "incidents" were explained as a reaction to the violence in Kosovo, then as manipulation by ethnic leaders and their will to power, then it was resorted to banal political functionalization and the causes of these conflicts were sought outside Vojvodina/Serbia and reduced to internal competitions and political struggles in neighbouring Hungary, then to insufficient mutual knowledge among different nations, inefficient work of the police and judiciary, a difficult economic situation and a great number of unemployed, etc.

It is interesting to note that almost no one considered the fact that those incidents are also an important piece of information on developments in the depths of society. According to a survey conducted by the Civil Society Development Centre, Vojvodina is faced with the division of society along ethnic lines<sup>59</sup> and, this is a prerequisite for violence.<sup>60</sup> If one bears in mind that

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Resolution on the Protection of Multiethnicity in Vojvodina. The Parliament requested from the Commission, the Council and the High Representative for the Common Foreign and Security Policy to monitor the situation in Vojvodina and send EU monitors to the Province. Finally, in October, after the adoption of the Resolution, a debate on the status of the minorities was held in Brussels. Apart from the Government's representatives, the participants included the representatives of the minorities and Sonja Biserko, Chairperson of the Helsinki Committee, as the only representative of the non-governmental sector. In the debate, Sonja Biserko pleaded for the constitutional autonomy of Vojvodina and pointed out that the imposition of the ethnic principle on Vojvodina would be a dangerous precedent.

<sup>57</sup> Members of the Hungarian community were the most frequent targets of ethnic banditry. It should be noted that the Hungarian political elite, faced with the minimization of the problem by official Belgrade, did not display interest in the intensification and escalation of the conflict but, with the help of Hungary, decided to internationalize the problem. Such a strategy proved to be very successful, since the number of incidents in 2005 was reduced. On the eve of its negotiations on the final status of Kosovo, the Belgrade authorities did not want to have strained relations with the influential international factors.

<sup>58</sup> During the past 15 years, inter-ethnic relations in Vojvodina were continuously strained, said Sandor Pall, the leader of the Democratic Union of Vojvodina Hungarians (DZVM), but the Serbian authorities did nothing to improve the situation. They even have no exact data on the number of incidents in Vojvodina, while the courts apply a double standard to the Serbs and Hungarians. In his view, the degree of ethnic tolerance in Vojvodina declined - which should not be minimized. *Dnevnik*, 24 October 2005.

<sup>59</sup> There are various reasons for such a division along ethnic lines - when members of one or more ethnic communities are not accepted as equal members of society in every respect; when important agencies are unable to provide professional services to members of different ethnic communities, when members of minority



inter-ethnic relations in Vojvodina are also influenced by the developments outside Vojvodina, then one should not rule out the possibility of new attacks against some minorities. This refers especially to the Ashkalia, who are often equated with Albanians by their fellow townsmen.

In addition to the inefficient reaction by the government bodies, the aggravation of inter-ethnic relations has shown that the Province has no efficient instruments for conflict management. One of those instruments, the police, is still a very centralized institution over which the Province actually has no jurisdiction.<sup>61</sup> Truly, by realizing the project "The Affirmation of Multiculturalism and Tolerance in Vojvodina", the provincial administration has taken the appropriate steps so as to reduce the ethnic distance, promote the mutual understanding of different ethnic communities and encourage interethnic accommodation, while at the same time relieving the society of tensions and unproductive conflicts. The effects of these affirmative actions would be much stronger should their promotion and realization be in charge of important social subsystems – informative, cultural and educational. This refers especially to educational ones, because a great number of young people took part in inter-ethnic incidents in Vojvodina.<sup>62</sup>

The general atmosphere in society, ideological confusion, social crisis and a great number of unemployed provide a suitable ground not only for the radicalization of young people and the spreading of rightist, neo-Nazi ideologies, but also for their increasingly more aggressive public demonstration. A very illustrative example is the scandal that took place at the

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communities do not accept the exclusive values or interests by which one system is legitimized, etc.

<sup>60</sup> According to Tamas Korhecz, Provincial Secretary for Administration, Regulations and National Minorities, ethnic communities in Vojvodina "live next to each other". He holds that the reasons for ethnic intolerance and ethnically-motivated incidents lie in the lack of knowledge about each other's cultures. *Dnevnik*, 19 October 2005.

<sup>61</sup> The draft law on the police does not anticipate the police administration in Vojvodina. The President of the Vojvodina Assembly, Bojan Kostres, requested that this document should regulate the formation of the police administration, since it would be in the interest both of the Province and the Republic. Tomislav Bogunovic, President of the Vojvodina Assembly Security Committee, also agreed to the formation of a special police administration. He requested that a part of the police's competences should be transferred to the local level, so that the mayors could have certain authority over the police. *Dnevnik*, 21 October 2005.

<sup>62</sup> The educational contents do not disseminate enough information on the history and culture of members of different ethnic communities, thus providing enough space both for the "negative action" of stereotypes and prejudices, as well as for their political exploitation and manipulation. The decline of inter-ethnic communication and the increasing ethnic distance create a social gap which is filled by various forms of violence committed by national extremists against the minorities.

Novi Sad Philosophical Faculty on 9 November, when a group of neo-Nazi interrupted the forum organized to commemorate the International Day of Struggle Against Fascism, Anti-Semitism and Racism, insulting and slapping the participants. The public condemned this scandal strongly and requested that all neo-Nazi groups in the society should be outlawed. The police identified the perpetrators and took them into custody, while the Provincial Parliament requested from the Serbian Government and other competent institutions to prevent the activities of the Skinheads, the organizations National Guard, Blood and Honour and Racial Nationalists, to forbid the political movement *Obraz*, as well as the activities of the Sixty-Four Counties Youth Movement<sup>63</sup> for insulting the integrity of the Republic of Serbia and the national feelings of its citizens.<sup>64</sup>

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<sup>63</sup> In cooperation with the Serbian Ministry of the Interior, the Vojvodina Assembly Security Committee prepared the report on the activities of informal groups and individuals having neo-Nazi characteristics, in which it is stated as follows: "The informal social group *Skinheads* (especially its subgroup *Skin Nazis*) is against crime, drugs, sexual perversion (they persecute transvestites, homosexuals, lesbians and prostitutes), Satanist and other destructive cults and all religious sects and Free Masonry; they are also against Roma, Albanians, Muslims, Jews, Negroes and foreigners (towards whom they demonstrate racism and chauvinism) and advocate a centralist (towards the state) *National Guard* is an international secret, racist, chauvinist and anti-Semitic organization, which is active in 18 countries. The informal group *Blood and Honour*, the Serbian Blood and Honour Division, began to operate in 1995, with the idea of spreading National-Socialism and motivating its followers by radical activism. Its flags are similar to the nationalist ones, or have a restylized swastika and two-headed eagle with four steels... that is an international Nazi, racist, chauvinist and anti-Semitic organization, which is active in 17 countries. The informal group *Racial Nationalists – Racionalists* supports the idea that the Serbs should have the greatest rights in their state and that they alone should decide about their state. It advocates the struggle against Roma – Gipsies and the defence of the Serb honour in the way in which their ancestors have done that. It also advocates the country in which there are no drug addicts, homosexuals, thief sectarians, degenerates and other mentally ill persons. Their slogan is: "A sound mind in a sound body, a sound environment and a sound state". The organization is similar to the American racist organization KKK. The political movement *Obraz* is a clerofascist organization. In contrast to the organizations *Dveri* and *St Justin the Philosopher*, which belong to the Christian right, *Obraz* is a racist organization. There is animosity between the Christian right and *Skinheads*, because the latter are non-believers. But, in an ideological sense, their programmes coincide. Namely, the basic elements of their programmes are identical: anti-Westernism, nationalism, ideological exclusivity, commitment to Radovan Karadzic and Ratko Mladic, homophobia, animosity towards liberal values and anti-Semitism. The informal social group the *Sixty-Four Counties Youth Movement* was observed for the first time in 2004. Its iconography includes the flag the Republic of Hungary, the Trianon flag and a black shirt with the white inscription in Hungarian: "I am a Hungarian". A smaller group of its members have shaven heads. The idea behind this movement is the unification of all regions in the Carpathian basin which are populated by Hungarians, as

At the session of the Provincial Assembly, at which the intrusion of the neo-Nazis into the Philosophical Faculty was condemned, the coalition partners failed to agree on the "object of condemnation", since the deputies of the Hungarian political parties found it unacceptable to lump the Honved and members of the Sixty-Four Counties Youth Movement together with the National Guard.<sup>65</sup> This detail is interesting and worthy of attention, because it points to some more general ideological trends in society. The suppression of the universal, emancipative ideas is accompanied not only by the emergence of various rightist, neo-Nazi groups and their aggressive and impudent activities, but also but also by the reinterpretation of history and the role of some historical actors. The nationalist relaxation of history leads to the trivialization of the role of the Honved as innocent, forcefully and recruited people,<sup>66</sup> on the

well as the revision, that is, abrogation of the Treaty of Trianon. The organization is forbidden in Hungary and has not been registered here. The Honved are also an informal group. It is a historical fact that the Honved were the voluntarily or forcefully recruited citizens of Vojvodina to serve in the Hungarian fascist army during World War II. At that time, they belonged to its regular units. The Honved are now aged from 70 to 80.

<sup>64</sup> *Gradjanski list*, 21 December 2005. On the occasion of these requests, Obraz sent an open letter to the provincial authorities, accusing them of "transforming Serbian Vojvodina into the worst occupation zone in which every scum will have the rights and freedoms, while the Serbs will have to keep quite and be subservient". Emphasizing that they are not "atheistic communists, or paid mondialists, or alleged fascists, but uncompromising St Sava nationalists", Obraz requested that the members of the National Guard should be immediately released. *Dnevnik*, 16 November 2005.

<sup>65</sup> *Dnevnik*, 16 November 2005. Sandor Egeresi, Vice-President of the Vojvodina Assembly and an official of the Union of Vojvodina Hungarians (SVM), said that the Honved from Vojvodina were not fascists, but the people who were forcefully recruited and sent to the Eastern Front. The Sixty-Four Counties Youth Movement is not a fascist movement either, said Laszlo Gyula, a deputy of the Democratic Alliance of Vojvodina Hungarians (DSVM). He also said that his son is not a fascist, although he is a member of that movement, which only advocates the multiethnic northern region. *Dnevnik*, 16 November 2005. The Sixty-Four Counties Youth Movement accused the SVM of plotting with the Serbian political parties, thus betraying the interests of Vojvodina Hungarians, because it upheld the conclusions of the Provincial Assembly. Egeresi repeated that this movement is not a neo-fascist organization, but that in its activities there are some elements which could be interpreted as revisionist. *Dnevnik*, 24 December 2005.

<sup>66</sup> "While some turned overnight into retired anti-fascists, some others now wish to diminish or even marginalize their participation in the fascist forces, by claiming that they were nothing else but regular, forcefully recruited soldiers", said the historian Ranko Koncar, Director of the Vojvodina Museum. "How viable is the thesis that the Honved, Wehrmacht and other regular military formations of the fascist regimes were comprised of ordinary soldiers and how seriously can one conclude that there was no dark ideology in their ranks? For example, horrible war crimes were committed just on the Eastern Front and on the German side there were not only the Nazis... Who is well-acquainted with the history of 1941-1945 will never accept the thesis that someone had

Hungarian side, and the rehabilitation of Chetniks<sup>67</sup> as antifascists, on the Serbian side. The dark sides of one's past are suppressed, while the role of an innocent victim is emphasized, since such revisionist interventions in history attempt to create the picture of one's past that is acceptable for the Western allies.<sup>68</sup> On the other hand, those genuinely European contents in history, like partisan antifascism, are marginalized and hardly reach the public.<sup>69</sup> The public and open political (and any other) struggle against nationalism and its specific myth about one's sacrifice; readiness to speak openly about the suppressed, dark pages of one's past,<sup>70</sup> building of tolerance and acceptance of

to submit to something if he has an alternative. Thus, you cannot complain later on that someone forced you to do something. Accordingly, history cannot grant amnesty to the Honved for what they were, nor can easily state that they were that under coercion - although politics can do that. For some time already, nobody has been mentioning Hungarian antifascists who were the first to bear the brunt of the Horthy troops. Consequently, the Honved had an alternative and I simply cannot accept fear and cowardliness as a historical virtue". *Dnevnik*, 20 November 2005.

<sup>67</sup> Why the world statesmen had no problem with the commemoration of antifascism? According to Olivera Milosavljevic, historian and professor at Belgrade University, "because they have no problem of inferior societies which, in the absence of identity and legitimacy, try to find them in the fabricated past... They do not have, like our political elite, to celebrate victory and keep quiet about the victors so as to provide space for the celebration of the losers and hushing up of their defeat... The losers are not celebrated and equated with the victors over fascism because of them alone. They are celebrated only to keep their ideology alive. And when one day the rehabilitation of the Chetnik ideology becomes an accomplished fact, then, in the view of our political elite, the wars of the 1990s, which were led by that ideology, will also be rehabilitated. *Danas*, 23/24 May 2005.

<sup>68</sup> Ranko Koncar: "I cannot believe that the meeting on Ravna gora will be organized by the Government, the meeting to the glory of the movement which had the idea of homogeneous Serbia in its programme. One should also bear in mind that the concept of homogeneous Serbia points out clearly that all national minorities will be expelled from the Serbian territory and that is contained in the programme of the movement to which we have given anti-fascist legitimacy". *Dnevnik*, 8 May 2005.

<sup>69</sup> Nobody even mentions the antifascism of Vojvodina Hungarians.

<sup>70</sup> The deputies' clubs of the coalitions For Vojvodina and the Union of Vojvodina Hungarians submitted to the Executive Council of the Autonomous Province of Vojvodina the draft declaration on the condemnation of war crimes committed in Srebrenica. By this declaration the government bodies of the State Union of Serbia and Montenegro and Serbia are called to pay tribute to the Srebrenica victims and learn the lasting lesson from their suffering about the disastrous consequences of ethno-nationalism, warmongering and blind and uncritical patriotism. It should also be noted that the Executive Council of the Autonomous Province of Vojvodina proposed to the Serbian Government to proclaim 11 July the Day of Mourning in order to commemorate the suffering of innocent victims in Srebrenica in a dignified way. *Dnevnik*, 23 June 2005. Although not one initiative was accepted, the Vojvodina Parliament was the only state institution which commemorated the 10<sup>th</sup> anniversary of the genocide in Srebrenica on

Another as one's equal, cooperation with the neighbours and the adoption of the European democratic values are the most efficient barriers against the fascization of society. "Every effort put forth by Vojvodina toward Serbia's European integration and every support given to Vojvodina in that respect", said Bojan Kostres at the formal meeting devoted to the Day of Victory over Fascism, "are the expression of attempts to prevent the fascization of these regions and integrate them with the civilized, organized and modern countries, with something that is called Europe".<sup>71</sup>

## Conclusions

In an attempt to achieve a higher degree of autonomy, the Vojvodina political elite is faced with several problems: one of them is that the politicians in Vojvodina have not reached a consensus on the desired model of autonomy; the second problem concerns the identity of Vojvodina, whose mobilization potential has been completely suppressed and neglected and, finally, the third problem is a double standard applied by the Serbian Government, in an attempt to reduce even the current degree of Vojvodina's autonomy, while at the same time offering "more than autonomy" to Kosovo. Thus, the already weak position of the autonomists is weakening still further, while the central authorities are able to redirect support for them by mobilizing political sentiments and in some other ways.

Apart from the mentioned processes, the support for autonomy is also influenced by the processes outside Vojvodina. The increasingly more certain independence of Kosovo will build up pressure both on the minorities and on Vojvodina. The minorities can resist the Serbianization of Vojvodina in two ways – by taking a more active part in the struggle for its autonomy, recognizing in it the important institutional possibilities for the preservation of their identity, or by responding to Serbianization by self-isolation and, in the case of the largest and best organized Hungarian minority, by requesting some special institutional arrangements. The request for territorial ethnic autonomy

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11 July. On that occasion, in the hall of the Vojvodina Assembly, the collected works "Srebrenica – from Denial to Recognition", edited by Sonja Biserko, Chairperson of the Helsinki Committee, were presented. The gathering was organized by the Helsinki Committee and the Independent Journalists Association of Vojvodina.

<sup>71</sup> *Dnevnik*, 10 May 2005. The opening of the reconstructed *Bridge of Freedom* in Novi Sad was of great symbolic significance for the integration of Vojvodina, that is, Serbia into the European Union. Although it was agreed that the formal opening should be on 11 October, it was put into operation by Mayor of Novi Sad Maja Gojkovic several days earlier. From the Radical viewpoint, this was a clear message to Europe how things with European integration stand. Otherwise, this bridge was destroyed in April 1999, during NATO bombing, and its reconstruction was financed by the European Union.

is an instrument by means of which, with the withdrawal of the Hungarian political factor, the autonomist bloc is fragmented.

The Vojvodina question is completely overshadowed by the unsettled Kosovo question. The central authorities in Belgrade are trying (and will try) to use the beginning of the negotiations about the final status of Kosovo for delaying the adoption of the new Constitution and, thus, for the settlement of Vojvodina's status. By settling the status of Kosovo, as well as the relations within the State Union of Serbia and Montenegro, the Vojvodina question will be raised both on the internal and external plane.

Insistence on the European values and readiness to participate in broader European integration processes can be an important asset in acquiring international support for the requests of the Vojvodina elite. To protect its interests on the internal plane, Vojvodina must to secure its place in the team negotiating about the accession of Serbia and Montenegro to the European Union. In addition, the autonomists' activities must be directed, more than ever before, towards the conservative part of the public, whose prejudices and stereotypes are exploited by the nationalists.

## Recommendations

- To provide strong support to Vojvodina's pro-European efforts;
  - To reach a consensus on the desired model of autonomy;
  - To acquaint the representatives of the international community with the desired model of autonomy and to lobby for their support;
  - To deconstruct the anti-autonomist prejudices of the conservative part of the population;
  - To support the regionalization of Serbia with a view to stabilizing Vojvodina's position as much as possible;
  - To regulate Vojvodina's status according to the principles of consistent decentralization, regionalization and autonomy;
  - To enable Vojvodina to achieve the greatest possible political autonomy relative to Belgrade;
  - To work on building the identity of Vojvodina in a systematic way;
  - To promote the common values;
- To include the representatives of Vojvodina in the drafting of the new Constitution.

## **SANDŽAK: AT THE CROSSROADS OF POLITICAL DEVELOPMENTS**

On the eve of start-up of negotiations on the future status of Kosovo and expected referendum on the state status of Montenegro, the region of Sandžak is anew at the very juncture of the most important political developments in former Yugoslavia. And while it is not expected that any results of negotiations on Kosovo would impact the political future of that region, a possible independence of Montenegro would lead up to emergence of the state border dividing that region and its local Bosniak population.

Sandžak is currently administratively divided between the two members of the state union of Serbia and Montenegro. Six Sandzak municipalities, namely Novi Pazar, Sjenica, Tutin, Priboj, Prijepolje and Nova Varoš, belong to Serbia and five of them- Bijelo Polje, Rožaje, Plav, Pljevlja and Berane, belong to Montenegro. That border between Serbia and Montenegro was established at the end of the First Balkans War, in 1912. Previously Sandžak mad part of the Ottoman Empire. That region has never had a special status or any kind of autonomy in former Yugoslavia and in the current state union of Serbia and Montenegro. However, Bosniak locals in Sandžak, notably those in its Serb part, tend to feel strongly about their regional roots.

### **Intra-Bosniak Divisions**

According to the 2002 Serb census, population of the Serb part of Sandžak amounts to 235,567 people, of whom 132,350 are Bosniaks or Muslims, 89,396 are Serbs and 5,000 belong to other nations and minorities. 136,087 Bosniaks and 19,503 Muslims living in the whole Republic of Serbia, make up 2% of its total population. Interestingly enough nearly all Bosniaks in Sandžak responded to the calls of their cultural and political associations to declare their nationality as Bosniak, and their mother tongue as Bosniak. In Tutin, for example, of 30,054 citizens 1,299 declared themselves as Serbs, 28,319 as Bosniaks, and only 223 as Muslims. However, acceptance of the terms Bosniak and Bosniak language was not so smooth in the rest of Serbia. In

Belgrade only 1,188 citizens declared themselves as Bosniaks and 4,617 as Muslims. In Vojvodina, according to the 2002 census, only 417 people declared themselves as Bosniaks, and 3,634 as Muslims.

With only 2% share in total population of Serbia, Bosniaks do not represent an important political force, but in that regard situation in Montenegro is completely different. Bosniaks in Montenegro are the third largest population group. Of 672,656 citizens of that Republic, 273,366 Montenegrins account for 40.64% of population, 201,892 Serbs account for 30.01 % of population, 63,272 Bosniaks account for 9.41% of total Montenegrin population, 47,682 Albanians account for 7.09%, and 28,714 Muslims account for 4.27%. Neither in Montenegro the term Bosniak was easily accepted, which prompted Sulejman Ugljanin and his coalition List for Sandžak, to repeatedly accuse Milo Đukanović, Montenegrin Prime Minister and the official Podgorica of toeing an anti-Bosniak line. Breakdown of the Bosniak municipal population is the following: Novi Pazar- 80%, Tutin-97%, Sjenica-85%, Prijepolje-40%, Priboj-10%, Nova Varoš-8%, Rožaje-90%, Bijelo Polje-40%, Plav-80%, Pljevlja-30% and Berane-30%.

While part of members of that nationality are still undecided regarding their national name, their political representatives are increasingly engaging in faction-style strife. The entire 2005 in Sandžak was marked by mutual accusations of and run-ins between the two leading Bosniak parties, Party of Democratic Action headed by Sulejman Ugljanin and Sandzak Democratic Party headed by Rasim Ljajić. Other Bosniak parties were divided, according to their backing, either for "Sulja or Rasima". September 2004 local elections heralded an exciting year-2005- for the Bosniak party scene, since until then unbeatable Ugljanin-led PDA and coalition List for Sandžak lost their absolute majority in municipal assemblies of Novi Pazar and Sjenica, and retained power only in Tutin.

List for Sandžak most sorely felt the loss of power in Novi Pazar, where it won only 21 of a total of 47 seats. However in the run-off Ugljanin managed to become the municipal president, though the strife between him and the assembly majority is yet to be finalized. At the 11 November 2004 session, Azem Hajdarević, Vice President of List for Sandžak was elected President of Assembly thanks to votes of 26 MPs of Ljajic-led Sandzak Democratic Party, the Serb Democratic Alliance and the Serb Radical Party.

Ugljanin maintained that sessions of municipal assembly of Novi Pazar were unlawfully convened and consequently refused to recognize election of Hajdarevic, and decision of new authorities relating to naming of local directors. Thanks to the police intervention new directors took office only on 9 February 2005. Because of that intervention, *List for Sandžak* demanded resignations of the Serb Interior Secretary Dragan Jočić and of Head of Novi Pazar Police Department, Muamer Nicović.

On that occasion the List of Sandžak issued the following communique: "By forcibly and groundlessly raiding premises of directors of public companies and institutions, members of Serb police and those of police department in Novi Pazar carried out a brutal action against the law. <sup>11</sup> In late February posters-search warrants with photos of Rasim Ljajic, Fevzija Muric and Azem Hajdarevic, respectively President and Vice President of the Party for Sandzak and names of 17 MPs of Bosniak called traitors because of their co-operation with MPs of the Serb Radical Party, were affixed on walls of many buildings in Novi Pazar. The posters read: "You have betrayed Bosniak national interests, you are colluding with Chetniks and policemen in order to divide Bosniaks. Shame on you! Bosniak people and your children shall never forgive you that gesture."<sup>2</sup>

Rasim Ljajic accused Ugljanin of being behind that action. Ljajic said: "Organization which has signed the leaflet does not exist. Ugljanin backed that leaflet by saying that everyone is entitled to write according to his or her will. Ugljanin's party lost power in all Sandzak municipalities, barring Tutin. Such moves are motivated by the panic he feels."<sup>3</sup>

### Strife for Local Self-Government

Added to that Sulejman Ugljanin accused the Serb Interior Minister Dragan Jočić and Minister for Human and Minorities Rights of the State Union of Serbia and Montenegro, Rasim Ljajic, of using the local, Novi Pazar police to the political ends, and the Serb Local Self-Rule Minister, Zoran Lončar, of "encouraging unlawful actions of representatives of municipal assembly." Ugljanin also maintained that someone in Belgrade obviously wanted to provoke incidents in Novi Pazar and to curb positive political processes and development of the city. He also assessed that Lončar, Jočić and their "new friend Ljajic" would gladly introduce *lex specialis* in Novi Pazar in order to "effect a showdown with Bosniak people who had never elected Ljajic at proper elections".<sup>4</sup>

Ugljanin's accusations were refuted by the aforementioned public figures, and the majority in the municipal assembly of Novi Pazar set up a Commission to probe into the budgetary spending during the former, Ugljanin-led authorities. At the helm of Commission was Munir Poturak, Vice President of Sandžak Democratic Party, and as early as in mid-February, it disclosed various abuses of municipal coffers, amounting to losses to the tune of 7-10 million Euro. Azem Hajdarević, President of Assembly of Municipality

<sup>1</sup> *Danas*, 11 February 2005

<sup>2</sup> *Gas javnosti*, 21 February 2005

<sup>3</sup> *Blic*, 26 February 2005

<sup>4</sup> *Danas*, 15 February 2005

of Novi Pazar, assessed that Ugljanin obstructed the new, local authorities, in order to hide "nepotism, crimes and corruption during his rule."<sup>5</sup>

President of *Party for Sandžak* and member of Municipal Council in Novi Pazar, Fevzija Murić, asked the Serb Interior and Finance Ministers, Dragan Jočić and Mlađan Dinkić to send a budgetary inspection team and embezzlement experts to Novi Pazar to probe into the alleged misuses of Ugljanin-led authorities. Murić also asked the Serb Justice Minister Zoran Stojkovic to task the prosecution and judicial bodies with investigation of that case. Muric, a former close aide of Ugljanin and president of the municipal assembly in Novi Pazar in 1997 also stated: "Ugljanin well knows what was stolen and who from his inner circle robbed the municipal property. He is afraid of jail, and does his utmost by causing chaos in the city to prevent any legal probe into the case."<sup>6</sup>

Confronted sides then resorted to filing of charges. Ugljanin filed charges against the newly-elected local officials and new directors of public companies in Novi Pazar, but also lodged a lawsuit against Ministers Jočić and Lončara, for "having misused their ministerial prerogatives in order to provoke an intra-Bosniak conflict." Ugljanin also accused the Serb Minister for Local Self-Rule and State Administration, Zoran Lončar, of passing unlawful decisions in the Novi Pazar local parliament, and the Serb Interior Secretary, Dragan Jočić, of abusing the police for political purposes, and inciting them to take part in unlawful actions. Ugljanin also called on the Serb Prime Minister Vojislav Koštunica to convene an urgent meeting of the Council for Minorities to discuss "the hostile stand of state bodies" on legitimate representatives of Bosniak Minority in Novi Pazar.<sup>7</sup> On behalf of the municipal majority Azem Hajdarević responded by filing a series of charges against Ugljanin and his aides on grounds of "their misuse of power in the period between 2000 and 2004."

However none of those charges saw its epilogue in the court, while the central authorities in Belgrade remained on the sidelines because "we do not want to act as judges in an internal Bosniak political conflict." Because of its role, only the Serb Ministry for the State Administration and Local Self-Rule was compelled to respond. And its reaction consisted in rejecting the demand of Sulejman Ugljanin to declare null and void the constituting session of assembly of municipality of Novi Pazar, election of municipal council and subsequent decisions of those bodies. Lack of co-operation between Ugljanin and municipal council led to near-total blockade of public services in Novi Pazar. In line with Amendments to the Act on Local Self-Rule, president of municipality is elected directly and vested in broader authority. On the other

<sup>5</sup> *Danas*, 16 February 2005

<sup>6</sup> *Večernje novosti*, 6 April 2005

<sup>7</sup> *Politika*, 23 February 2005.

hand due to important powers of the executive power, co-operation between municipal council and municipal president is of great importance, for it impacts a proper functioning of any municipality.

And such co-operation in Novi Pazar does not exist. Because of the ongoing power-struggle, the municipal budget was repeatedly blocked and Ugljanin went as far to refuse to sign orders relating to payment of salaries to some public services employees. Due to overdue salaries the cleaning and other utilities services staff went on strike, while the regional TV staff strike has entered its sixth month. Mutual accusations are flying in regard to such a situation in local services. Situation in nearby Sjenica is equally bad. At the September 2004 local elections Esad Zoric, candidate of Ljajić's party, was elected the municipal president, and the municipal majority was formed by Ugljanin-led party and Popular Movement for Sandžak led by Dzemail Suljević. But that coalition was disbanded after several months, and Suljević joined forces with Ljajić's party to form a new municipal majority. Though it still exists, due to visible weaknesses of that coalition, some members of other parties urge new, snap elections for the Sjenica municipal assembly.

### Belgrade's Tilt Towards Ugljanin

Though officials of the Democratic Party of Serbia in the post-2004 election period included Ugljanin-led Party of Democratic Action into political organizations "not earmarked for coalition co-operation", due to the mid-2005 Copernikanian turn, in September 2005, Vojislav Kostunica and Sulejman Ugljanin signed a co-operation agreement. That move surprised the Serb public at large in view of an obvious inclination of official Belgrade and Democratic Party of Serbia towards the Bosniak leader, Rasim Ljajić. During the most intense and violent conflicts between DPS and DOS in the post-5 October period, Koštunica kept underscoring his high regard of Rasim Ljajić. After the fall of the DOS-lead authorities, DPS insisted on Rasim Ljajić as a ministerial holdover, and moreover named him the president of the National Council for Co-operation for the Hague Tribunal. That the latter post was indeed a hot potato for Ljajić, was evidenced by the previous rejection thereof by all the Serb candidates.

Representatives of Serb parties in Novi Pazar won the backing of their headquarters for coalition with Ljajić's party. DPS MP Goran Saric then said: "We, members of the Serb community are familiar with Ugljanin's personality. So there is no need for him to promise us now monastery of Sopoćane, all the while labeling us as Chetniks. We constituted authorities together with representatives of the Bosniak community because we have at our heart the

future of Novi Pazar and the whole region." In parallel he demanded an investigation into misuses of power committed during the Ugljanin rule.<sup>8</sup>

In mid-2005 Serb Ministers Dragan Jočić and Velimir Ilić during their visit to Novi Pazar had talks with Ugljanin. During that visit they gave a wide berth to the local municipal council administered by Ljajić's party. After their meeting with Ugljanin, the Serb Interior Minister, Dragan Jočić stated: "High crime rate in this region must be reduced to the lowest possible measure and peace and confidence in legal state and order must be restored to citizens of Novi Pazar."<sup>9</sup> Both sides seemed to have forgotten that several months earlier Ugljanin demanded Jočić's resignation and filed charges against him for abusing the Novi Pazar police. Minister for Capital Investments Velimir Ilić promised that his ministry within the next two years would make "enormous investments" into road-construction and in other infrastructure.<sup>10</sup>

Such a move of Belgrade flabbergasted in the first place Novi Pazar Serbs used to generally accepted opinion that Ugljanin was a dangerous militant. Most popular party among the local Serbs, the Serb Radical Party, condemned the non-visit to the municipal assembly, and talks with Ugljanin "who obstructed the work of the municipal assembly, public companies and institutions." The Novi Pazar Radical Party members in its communiqué stated the following: "Ministers together with Sulejman Ugljanin toured the Serb local communities to restore his lost rating, while they left Serbs in a state of confusion and wondering what was happening and who was guilty for the power struggle in Novi Pazar."<sup>11</sup>

The Serb Democratic Alliance, the coalition of which Democratic Party of Serbia is a member, backed the ministers' visit and expressed its hope that the visit would lead to stabilization of political situation in the region. On the other hand, that ministerial visit and notably talks with Ugljanin, prompted President of Municipal Assembly, Azem Hajdarević, to accuse "some circles" in government of Serbia of "rendering their support" to "'lawlessness' which reigns supreme in Novi Pazar and backing political option of Ugljanin, which was plunging us into instability"<sup>12</sup>

Several days on from that visit, the two MPs of the List for Sandžak, Bajram Omeragić and Esad Džudžević, who had been elected to the Serb Parliament from the list of Democratic Party, left the MP club of Democratic Party and decided to back the Serb government. Thus the cabinet of Prime Minister Koštunica, as expected, compensated the previous loss of two MPs, from Čović-led Social-Democratic Party who had walked out over the NIS-related row and joined the opposition ranks. Bajram Omeragić and Esad

<sup>8</sup> *Večernje novosti*, 21 April 2004

<sup>9</sup> *Politika*, 2 June 2005

<sup>10</sup> *Politika* 2 June 2005

<sup>11</sup> *Danas*, 7 June 2005

<sup>12</sup> *Danas*, 10 June 2005

Džudžević then recommended the ruling parties to ponder their government appointments, as representatives of Ugljanin's party. Omeragić went on to explain in the Serb Parliament that List for Sandžak was open for any offer and that their reasons for co-operation with Kostunica-led government were primarily of pragmatic nature for "that government did a lot for development of Sandžak".

Omeragić maintained: "Currently government of Serbia is financing infrastructure in our region. Those investments are by far superior to any made in the previous 10 or 15 years. We are bulding two sports halls, 15-16 routes in Pester mountain, and also finalizing the reconstruction of a very important Kraljevo-Novı Pazar highway. Added to that Telekom Serbia has in our region an investment nearing 4.5 - 5 million Euro." Soon leaflets branding Esad Džudžević and Bajram Omeragić as traitors appeared in Novi Pazar. In the leaflet titled "Traitors of Party of Democratic Action", Džudžević and Omeragić were told the following: "Explain to the membership how much money did you get for your political transfer. Voters shall punish you." Soon speculations emerged about possible ouster of Ljajić. But that ouster not only did not come to pass, but after Covic's firing, by a government's decision Rasim Ljajić was appointed Head of Co-ordinating Team for South Serbia.

Belgrade's new and different position on Novi Pazar and Sulejman Ugljanin was demonstrated during Kostunica's visit to that city on 25 November. Kostunica then said: "Government of Serbia is resolute in its intention to effect an equitable development of all parts of the country and in that regard this region is a high-priority one. Secondly, status of minorities and inter-ethnic relations are our priority too. This is an area in which priority must be given to the ideas of need for cohabitation, of improvement and promotion of inter-ethnic relations, of a higher awareness of our country as a homeland. We endeavour to improve national minorities status through the work of councils and ministries. And thirdly, the goal of governmental policy is to make major investments in development, and infrastructure of this region, because of its importance for the stability of the state union of Serbia and Montenegro. I am convinced that this city keeps together Serbia and Montenegro and gives sense to cohabitation in this region. Government of Serbia is duty bound to make Novi Pazar and its nearby municipalities progress at a rapid pace, for only then Serbia and the state union of Serbia and Montenegro shall progress too."<sup>13</sup> Concern of government of Serbia for Novi Pazar was demonstrated then by Kostunica himself. Namely he laid a founding stone for construction of a new, 5.6 km circular road and inaugurated a new, 7 km long section of road to Golija, whose construction was financed - 140 million dinars-by the Republican Directoriat for Roads. In contrast to some

<sup>13</sup> Danas, 26-27 November 2005.

earlier visits by high Serb officials to Novi Pazar, this time around the principal interlocutor and host of Prime Minister Kostunica was Sulejman Ugljanin.

Under agreement on *List for Sandžak* joining the ruling Serb coalition, signed on 22 September 2005 in Belgrade by Sulejman Ugljanin and Vojislav Koštunica, that Sandzak party committed itself to extending full support to the government of Serbia, while the ruling coalition committed itself to guarantee naming "of persons put forward by the List for Sandžak" to corresponding state positions. Then MPs Esad Džudžević and Bajram Omeragić were named Deputy Education Minister and Deputy Minister for Capital Investments respectively. But they had to resign from those new posts, since, under the law, MPs cannot simultaneously discharge the powers of deputy ministers. Omeragić was subsequently named president of the newly-established government's council for an equitable regional development. On 29 September the Serb government named representatives of coalition List for Sandžak state secretaries in ministries for capital investments, education and sport, the state administration and local self-rule. Edib Dedeić, mechanical engineer from Novi Pazar, was named the state secretary for capital investments, Nusret Nuhović, lawyer from Sjenica was named the state secretary for state administration and local self-rule, and Bajro Gegić, professor from Tutin, was named the state secretary for education and sports. In October 2005 the Serb government named Šemsudin Kučević, president of Tutin municipality, a member of the Executive Board of the Fund for Development of the Republic of Serbia, and Nermin Bejtović, high PDA official, a member of the Executive Board of the Republican Agency for Privatization. Subsequently members of Ljajić's party, acting as local officials, were replaced by Ugljanin's party members. Ljajić then threatened to resign from all his state positions.

He said: "This is neither pressure or blackmail. I can only hand in my resigatnion in order to show my solidarity with my people and in order to protect them. If this is the beginning of a showdown with my party faithfuls in Sandžak, I don't need this totally naked position in Belgrade." He went on to note: "All those replacements are effected on grounds of alleged misuses of power. But in fact at play is sheer horse-trading and it is obvious that the only criterium for replacements if the party affiliation."<sup>14</sup>

## The Future of the State Union

Promotion of relations between Democratic Party of Serbia and Ugljanin's party was driven by the need of the former to compensate for the two lost MPs in the republican parliament, and its position on the future of the state union of Serbia and Montenegro. Added to Ministers Jočić and Ilić, Zoran Žižić, president of the Movement for the Common State of Serbia and

<sup>14</sup> Blic, 4 January 2006

Montenegro and former Prime Minister of FR Yugoslavia also had talks with Ugljanin. Žižić asked Ugljanin to try to convince Bosniaks in the Montenegrin part of Sandžak to vote for the survival of the state union in a future referendum. According to the coverage of some Montenegrin print media, Žižić asked Ugljanin's party, PDA, to officially join the *Movement for the Common State*. This has not happened so far, but Ugljanin and other PDA officials in their statements urged the survival of the state union. Ugljanin made clear the following: "Our political grouping urges the preservation of the state union of Serbia and Montenegro. For us is acceptable any EU-brokered agreement and I think that the time of divisions is behind us. The future of all of us lies in an united Europe, Europe without borders, and we all deem as a very positive step the greenlighting of Feasibility Study."<sup>15</sup>

Rasim Ljajic backs the preservation of the state union of Serbia and Montenegro but he refused the Democratic Party of Serbia offer to try to convince Montenegrin Bosniaks to vote for the survival of the common state in a future referendum. Ljajić explained his refusal by a minor influence which Bosniak parties from the Serb part of Sandzak have on the Montenegrin part of the region.

Sandzak Bosniaks are divided over the issue of Montenegrin independence. Bosniaks in the serb part of Sandžak resolutely back the preservation of the state union of Serbia and Montenegro, while their fellow-nationals in the Montenegrin part of Sandžak in an equal measure are inclined towards the idea of an independent Montenegro. They share only one wish, that is they don't want a possible state border between Serbia and Montenegro halving the region to make more difficult intra-Bosniak communication and impairing their cultural and economic ties.

Such division of Bosniaks on such an important political issue may be interpreted only by the success of Milo Đukanović, Prime Minister of Montenegro, in attracting votes of Bosniak citizens. Since the eruption of an open conflict between the former Yugoslav President Slobodan Milošević and Milo Đukanović, the Montenegrin Prime Minister and leader of the Democratic Party of Socialists, Bosniak national parties have been totally sidelined and the majority of Bosniaks have been voting for DPS. The latter is not so much due to their satisfaction with the line toed by the ruling Montenegrin authorities, but rather to the fact that Đukanović was the first politician to successfully confront Slobodan Milošević and moreover to launch the idea of Montenegro as a multi-ethnic, civil state. Civic image of Mila Đukanović was not even tarnished or threatened by the ongoing judicial proceedings initiated by families of Bosniak refugees from Bosnia and Herzegovina who in the early stages of Bosniak war were arrested by the then Montenegrin authorities and

<sup>15</sup> *Večernje novosti*, 13 May 2005

handed over to the authorities of Republika Srpska. Most of them were later killed. And in 1992 Đukanović was also the Prime Minister of Montenegro.

At the last parliamentary elections in Montenegro of 70.000 voters of Bosniak nationality 50.000 cast their ballots. Less than 5.000 voted for the two coalitions composed of national parties. Vast majority voted anew for the party headed by Milo Đukanović. However in the sharp contrast to the initial stages of multi-party system in Montenegro, in the current parliament of that republic there are no MPs of Bosniak national parties. Bosniak parties are not even represented in the Montenegrin local bodies.

In the first multi-party elections held in 1990 in Montenegro, PDA won 9 seats and was the party of national minorities with the largest representation in the Montenegrin parliament. But then that Bosniak party started gradually losing its reputation due to in-fighting and a virulent media campaign against PDS. The foregoing was amply manifest in elections held in 1996. Then the PDA won only 3 seats, and a final rift among members of the Montenegrin branch of PDA came about in 1997.

Ljajić thinks that those who thought that Ugljanin might guarantee them the support of Montenegrin Bosniaks were wrong: "Those who think that through Ugljanin they may win over Bosniaks in Montenegro are ridiculous, for it is an established fact that his satellites were able to garner only 300 votes in the last elections. If Montenegro may be preserved with such a small number of votes, then someone has problems both with politics and mathematics. Ljajić went on to note that Ugljanin's commitment to preservation of Montenegro within the state union would compel the few Bosniaks who favoured such a solution to turn coats and become independence-minded."<sup>16</sup>

## Status of Bosniaks and Sandžak

Embroided in their conflicts and power struggle the leading Bosniak parties in the course of 2005 failed to raise the issue of status of their nation and region. Both PDP and PDA are content with the rights granted to national minorities by the federal law and amendments to the republican election legislation, which abolished census for ethnic minorities parties. In exercise of the rights they are guaranteed by the law, representatives of Sandzak parties have resolutely decided to co-operate with Belgrade and government of Serbia. September 2003 saw the formation of the *National Council of the Bosniak National Community* and election of Sulejman Ugljanin for its president.

Last local elections showed a shift in the Bosniak electorate, so that in May 2005 seven Bosniak parties headed by Ljajić's PDP launched an initiative for convening a new assembly of the Bosniak National Council and election of

<sup>16</sup> *Blic*, 2 August 2005



the new leadership. Vice President of PDP Mujo Mukovic, on behalf of that group, expressed discontent with the previous work of the National Council and branded it as one-party, Ugljanin-style organization. President of the Executive Council of the Bosniak *National Council* Esad Džudžević, an official of the *List for Sandžak*, officially backed the re-election initiative by calling it "a legitimate and encouraging endeavour to keep pace with the minority rights exercised in Vojvodina."<sup>17</sup> The new assembly of the National Council was convened twice last year, but was never held. Meho Omerović, MP of the Social Democratic Party in the assembly of Serbia and elector of the assembly of the Bosniak *National Council* was convinced that the delay was due to the lack of majority of Ugljanin's party and "Koštunica's decision not to allow his coalition partner to lose that office."

*Party for Sandžak* headed by Fevzija Murić in February last year in Novi Pazar rallied 15 Bosniak parties and associations from Serbia and Montenegro to make a demand that the new Constitution of Serbia clearly defines status of Bosniak and Sandzak. At that meeting the majority of participants urged preservation of Serbia and Montenegro and various opinions were voiced on a possible status of Sandzak in the future constitutional order of Serbia, ranging from classical autonomy to a specific region encompassing both parts of Sandžak. In mid-summer Dzemail Suljević's *National Movement of Sandzak* espoused its stance. Namely in mid-July it started gathering signatures for a petition demanding a status of people/nation for Bosniaks. Redzip Demirovic, Secretary General of NMS, warned that: "By currying favour with Belgrade, Ugljanin and Ljajić with their interest groups accepted that the Bosniak people be categorized as a national minority, together with Romany, Vlachs, Slovaks, Ruthenians. ...Bosniaks are threatened with a possible extinction in this territory."<sup>18</sup>

That NMS initiative was called mindless by the majority of other Bosniak parties. *List for Sandžak* assessed that Suljević was concerned about Bosniaks only when he saw his approval rating threatened and noted that: "The move to gather signatures coupled with the demand for the status of nation has only one objective: to cover up NMS coalition with Šešelj's Radicals." Azem Hajdarević, Vice President of the Party for Sandžak and President of the assembly of Novi Pazar municipality assessed that Suljevic and his party once again showed their politicking streak. He underscored: "Bosniaks have unfortunately lost their status of nation/people 13 years ago. Minority status is not acceptable for Bosniaks. We would like to be recognized as a nation, but not in the way NMS and Dzemail Suljević want it."<sup>19</sup>

<sup>17</sup> *Danas*, 6 May 2005

<sup>18</sup> *Večernje novosti* 22 July 2005

<sup>19</sup> *Večernje novosti*, 22 July 2005

In November 2005 three smaller Bosniak parties, *National Movement for Sandžak* (NMS), *Sandžak Democratic Union* (SDU) and *Sandžak Alternative* (SA) agreed that in the future they would work jointly on intensification of settlement of status of Sandžak and Bosniaks. The three parties noted in their pertinent communiqué: "At the moment when EU is passing a Resolution on Breaches of Rights of Vojvodina Hungarians, Bosniaks have been omitted from that document, though we have been witnessing gross violations of human rights in Sandžak." As examples of violations of the Bosniak rights, the three parties mentioned also abductions and killing of 30 members of their nationality in Štrpci and Sjeverin, framed up political trials in Novi Pazar and Bijelo Polje, as well as economic and other forms of discrimination against their fellow-nationals.

The joint communiqué of NMS, SDU and SA read: "We demand that representatives of international community and state bodies start resolving the Sandzak –Bosniak issues. The three parties also considered that some Sandzak leaders are responsible for non-mention of Bosniaks by EU. Although they are not mentioned directly their criticism is obviously related to the leading Bosniak politicians Sulejman Ugljanin and Rasim Ljajić. The three parties don't have a major stronghold in the Bosniak electorate and at the last elections only the *National Movement for Sandžak* won several seats in Tutin and Sjenica and took part in the coalition government in Sjenica. That party was is headed by Dzemail Suljević, former president of Sjenica municipality and former MP of List for Sandžak in the Serb parliament. Due to repeated conflicts with Sulejman Ugljanin, he resigned from all high offices in the PDA.

In explaining the objectives of that initiative Suljević noted that in case of secession of Montenegro, citizens of Sandžak would be entitled to declare where they would like to live in a special referendum. Suljevic accused Djukanovic of manipulating Bosniaks and said: "We demand that the state bodies of Serbia and Montenegro and the international community, in case of Đukanović-orchstrated secession of Montenegro, allow the survey of the will of citizens of north Montenegro and South Sandzak. We are sure that at least 80% and even 90% of locals of North Montenegro, Bosniaks and Serbs, do not want border between Serbia and Montenegro."<sup>20</sup> PDA and SDP failed to respond to Suljević's criticism, and both parties stressed the lack of stronghold of Suljević's ideas among the Bosniak electorate.

Leader of the Sandzak Democratic Party and Human and Minorities Rights Minister of Serbia and Montenegro, Rasim Ljajić, opposes the calls for internationalization of the Sandzak-Bosniak issue: "Recently internationalization of similar issues harmed rather than helped members of minorities. Any internationalization would be particularly harmful at this moment of time when negotiations on Kosovo are nearing. Possible raising of the Sandzak-

<sup>20</sup> *Danas*, 28 November 2005

Bosniak issue would be understood by the majority people as a kind of minorities-instigated conspiracy against Serbs and their state." Ljajić also deems that ethnic minorities should resolve any problem in a direct dialogue with Belgrade.

Minister Ljajić disagrees with Suljević over the position of Montenegrin Bosniaks on independence of Montenegro. Ljajić reiterates: "Wishes are one thing and reality on the ground another thing. In Serbia nearly 90% of Bosniaks favour preservation of the state union of Serbia and Montenegro, and in Montenegro most surely an equal percentage of them favours independence of Montenegro. I am sorry, but the things stand that way now, in a consequence of a decade-long, wrong Milosević's policy towards Bosniaks and also Đukanović's success in imposing himself as a leading politician among members of Bosniak people in Montenegro."<sup>21</sup>

### **Conclusions and Recommendations**

Though in 2005 there were no serious inter-ethnic incidents (barring the run-of-the-mill chauvinistic incidents at football matches and nationalistic graffiti on school walls- "We shall not forget Srebrenica" and "Death to Serbs") Sandžak is still a vulnerable region, whose destabilization may be impacted by cross-border, that is non-regional developments.

The state of Serbia should be take a pro-active stance on that region, and its high officials should continue the policy of employment of Sandzak-born citizens in its state structures, notably in the police, whose current set-up does not correspond to the ethnic structure and in the judiciary.

A good move of the state would be clarification of crimes against Sandzak-born citizens in the early 90's and punishment of their perpetrators.

Official Belgrade should discontinue its practice of manipulation of Bosniak parties and politicians, while the latter should show greater political maturity.

In the near future we may expect continuation of inter-Bosniak political disputes in Sandzak, to the detriment of Bosniaks, who after amending of the election law and introduction of "the natural threshold" for national minorities parties, were provided with an opportunity to have major

# **VII**

## **SERBIA**

### **IN THE REGION AND**

### **THE INTERNATIONAL**

### **COMMUNITY**

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<sup>21</sup> Danas, 28 November 2005

## INTERNATIONAL RELATIONS: MOVING TOWARDS EUROPE

In the course of 2005 Serbia took two important steps internationally in the direction of Euro-Atlantic integrations: in the spring, it received from the European Union (EU) a positive Feasibility Study, and in the autumn it started official stabilization and association talks with Brussels. It took Serbia full five years (since the overthrow of the regime of Slobodan Milošević) to make this much progress, its road to democratic transition having been one of continual ups and downs on both internal and international planes, particularly regarding the fulfilment of its commitments. The opening up of European vistas for Serbia that year was also the result chiefly of the strategic decision of the EU to include Serbia in a more vigorous approach to the Western Balkans as a whole (signifying a change of its general stance on dealing with the region's instability of many years). By starting membership talks with Croatia and Turkey, the EU held out European prospects to all countries in the region (except Bosnia and Herzegovina, the only country not involved in the stabilization and association process so far), exhorting them to adopt European values in order to accelerate their socio-economic development and democratic transformation as a means of increasing the living standards of their citizens.

But although the countries in the region are unanimous in welcoming these European prospects, there are significant differences in their ideas of their common European future depending, above all, on their transition achievements and the degree of internal democratic transformation. All indications are that Serbia has made the least progress in this regard as a result of its internal economic, political and social limitations. The initial swift repudiation of the recent past during 2001 and 2002 was cut short by the assassination of Prime Minister Zoran Đinđić in March 2003, blocking further progress for almost two years. Serbia is still a country with vague borders, the Milošević 1990 Constitution is still in force, power is centralized in the republic government, the pace of economic reforms (privatization and foreign investments) is less than expected...

Though the political elites and most citizens like to point out their 'pro-Europe' orientation, there is no society-wide consensus to show proof of

their sincerity and fixity of purpose. On the contrary, a tacit 'anti-Europe' consensus that far more outweighs the vogue 'pro-Europe' asseverations seems to pervade many spheres of life of importance to Serbia itself and particularly to its relations with its immediate neighbours (a major test of devotion to European values). This is especially in evidence in Serbia's attitude to the recent past and its unwillingness to come to terms with it. After a series of extraditions of war crimes indictees early in the year, cooperation with the Hague tribunal was again suspended in spite of constant international pressure to continue it, particularly in the case of Ratko Mladić. Also, on the occasion of the tenth anniversary of the Srebrenica genocide, the National Assembly rejected a draft declaration by eight domestic nongovernmental organizations (including the Helsinki Committee for Human Rights in Serbia) to denounce that monstrous crime in no uncertain terms.

In their contacts with international actors, the authorities often raise the threat of increasing radicalization and the prospect of the 'Radicals taking over in Serbia'. On the other hand, in criticizing the Serbian Radical Party (SRS) the ruling parties steer clear of denouncing its warlike policy and policy of crime in order to discredit it on the home policy level; they do this not only because they want to stay in power, but also because the leader of the ruling coalition, the Democratic Party of Serbia (DSS), is ideologically close to the SRS.

Confused by the incongruity between the European orientation and the rehabilitation, as part of repudiating the communist part, of the nationalist forces defeated in the Second World War (notably the Chetniks but even the more radical Ljotićites), Serbia has expelled itself from the anti-fascist movement on which modern Europe bases its values. At the celebration of Victory Day, 9 May 2005, in Moscow, commemorating the sixtieth anniversary of the Allied victory, no one represented either Serbia or the state union of Serbia and Montenegro (SCG), just as no one from them was present at the commemorative gathering in Auschwitz on the same occasion. Furthermore, the SCG Assembly failed to adopt a declaration marking the sixtieth anniversary of the United Nations. In this way a country which, as a successor to the former Yugoslavia, rightfully claims its place among the founders of the foremost international organization, distanced itself from this position of honour and prestige. The declaration was blocked in the SCG Assembly by the deputies of the SRS and Socialist Party of Serbia (SPS), who denounced the United Nations as the 'fifty-first American state' which 'did everything to break up the SFRY, FRY, and now SCG' and is 'now trying to wrest Kosovo from us'.

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On 12 April 2005, Europe opened its door to Serbia slightly by giving it a positive Feasibility Study (the first of the four most important steps a country must make on its road to full EU membership). This was preceded by a series of extraditions to the Hague tribunal of senior army and police officers indicted for war crimes (a total of 14), a condition on which the EU insisted. The government maintained that all these indictees had gone to The Hague voluntarily, that is, that 'for the first time the war crimes indictees are cooperating with the authorities' (Mirosljub Labus).

Whatever the truth, the positive Feasibility Study gave the Serbian government a trump card, 'the first major tribute to our state and its reforms', with which to boost its prestige. As deputy prime minister Mirosljub Labus said in this connection, 'just as we succeeded in stabilizing our economy and in fulfilling most of our electoral promises from December 2003, our state is for the first time pursuing a pro-reform economic and a robust and restrictive as well as just budgetary policy, so we're going to fully capitalize on the great accomplishments of European integration in the course of last year'.

In their eagerness to project their Euro-enthusiasm on the public with the help of the most influential media establishments they control, the authorities initially removed from the public stage the Euro-sceptics and the opponents of a 'headlong rush' into Europe. The opening of European prospects in Serbia, however, coincided with an internal crisis of the EU itself. The differences and disagreements arising within the largest continental integration regarding the military intervention in Iraq (giving rise to a division between an 'old' and a 'new' Europe) took on a new dimension in May 2005 with first France and then Belgium holding referendums opposing the ratification of a new European constitution. The crisis within the EU suggesting the complexity of the problems that were likely to beset Europe in the years to come emboldened the 'guardians' of the national identity and national dignity in Serbia to raise their voice in public. 'Unlike in the case of other Eastern European countries, the imposition of neo-liberal ideology on Serbia is less an outcome of economic enticement, and more of sanctions and bombs...For this reason the countries of the East, including Serbia, must draw lessons in the light of the failure of the European constitution referendums. One must bear in mind that although we may be "weak and powerless" (as we often like to portray ourselves), the sovereign will of the people must be of decisive political importance...In all probability, we shall be able to enjoy all the economic privileges currently enjoyed by EU member states: to keep the right to distil our own brandy, to learn our own history, to be called to account in accordance with our own laws, and to educate our children according to our own values - a scenario we want but some in our country tell us is impossible.'<sup>1</sup>

<sup>1</sup> *Politika*, 3 August 2005.

Or, in the words of Professor Zoran Vidojević, 'One should not approach the European Union project and its implementation from a position of an a priori and unbounded Euro-enthusiasm'. He explains that a European orientation often boils down to a convenient political phraseology devoid of a social, institutional and cultural foundation, 'including of a culture of resistance to neo-colonialism, European or other', a groundwork which, he argues, would guarantee the attainment of what is best for one's own country.

But beneath the seeming unanimity regarding 'Serbia's European course' which is said to have 'no alternative', the traditional conflict between conservative and liberal forces and options continues to pulsate within Serbian society. In Serbia's modern history, on which this conflict has left its strongest mark, the balance has more often than not been turned by the conservatives who have masked their anti-Westernism and fear of Europe behind concern lest the 'national identity' should be lost. This is also manifested in their irrational resistance to all things coming 'from abroad' including aid in particular, in spite of the fact that without foreign assistance Serbia could hardly cope with the problems bequeathed by its former regime. The civil sector and nongovernmental organizations in particular are the main targets of renewed criticism of recipients of foreign funds, though the government and its institutions and agencies have not been spared either. On the occasion of the adoption by the Serbian Assembly early in the summer of the 'National Strategy of Serbia for the Accession of Serbia and Montenegro to the European Union', a document which attracted very little attention, the most influential daily *Politika* published a commentary raising doubt about its content and orientation. The motive for doubt was found in, among other things, the fact that the preparation of 'such an important project' was financially supported by the Fund for an Open Society, that is, by George Soros: 'He is that stock exchange fixer who wholeheartedly campaigned for the bombing of Serbia. A friend of Madeleine Albright and Richard Holbrooke, but no friend of Balkan peoples...' The author lays the blame on the 'technocrats in power' who 'draw their strength not from Serbian citizens but from fulfilling the interests of international institutions and financial lobbies which support them'.<sup>2</sup>

Lack of a sense of reality and of discernment of the newly established constellations is what keeps Serbia in limbo. As a result, the ruling elites respond to any new challenge by applying the old, rigid and obsolete formulas. In this connection, Kosovo is a case in point. Early last year, especially after it became quite clear that Serbia would get a positive Feasibility Study (a signal from Brussels of an offer of accelerated European prospects in compensation for the 'loss' of Kosovo), neither the Serbian government nor any other state institution believed that talks on the future status of Kosovo would start so soon. They banked on the status quo in Kosovo dragging on for

<sup>2</sup> *Politika*, 2 July 2005.

decades on the model of Cyprus, and that meanwhile it would be enough to repeat ad nauseum the 'more than autonomy, less than independence' mantra as a formula for an advisable settlement. It was for this reason that the initial signals of an approaching debate on the status of Kosovo – first the statement of the International Commission on the Balkans, then the relevant principles of the Contact Group – were perceived as hostile or at least documents contrary to Serb national and state interests.

A member of the International Commission on the Balkans and former SCG foreign minister, Goran Svilanović, was for weeks the target of a smear political campaign in the media for announcing in the spring an acceleration of the Kosovo agenda.

In the summer, however, the international community made quite clear that there would be no more delay in addressing the future status of Kosovo and proceeded in the course of the coming months to carry out all the formal and substantial preparations for the talks (which started in Vienna in January 2006).

Although Serbia acquiesced in talks on the future of its former province, its preparations from start to finish exuded rejection of the very thought that Kosovo may constitute its own sovereignty (through conditional or unconditional independence). The 'territorial integrity' of Serbia was defended by invoking UN Security Council resolution 1244 which, admittedly, refers to Kosovo as a part of the Federal Republic of Yugoslavia (there however being no mention of the Republic of Serbia). On the other hand, the resolution stipulates that the future status of Kosovo would be the subject of subsequent talks. This relevant provision of the resolution is not mentioned by the very many advocates (among politicians, public figures, experts, etc.) of 'keeping Kosovo within the Serbian framework'. Among the arguments believed to carry special weight because they are allegedly based on international public law is the one on which Prime Minister Vojislav Koštunica insists in particular, namely that any 'grab of territory from a democratic country' is out of the question because 'Serbia is now a democratic country'. The first dignitary of the Serbian Orthodox Church, Patriarch Pavle, lent his weight to this interpretation of international public law, saying that 'in the context of justice and international law, any thought of grabbing Kosovo and Metohija would mean wresting a territory from a democratic state right in the middle of Europe in the 21st century before the eyes of the whole world...' In any case, a precedent where a country has lost part of its territory for the sole reason of being undemocratic can hardly be found in the application of international public law; the territorial sovereignty and integrity of states is guaranteed as part of the general principle of the inviolability of borders of internationally recognized states, both democratic and undemocratic (including, for instance, North Korea). As far as Serbia is concerned, the Kosovo problem stems from the fact that it has lost legitimacy to govern that territory; as a result, Kosovo's

future status will be settled on the basis of the will of the local majority population, in conformity with the position taken by the international community.

This position has been used in Serbia for further accusations against the international community of partiality and double standards – the critics have in mind Republika Srpska and its ‘forcible keeping within the state framework of Bosnia and Herzegovina’ – as well as being the source of deepening anti-European and anti-Western sentiments. Probably the most influential exponent of these sentiments in Serbia is the author Dobrica Ćosić, who specified his reserve towards Serbia’s European orientation in an October interview with *Politika*: ‘Whereas half a century ago the Serb people paid dearly under Moscow’s ideological dictates for the construction of socialism, today, unmindful of history, they have completely bowed to the Brussels ideological dictates. It was the Brussels commissars that bombed us and placed us in a provisional state in which the people of Serbia and Montenegro sob on the crucifix. At the same time, they are threatening us with new "integrative" associations while tearing Republika Srpska apart and forcing Serbs to live in a "multi-ethnic Kosovo" camp with their murderers.’<sup>3</sup>

The purpose of such rhetoric is to let the Serbs know the ‘truth’ about the West’s and Europe’s hypocritical efforts to make Serbia part of European integrations. This is not a matter of humanitarianism or the fulfilment of economic standards – the argument runs – this is a matter of voluntary acceptance of solutions at the expense of the Serb people, hence the loss of its confidence in Europe and its values: ‘The end result of the international community’s lack of favour and "double standards" regarding Serbia will be the final destruction of the trust in European values that had been severely shaken by the bombing in 1999; a by-product of this will be that the Serb will give more credence to any conspiracy theory than to assurances that "European values" bring prosperity or that they exist at all...’<sup>4</sup>

The increasing certainty about the future status of Kosovo caused increasing jitters in Serbia, each message to this effect from an international representative drawing forth an ever stronger rhetoric upon its arrival in Belgrade. The first to draw flak was Slovenian President Janez Drnovšek (‘All the world knows that Kosovo is going to be independent’), followed by an uproar caused by Doris Pack who declared in December that Kosovo’s independence would constitute deserved punishment for Milošević’s Serbia: ‘Does the defensive on to which the Serbian politicians have been forced over the Hague question mean that one must and should accept even things such as the statement by this Doris Pack woman, based on a vague and, if you wish, incorrect idea of the role of the Serbian state in the events in Kosovo...[does it

<sup>3</sup> *Politika*, 2 October 2005.

<sup>4</sup> *NIN*, 24 November 2005.

mean] that, for instance, no one will want to hear that the mass expulsion of Albanians in 1999 was not the outcome of Milošević’s deliberate policy towards the Albanians, but of the way war was conducted in the conditions of NATO bombing raids. This is not the same thing. Or, should one leave it up to interpreters such as Doris Pack to proclaim the independence of Kosovo in advance, on the strength of a fictitious Serb holocaust against the Albanians for obvious want of better arguments? Or should one protest and – why not – say that we here may read such statements as a rehabilitation of Hitlerism by a German deputy woman in the European Parliament?’<sup>5</sup>

The atmosphere in which the anti-Western sentiments were being stoked gave rise to a pronounced rehabilitation of Russia and to exaggerations regarding the role it played in defending Serbia from an ‘unjust’ West. The closing months of 2005 were marked by eulogies – with influential media outlets leading the way – of Vladimir Putin as a ‘hero’ defending Russian and ‘our’ interests against the unprincipled champions of globalization from the West (his announcement that he may move to cut foreign funding of domestic nongovernmental organizations earning him particular applause). The secret hopes were revived that Russia will exercise its right of veto in the Security Council when the next resolution on Kosovo, or rather on its future status, is put on the agenda, all the more so as Putin had already verbally opposed such a precedent. Serbia’s new reliance on the East was reflected in the general mood of the citizens: the Institute of Social Sciences found in an ethnic distance survey published early in 2006 that Serbs identified Russians as the people closest to them (interestingly, Montenegrins, who had always been rated highly in this regard, slumped to fifth place behind – Slovenians).

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In July 2005, SCG Foreign Minister Vuk Drašković signed the Agreement on Ground Lines of Communication for NATO Forces Through the Territory of Serbia-Montenegro (ratified in the SCG Assembly on 4 November 2005). The agreement allows NATO to use roads and rail lines on our soil for the transport of its troops to destinations of its choosing, in keeping with its own intentions, plans and objectives. The move provoked an angry public reaction and many insults against Drašković personally. Although the anti-NATO campaign was spearheaded by the Radicals, one gained the impression that they served as mouthpieces for many others, all the more so as no government institution appeared too keen to rise to the defence of either the Agreement or Drašković.

<sup>5</sup> *NIN*, 19 January 2005.

With regard to European integrations, one notices a marked difference in attitudes towards the EU and NATO regardless of the fact that no country has become an EU member so far without first becoming a full member of the military alliance or, at least, part of its structure within the Partnership for Peace. Subdued though more often open resistance to any relationship with NATO permeates the constant reminders of the 1999 intervention and of the alleged hostility the organization still harbours towards Serbia (SCG's accession to the Partnership for Peace is conditional on the extradition of Ratko Mladić to the Hague tribunal). On the occasion of the signing of the Agreement, a commentary ran: 'The signing of the Agreement is a political mistake' because 'foreign armies have a continuous "green light" for transit across our soil, even though they are neither our partners nor our allies. They have no obligation to be friendly either. Instead of emphasizing that unfortunately there is still no mutual trust between SCG and NATO and that time is needed to gradually establish it, it appears that we have gullibly slipped into a camouflaged protectorate that is even being denied membership in an unimportant organization like the Partnership for Peace, like a baby deprived of its rattle. This protectorate will perhaps have the heaviest European concentration of foreign troops, ready for any sort of intervention, but unlike the other protectorates in our vicinity, it will not also enjoy the protection of the UN Security Council.'<sup>6</sup>

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Although since the spring of 2005 Serbia had extradited none of the remaining seven war crimes indictees wanted by the Hague tribunal, including Ratko Mladić who is specifically named on each occasion, SCG was on 10 October granted another privilege – the start of stabilization and association talks. The gesture was yet another 'favour' from the international community, an opportunity for faster European integration through casting off the grave legacy of the past (on 5 October in Belgrade Stefan Lehne urged an 'end to the painful chapter of cooperation with the Hague tribunal by extraditing all the remaining indictees', with Oli Rehn saying on the same occasion that the 'time has come to find out how far Serbia has gone and to establish its priorities', adding at the opening of the stabilization and association talks a few days later that 'during the talks we will be carefully monitoring any progress, and the Commission will not hesitate to recommend a suspension of the talks if there is none'). All the same, already at that time European and other international institutions and organizations began to show considerable impatience and agitation over Serbia's sluggishness, particularly in 'carrying out the

<sup>6</sup> *Politika*, 21 July 2005.

international obligations undertaken' but also regarding other fields where a break with the regime of Slobodan Milošević was called for. Following the reception of the positive Feasibility Study, the European Commission published a reform progress report early in November criticizing lack of headway in reforming a number of segments of the socio-economic system and identifying problems including inefficient institutions, resistance to and obstruction of army reforms, corruption, slow judiciary reform, lack of lustration...and negative attitudes towards the civil sector. The report notes, among other things, that 'There is a well developed and very active civil society in Serbia and Montenegro. Its situation remains precarious, notably in Serbia due to the continued lack of adequate legislation...parliaments have become more open, allowing NGOs to attend sessions...on the other hand, the administration continues to show insufficient understanding [of that sector]'. Objections were made concerning the situation of minorities (an issue discussed by the European Parliament in Brussels in October), unresolved issues in relations with neighbours (border disputes with Croatia and Bosnia and Herzegovina, and Bosnia and Herzegovina's aggression and genocide action against SCG), as well as the fact that Serbia (and Montenegro) had not yet emerged from the grey zone of organized crime. The report also says that 'Organized crime remains a source of serious concern in both Republics. The ratification and implementation of international conventions and the finalization of national strategies and action plans need to be speeded up. Threat analysis needs to be introduced, as well as tools such as intelligence gathering, secret surveillance techniques and the development of a common database. The seizure and freezing of assets, bank accounts and the proceeds of crime appear to be problematic in practice...In Serbia, the action plan to implement the National Strategy for Organized Crime has not yet been finalized...[and]...the financing of the witness protection system remains inadequate.'<sup>7</sup>

The closing months of 2005 passed with Serbia and the international actors exchanging hot and cold messages. Aware that the challenges awaiting Serbia in 2006 – above all the end of the Kosovo status talks and the demise of the state union of Serbia and Montenegro after being connected to life-sustaining apparatus by force for three years – will be a source of further objective frustration to Serbs and Serbia, international officials continued to exercise tolerance. This policy continued into the early months of 2006: in February the European Commission neither delayed nor suspended the stabilization and association talks with the EU (in spite of threats to that effect) although Ratko Mladić had not been extradited even by that deadline

<sup>7</sup> Report on progress since the Feasibility Report, European Commission, *Danas*, 14-15 November 2005.

In spite of having been subjected long enough to continuous parallel treatment by the EU and other European organizations (OSCE, Council of Europe), consisting in exercising forbearance whenever advantageous without at the same time forgoing pressure whenever called for, Serbia has failed to rationalize its own approach to current international developments. In other words, it has failed to achieve a broad social and political consensus on its own priorities not only regarding acceleration of its integration into Europe but also regarding three key 'domestic' issues: cooperation with the Hague tribunal, position on Montenegrin independence, and the future status of Kosovo. The British analyst Judith Bath observes lucidly that these three problems are only slowing Serbia's Euro-Atlantic integration and proffers this bold advice (translated back into English): 'Once these are settled [the Hague tribunal, Montenegro and Kosovo issues], nothing else will keep you from moving towards the Union at full steam. So hurry up. Don't withdraw into passivity, play the underdog, insist that no one understands you, stick to one and the same position, the same arguments, out of fear of standing to lose out (yet again)... "it isn't fair" is neither an argument nor politics.'

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Serbia still has no clear strategy regarding its international position and participation in current developments in its neighbourhood and the rest of Europe. This is so because its current political elites lack the potential to marshal energy for the changes and substantial reforms Serbian society must carry out after nearly fifteen lost years (except for the brief two-year period on whose mainstream the assassinated Prime Minister Zoran Đinđić left his stamp). Serbia's society is now paying a price for not keeping up with the momentous global changes in the spheres of technology, communications, economy, politics and others coinciding with Serbia's (self-imposed) isolation. Serbia went to war bent on realizing its anachronous national project and now has to attend to the unpaid bills. The succession of manifest defeats is not the only legacy to be dealt with, for Serbian society as a whole appears unequal, given its very low starting base, to the effort required to reform itself, its economy, morals, strategy, values, etc.

Serbia's economy is devastated and its middle classes ruined, and several generations of its young people have had to emigrate with little or no prospect of coming back. Having grown up in a climate of xenophobia and insularity, the young generations in the country have no realistic and impartial ideas about the world existing beyond the country's borders. This is not surprising given that most of those who have come of age in the last fifteen years could not have communicated with the immediate neighbourhood, let alone with faraway regions and peoples, even if they had wanted to.

According to the United Nations Development Programme (UNDP) Human Development Report for 2005, only 44 per cent of the citizens of Serbia have a passport and 40 per cent have never had one. The majority of passport holders are people over sixty years of age, their numbers diminishing among the younger generations. More than half of those aged fifteen to twenty-five have never been abroad including former Yugoslav republics and only a third have been abroad more than once. A computer is owned by 25.2 per cent of citizens, with 16.5 per cent having access to the Internet and only 13.8 per cent having an e-mail address.

The report says that as many as 95 per cent of the citizens of Serbia come from mono-ethnic marriages and 92 per cent of the respondents' marriages are also mono-ethnic.

In a recent poll young respondents were asked to mark as 'strong', 'moderate', 'weak' and 'nonexistent' their attachment to the nation, religion, place of residence, Serbia, the state union, and Europe: 30 per cent said they were strongly attached to the nation, 28 per cent to Serbia, 26 per cent to the religion and the place of residence, 14 per cent to the state union, and only 11 per cent to Europe.

At the same time, Europeans are showing an increasing distance from Serbia: according to a Eurobarometer survey, Serbia has the least support for EU membership of all former Yugoslav republics (40 per cent), rating better only than Albania and Turkey in the Balkans. Serbia got more support from 'new' EU members (54 per cent) than from 'old' (38 per cent). In this poll, most respondents (52 per cent) favoured Croatia as the next new member of the European community of peoples and states.<sup>8</sup>

Given that, as a result of Europe's constitutional crisis and internal structure challenges, each new accession will have to be approved in a referendum held by the EU member states, Serbia's prospects for EU membership appear increasingly distant. Such an outlook may in turn produce a growing number of Euro-sceptics in Serbia itself and increasingly discourage a pro-development orientation.

The anti-European and anti-Western mood may be expected to spread because Serbia anticipates with frustration the settlement of two issues – Kosovo's status and Montenegro's independence referendum – in the course of 2006. The main responsibility for this attaches no doubt to the ruling political and dominating intellectual elites which stick to the old criteria in gauging international developments and determining Serbia's response to them. On the other hand, the insistence on being the 'underdog' that is 'misunderstood' by the whole world and therefore the target of everlasting 'injustice' has turned Serbia into an object of concern of international (above all European and US) actors rather than into an actor in its own right and a partner in formulating

<sup>8</sup> *Danas*, 20 July 2005.



mutual relations. As things stand now, these relations still operate on the principle of continuous pressure on Serbia and forced moves on its part; consequently Serbia has to be slowly prodded towards the fulfilment of its real state and national interests instead of running at full throttle under its own power.

The many international actors deeply involved in the resolution of the 'Serbia case' over the past fifteen years continue to manifest their goodwill to help Serbia's substantial transformation. This is, after all, a European interest too, what with Serbia's geographic position and the need to neutralize the key source of instability in this part of the continent for good. However, the patience and goodwill to help Serbia seem to be running out. Already the first months of 2006 will show how much of it is left following Serbia's constant evasion of commitments on the international plane and reversion to old criteria and values at home. A number of serious warnings have already been made that ought to be kept in mind. The most explicit and acerbic caution comes from William Montgomery, the US ambassador in Belgrade for many years and expert on Serbian, US and European affairs (translated back into English): 'The days are past when Serbia posed a major military and political threat to its neighbours. At the moment it looks as though the only threat it poses is to itself. I really am convinced that the international community has resolved that, should the Serbs wish to isolate themselves and to lag behind the rest of Europe, the Serbs alone are going to get hurt. Therefore, the Serbian government ought not to look to the EU or the United States for sympathy in the hard days to come. Those days were over a few years back.'<sup>9</sup>

## SLOVENIA: PUTTING FORTH SOLUTIONS TO REGIONAL PROBLEMS

Slovenia, an EU member and chairman of the OSCE, is an important partner of Serbia on the latter's road to economic and political integration into Europe.<sup>1</sup> Slovenia has manifested its readiness to render support to Serbia<sup>2</sup>, weighted down by numerous problems and no resolution thereof in sight,<sup>3</sup> by a constructive strengthening of democratic processes contributing to the regional stability and progress. For official Ljubljana relations between the member-states of the State Union of Serbia and Montenegro, as well as resolution of the issue of Kosovo, have a major bearing on the stability of Slovenia and the region.<sup>4</sup> Slovenia is of opinion that all problems and economic progress of Serbia<sup>5</sup> and the region may be most efficiently resolved within the EU context, that is by Serbia's getting closer to Euro-Atlantic integrations. However, according to official Ljubljana no-one knows how the most probable independence of Kosovo shall affect Serbia's conduct. One of the speculations afoot concerns a possible rise to power of "those forces which in spring 1999 in Kosovo provoked the NATO intervention.?"<sup>6</sup> Bilateral co-operation between

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<sup>1</sup> Belgrade and Ljubljana established diplomatic relations in December 2000 and since then the two countries have signed 17 bilateral agreements, while in the offing are new agreements to constitute the foundations of a further consolidation of co-operation. "Day of Modern Serbia in Ljubljana", *Danas*, 19-20 March 2005.

<sup>2</sup> Slovenian Prime Minister Janez Janša backed accession-related negotiations between EU and the State Union of Serbia and Montenegro without any conditions. "Betrayal of Principles", *Politika*, 18 March 2005.

<sup>3</sup> "Serbia and Montenegro Still Face Many Unresolved Problems", *Danas*, 31. December - 3 January 2006.

<sup>4</sup> "Day of Modern Serbia in Ljubljana", *Danas*, 19-20 March 2005.

<sup>5</sup> Slovenia enters the new years as the largest investor in Serbia and Montenegro. "Slovenian Pleased with 2005.", *Danas*, 31 December - 3. January 2006.

<sup>6</sup> "Serbia and Montenegro Still Face Many Unresolved Problems", *Danas*, 31 December - 3 January 2006.

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<sup>9</sup> *Danas*.

the two countries was focused on promotion of economic co-operation,<sup>7</sup> then on resolution of status of Serbs struck off Slovenian citizens' registers, and settlement of status of Kosovo. In its capacity of the OSCE chairman, the issue of Kosovo was a high-priority one for the Slovenian diplomacy. That is why that diplomacy got so much involved in resolution of regional problems. It moreover amply indicated its stance that a positive settlement of Kosovo issue would impact positively the situation in Macedonia and Vojvodina. However, Slovenian diplomacy met with the fact that Serbia "has never had enough courage to turn to the future".<sup>8</sup>

Statement of President of Slovenia, Janez Drnovšek, that "after fulfilment of some conditions independence of Kosovo may become the only genuine option" caused a veritable odium<sup>9</sup> in Belgrade and led to a diplomatic scandal in the shape of cancellation of Drnovšek's visit to Serbia and Montenegro. Official Belgrade reacted in a very hostile way by stressing the following: "Under no conditions the State Union of Serbia and Montenegro are ready to accept proclamation of independence of Kosovo in its state territory and within its internationally recognized borders." Rasim Ljajić, Minister for Human and Minority Rights, stated that statement made by Janez Drnovšek was impermissible and that cancellation of his visit to Serbia was a normal response of Belgrade.<sup>10</sup> The Serb Orthodox Church also qualified Drnovšek's statement as impermissible.<sup>11</sup> During Drnovšek's visit to Pecka Patrijarsija and

<sup>7</sup> Trade between Serbia and Slovenia has reached half a million dollars, and Slovenian investments in the Serb economy in 2004 were worth 260 million Euro. "Rupel: Day of Modern Serbia in Ljubljana", *Danas*, 19-20. March 2005.

<sup>8</sup> Jelko Kacin, Slovenian member of EU Foreign Policy Committee: "For a vast majority of citizens of Serbia the last decade is more important than the current decade, and vision of the next century is constantly overshadowed by recent and even Balkans wars." "Serbia has a chance", *NiN*, 7 April 2005.

<sup>9</sup> Vladeta Janković, Serb Prime Minister's aide: "Insistence on independence of the province is contrary to positions of all international factors, from EU to members of Contact Group. At play is a gross prejudging which ignores principles of international law order and the need to reach a resolution by compromise. Drnovšek: "Independence of Kosovo is a realistic option", [www.B92.net/info](http://www.B92.net/info), 12 November 2005.

<sup>10</sup> Minister for Human and Minority Rights, Rasim Ljajić, stated that Drnovšek's statement was impermissible and that the move of Serb-Montenegrin President, that is cancellation of Drnovšek's visit was quite expected. "Even if that statement was fully accurate, even if it were to come true, it is impermissible to tell a state, on the very eve of official visit to that state, that it shall be stripped of part of its territory."

<sup>11</sup> Episcopo of Backa, Irinej, stated that the Serb Orthodox Church was perplexed and embittered by impermissible claims of the Slovenian President Janez Drnovšek relating to the future status of Kosovo. [www.kosovo.com/news/](http://www.kosovo.com/news/)

monastery Visoki Decani<sup>12</sup> not a single Kosovar Serb representative met with the Slovenian top official.

Despite Drnovšek's clarification of his stance on Kosovo<sup>13</sup>, during his visit to Montenegro, several hundred pro-Serb opposition loyalists protested against his stances on independence of Kosovo.<sup>14</sup> Despite the uproar and heated atmosphere, cancellation of Drnovšek's visit to Serbia has not jeopardized in a serious way further settlement of open bilateral issues or Slovenian investment interests.

*Ministry for Diaspora of Serbia* launched a few initiatives<sup>15</sup> with a view to regulating the status of Serbs living in Slovenia, that it enabling them to acquire the national minority status,<sup>16</sup> and resolving the problem of Serbs struck off from the list of permanent residents. After Slovenia's independence, Serbs have not been granted citizenship.<sup>17</sup> In those terms Ministry for Diaspora announced that the Serb Ministry would pass a resolution demanding from the Slovenian parliament to recognize the status of national minority to Serbs.<sup>18</sup> Acquisition of status of national minority<sup>19</sup>, would enable the Serb community to have its political representatives in the Slovenian

<sup>12</sup> "Drnovšek: Independence of Kosovo is a realistic option", [www.B92.net/info](http://www.B92.net/info), 12 November 2005.

<sup>13</sup> Drnovšek's adviser for foreign policy, Ivo Vajgl, stated that Drnovšek did not speak about the final status of Kosovo. "President of Slovenia said that the status shall be as the Serb and Albanian side agree". "Drnovšek: Kosovo's independence is a realistic option", [www.B92.net/info](http://www.B92.net/info), 12 November 2005.

<sup>14</sup> They shouted: "Go home", "Kosovo is Serb". They accused Drnovšek of joining forces with Albanian militants. [www.kosovareport.blogspot.com](http://www.kosovareport.blogspot.com), 28 November 2005.

<sup>15</sup> To date Croatia and Bosnia have demanded protection of rights of their fellow-nationals and a systematic regulation of that area. Namely they submitted to the Slovenian parliament a special resolution demanding that such rights be guaranteed to all citizens from former SFRY. "Minorities - state secret", *Vreme*, 17. March 2005.

<sup>16</sup> Deputy Diaspora Minister, Aleksandar Čotrić, told *Delo* journalist that: "Our demand is justified in view of the fact that Serbs have been an autochthonous people in Slovenia for centuries and that the 2002 census figure of 39,000 declared Serbs in Slovenia, attests to the fact that even today they are the most numerous ethnic grouping in the territory of Slovenia. "Minorities-State Secret", *Vreme*, 17 March 2005.

<sup>17</sup> Problem of 8,000 Serbs struck off the register of permanent residents in Slovenia, has not yet been resolved despite a positive decision of the Constitutional Court of Slovenia. "Serbs in Slovenia: a National Minority", *Politika*, 22 March 2005.

<sup>18</sup> "Serbs in Slovenia: a National Minority", *Politika*, 22 March 2005.

<sup>19</sup> President of Slovenian Parliament informed the Serb Ministry for Diaspora that Serbs living in Slovenia might initiate the procedure for acquisition of status of national minority in two ways: either by collecting 40,000 signatures on the basis of which the Slovenian parliament may launch a pertinent debate, or having at least 26 MPs of Slovenian parliament launch such an initiative. "MP's Support", *Politika*, 19 February 2005.

parliament and provide them with funds for bankrolling their schools and associations.<sup>20</sup> However what remains a thorny issues is a list of 400 persons, who according to the Slovenian authorities data, took part in conflicts in Slovenia.<sup>21</sup> Added to that there is a new problem of those who have worked in federal bodies. To date they have not been allowed to exercise the right to pension, social and health insurance, in view of non-signing of social insurance agreement with Serbia and Montenegro.<sup>22</sup>

Flying in the face of decision of the Slovenian Constitutional Court that all permanent residency rights-unlawfully abolished in 1992- be restituted to all those struck off the permanent residents registry, the Slovenian authorities opted for the passing of a Constitutional Act allowing a selective and individual resolution of such cases. That means that the right to permanent residence shall be granted to those who have already laid claim to such status. The damaged parties however think that individual resolution of their claims is tantamount to attempt to introduce a criterium of political compatibility in the whole procedure, for the Slovenian government wants to reject claims of those individuals who have possibly committed some criminal offences.<sup>23</sup> European Center for Anti-Racism and Xenophobia (ECARX) cautioned Slovenia against impermissible discrimination and segregation of persons struck off the list of citizens of Slovenia.<sup>24</sup> It maintained that the problem of 18,000 such persons is far from being resolved.<sup>25</sup> The struck off persons were also discussed at the session of the State Council (Upper House) of Slovenian

<sup>20</sup> Ethnic groups, that is in alphabetical order, Albanians, Bosniaks, Montenegrins, Croats, Macedonians and Serbs, in the newly-emerged state of Slovenia have not been recognized as minorities, though, some of them, are several times more numerous than the officially recognized minorities. "Minorities-State Secret", *Vreme*, 17 March 2005.

<sup>21</sup> Aleksandar Čotrić "I am referring mostly to the lower-rankign servicemen who don't have the right to pension, insurance, and are compelled to moonlight and if they are caught they are most likely to be deported from Slovenia though they have lived there for many years". "Serbs in Slovenia Still Without Status", *Danas*, 22 March 2005.

<sup>22</sup> "Serbs in Slovenia Still Without Status", *Danas*, 22 March 2005.

<sup>23</sup> "Another Reprisal", *Politika*, 15 December 2005.

<sup>24</sup> In its response to the report, the Slovenian Ministry of the Interior explained that the status of the struck off citizens would be regulated by a constitutional act. "Slovenia Discriminates Against Romany and the Struck Off", *Danas*, 25 November 2005.

<sup>25</sup> In the report of the European Centre for Anti-Racism and Xenophobia it was also noted that in Slovenia many hush up discrimination cases in workplaces because of their ethnicity or nationality. And in fear of employers's reprisals. "The Struck Off Far from the Justice", *Politika*, 25 November 2005.

parliament.<sup>26</sup> That session was also addressed by Ombudsman for Human Rights who underscored the fact that in the said case the Slovenian state ran counter to the decisions of its own Constitutional Court.<sup>27</sup> Members of communities devoid of status of national minority have organized themselves and are now demanding that the Slovenian state "puts in place such state media able to present us to the broad public, like they did with Italians and Hungarians."<sup>28</sup> Those minorities reject the division into *autochthonous and non-autochthonous minorities*, that is, being termed the *new minorities*, they oppose marginalization and wish to launch a debate<sup>29</sup> on the possibility of attainment and protection of minority rights.<sup>30</sup> The Serb Ministry for Diaspora stresses that it backs "a full integration of members of the Serb people into the Slovenian society, and recognition of status of minority would incentivize their more successful integration into Slovenian economic,<sup>31</sup> political and cultural<sup>32</sup> life".

Future relations between Slovenia and Sernia to a large extent depend on the ability of both sides to strike the right balance between genuine interests and irrational responses, notably as regards the Serb side (in view of its overreaction to Drnovšek's statement on Kosovo). Positive, mutual investment climate is however threatened by, on the one hand, discussions in Serbia and Slovenia on the defence of national interests<sup>33</sup> and on the other hand, on the

<sup>26</sup> A group of 22 MPs from all the Slovenian parliamentary parties in the new Slovenian parliament has decided to devote itself to nurturing of friendship between Slovenia and the State Union of Serbia and Montenegro. "MP's Support", *Politika*, 19 February 2005.

<sup>27</sup> "Prosecution Continues", *Politika*, 15 July 2005.

<sup>28</sup> "Minorities-State Secret", *Vreme*, 17 March 2005.

<sup>29</sup> Participants in the round-table on status of Serbs in Slovenia, held in Hrasnik and organized by the Serb Cultural Society Sava, stressed that their problem was their status in Slovenia. 13 Serb societies are active in Slovenia. Representatives of Ministry of Culture and Bureau for Slovenians in the World did not take part in that round-table. "Serbs in Slovenia Want a Minority Status", *Danas*, 5 October 2005.

<sup>30</sup> In Slovenia there were Serb language classes before the break-up of SFRY. One of the current claims of the Serb authorities is that Serbs living in Slovenia be provided with mother tongue classes. "No school in Slovenia has additional Serb language classes". "Minorities-State Secret", *Vreme*, 17 March 2005.

<sup>31</sup> It was announced that the Commercial Chamber of Serbia would soon open in Ljubljana its representative office, with a view to boosting mutual economic cooperation.. "MP's Support", *Politika*, 19 February 2005.

<sup>32</sup> Opening of the Serb Cultural Centre in Ljubljana is also planned. "MP's Support", *Politika*, 19 February 2005.

<sup>33</sup> "I assume many are bothered by the fact that C market is still a Serb commercial chain. Do you wonder why I have not sold C market to Merkator, why I have opted to fight? Believe me that the said decision of mine encroached upon big interests of some people. But if C market is bought by a foreign compnay, be it even Merkator, the Serb production shall disappear"! www.kurir-info.co.yu, 23-24 October 2005.

discussions on consequences and extent of "foreign" investments<sup>34</sup>. On the other hand non-existence of legal and political security, as well as feelings of latent animosity<sup>35</sup> and inferiority<sup>36</sup> in Serbia may also affect co-operation with Slovenia. Slovenian government which has been seriously pondering its interests, has already adopted a *Program of Incentivization of Internationalization of Companies in 2005-2009 Period* which has set out concrete goals, including an increased presence of Slovenian companies in foreign markets, increase in exports and major investments abroad. In that program Serbia occupies an important place, for Slovenia plans to invest 320 million Euros into that country in 2005-2009 period.<sup>37</sup>

## CROATIA: FACING THE CHALLENGE OF EUROPE

Relations between Croatia and Serbia are a prerequisite for stability in the whole of the region, particularly in Bosnia. The broad range of bilateral activities during 2005 demonstrates not only how important this relationship is for the future of the region, but also how fragile it is. Throughout the year Serbia strove to keep its principal role as pace-setter for changes in order to be able to control future developments and the normalization of the situation in the region. The imperial reflex of Serbia's official policy put a great strain on the region's stability, and it was thanks to the responsibility of the Croatian officials in particular that the provocations which jeopardized even polite political communication failed to do more damage. Even the Ljubljana daily *Delo* observed that the 'politicians in Belgrade behaved irresponsibly,<sup>1</sup> reopening without real cause the history books<sup>2</sup> that say one thing in Belgrade and another in Zagreb.'<sup>3</sup>

A candidate for EU membership, Croatia views EU and NATO integration as the only way to normalize and stabilize the region.<sup>4</sup> It is in this context that it also looks upon the solution of the open questions in the two countries' relations: the return of refugees, the restitution of property and the resolution of tenancy rights, the question of borders, revision of the lists of persons accused of war crimes and discovery of missing persons and, above all, cooperation with the Hague Tribunal and thorough preparation for trials for war crimes committed in 1991-95. Croatia's EU membership depends on

<sup>34</sup> "In Slovenia There Are No Retrograde Processes", *Danas*, 23-24. July 2005.

<sup>35</sup> Serb market is wide open to Slovenian companies, we have here about 300 companies with Slovenian capital. That is an important data for Slovenia, for they represent nearly 13% of all Slovenian investments abroad. Thus Serbia and Montenegro became the second most important country for Slovenian investments. "We Invest 320 Million Euro in Serbia", [www.svedok.co.yu](http://www.svedok.co.yu)

<sup>36</sup> Slovenian companies in Serbia get the best locations, and the best possibility to buy the best Serb companies under regular conditions. On the other hand Slovenia is closed to either Serb and other foreign investors. In withdrawing its offer for purchase of C market Merkator accused our country of legal instability and unlawful sale. But the truth is much simpler: Delta offer a 40% higher price per share of C market. "We invest 320 Million Euro in Serbia", [www.svedok.co.yu](http://www.svedok.co.yu)

<sup>37</sup> "We Invest 320 Million Euro in Serbia", [www.svedok.co.yu](http://www.svedok.co.yu)

<sup>1</sup> Aleksandar Vučić: 'We can't be in the same place with Tadić, who's giving reception to the Ustashe headman Stjepan Mesić celebrating the largest ethnic cleaning since the Second World War - [Operations] Storm and Flash.' 'Vučić: parastos nije za estradu', *Nacional*, 5 August 2005.

<sup>2</sup> One is chilled by the fact that the Greater Serbia rhetoric of Slobodan Milošević still emanates from the city at the confluence of the Sava and Danube rivers, for one would have thought that it disappeared with the departure of its author to The Hague. Official Zagreb preserved its composure and dignity under severe attacks and reproaches from Belgrade. 'Zagreb trezveno, Beograd žučno', *Danas*, 9 August 2005.

<sup>3</sup> 'Zagreb trezveno, Beograd žučno', *Danas*, 9 August 2005.

<sup>4</sup> 'Važno pomirenje sa SCG', *Politika*, 8 June 2005.

fulfilment of the membership criteria, above all on the efforts Croatia makes to create the conditions for refugee return,<sup>5</sup> on its attitude towards its minorities,<sup>6</sup> and on war crimes trials conducted at home. Aware of the fact that its membership of the EU depends on the fulfilment of these conditions, Croatia has adopted a highly constructive attitude towards its neighbours, including calls for cooperation and formulating joint interests on the road to the EU.<sup>7</sup>

Serbia's political elite has no clear-cut foreign policy and policy towards neighbours, relations with whom are marked by the wars of 1991-99 and the resulting problems. A characteristic of Serbia's policy towards its neighbours is feeding on and stirring up their problems with the object of slowing their progress towards European integration. Regarding Croatia, this is manifested by the incessant insistence on the repatriation of the Croatian refugees. Also, it was only after lengthy pondering<sup>8</sup> that Serbia confirmed its support of Croatia's election as a non-permanent member of the UN Security Council.<sup>9</sup> Another problem, which keeps being raised in critical situations, is the interpretation of the 1991-95 war and the character of the Serb exodus from Croatia.

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<sup>5</sup> Speaking about the problem of refugee return and property restitution, Sanader said that the objectives of the Sarajevo declaration - restitution of property and return of all refugees by the end of 2006 - were very ambitious and that Croatia was doing all in its power to achieve these goals. 'Važno pomirenje sa SCG', *Politika*, 8 June 2005.

<sup>6</sup> Milorad Pupovac: 'The fact is, you can perceive a trend in Croatia where, following euphoria, we now have an inclination towards anti-Europeanism, which turns into an anti-Serb attitude in an instant. But this quite certainly is not Croatia's interest, it is the interest of those who wish to keep Croatia within the sphere of warlike policy.' 'Pupovac: Neki ponovo razbuktavaju nacionalističke strasti u Hrvatskoj', *Danas*, 30 May 2005.

<sup>7</sup> Tonči Staničić, ambassador of the Republic of Croatia in Belgrade: 'Serbia and Croatia have a large potential for cooperation and it does not matter who is forward and who behind on the road to Europe. They can advance if they rely on each other, because they are not strong enough on their own to sell their products in the most developed markets in the world. While brotherhood and unity is a thing of the past, one ought to insist on the joint interests.' 'Prepišite od nas', *Večernje novosti*, 2 April 2005.

<sup>8</sup> Svetozar Marović, Serbia and Montenegro (SCG) President: 'We expect Croatia to back the process of SCG accession to the Partnership for Peace and the state union's intention to become a fully member of the Adriatic Charter.' 'Učvrstiti odnose i krenuti dalje', *Politika*, 7 July 2005.

<sup>9</sup> Deputies of the Serbian People's Party and the Serbian Radical Party from Montenegro said in the SCG Assembly that they would demand the removal of SCG Foreign Minister Vuk Drašković and perhaps also of SCG President Svetozar Marović 'for humiliating SCG and favouring Croatia, for this is a scandalous and ignominious gesture on the part of our diplomacy.' 'Podrška stvar diplomatskih dogovora i reciprociteta', *Danas*, 16 February 2005.

The tenth anniversary of Operation Storm was a real test in this regard. Serbian President Boris Tadić said as a matter of principle that 'dealing with the crimes that were committed contributes directly to a final reconciliation<sup>10</sup> and to the further promotion of the relations of the two countries.'<sup>11</sup> However, his interpretation of the war betrays a quite different attitude to the problem of dealing with the past: the fact that the establishment of the so-called RSK was preceded by the massive expulsion of Croats from that territory is passed over in silence nearly as a matter of course. At a time when Croatia's main effort was focused on convincing its European partners that Croatia is fulfilling all the necessary preconditions for starting talks with the EU, the holding of the founding convention of the RSK government in exile came as no mere coincidence.

The founding of the RSK government in exile was given extensive coverage in Croatia. The Croatian authorities protested because their SCG counterparts had not clearly distanced themselves from 'those events which are contrary to the European spirit of cooperation,<sup>12</sup> which unnecessarily cast a shadow on the ascending path<sup>13</sup> of the development of bilateral relations between Zagreb and Belgrade.'<sup>14</sup> In the absence of any reaction by the Government of the Republic of Serbia, the occasion was used to shift the responsibility for 'exaggerating and making heavy weather of things' on to the 'Croatian parapolitical and media sphere' which, in the words of Vladeta Janković, adviser to Prime Minister Vojislav Koštunica, was 'rather poisoned'.<sup>15</sup>

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<sup>10</sup> Reuters reported that the Serbian Radical Party (SRS) alone welcomed the declaration adopted at a Belgrade gathering, which set up, among other things, the government in exile of the Republic of Serb Krajina (RSK). 'The RSK is under the occupation of the Republic of Croatia, but this state of affairs cannot last,' said a SRS leader, Dragan Todorović. 'Zagreb očekuje novu osudu zvaničnog Beograda', *Danas*, 28 February 2005.

<sup>11</sup> Boris Tadić: 'We can't characterize as excesses the fact that in a few days 250,000 Serbs were expelled from Croatia, because that was ethnic cleansing. The killing of 2,500 people is by no means an isolated case, it is an organized crime.' 'Oluja jeste bila organizovan zločin', *Večernje novosti*, 1 August 2005.

<sup>12</sup> Vladimir Šeks: 'The founding of the RSK assembly in exile represents a political provocation of the vanquished nostalgists.' 'Provokacija poraženih nostalgičara', *Večernje novosti*, 1 March 2005.

<sup>13</sup> The event was denounced as a dangerous political provocation by over 80 viewers of the HRT programme *Otvoreno*. 'Oluja u čaši vode', *NIN*, 3 March 2005.

<sup>14</sup> Stanimirović: Plan da se doliva ulje na vatru', *Danas*, 1 March 2005.

<sup>15</sup> Vladeta Janković, the Serbian Prime Minister's foreign policy adviser, said this was a storm in a teacup. 'Too much significance is being attached to something which objectively lacks such significance. Though the government has neither been thrown off nor taken by surprise by this, it considers that its official reaction is not necessary.' 'Oluja u čaši vode', *NIN*, 3 March 2005.

The Croatian Assembly Committee for Human Rights and National Minorities<sup>16</sup> debated whether to recommend that the Assembly denounce the proclamation of the RSK government in exile in a special announcement, above all because that self-styled government enjoys the support of the Serbian Orthodox Church (SPC)<sup>17</sup> as well as of the Serbian Radicals, the strongest political party in SCG. In spite of the sober warnings that the Greater Serbia idea has suffered a decisive defeat,<sup>18</sup> notions are being revived in Serbia that it will be possible to 'somewhat rectify the great historical and human injustice<sup>19</sup> done the Serbs from Croatia.'<sup>20</sup> The Veritas documentation-information centre said in an announcement that 'even ten years after the end of the war and the exodus of the Serbs, Croatia is not succeeding in solving the Serb question according to European standards, so the banished Serbs see the resolution of their status in activating and implementing Plan Z-4.'<sup>21</sup> Veritas also pointed out that the RSK government in exile wanted negotiations on the status of the Serb people in Croatia on the basis of the Vance Plan, respect for tenancy rights, amnesty for some of the accused, and the return of refugees.<sup>22</sup>

The commemoration of the tenth anniversary of Operation Storm triggered a fresh polemic about the nature of the Croatian military operation, at the same time being used to divert attention from the pressure being brought to bear on Serbia in connection with the tenth anniversary of the Srebrenica massacre. In order to negate the legitimacy of the Croatian military operation, the Serbian political elite pronounced verdicts ranging from the

<sup>16</sup> The Committee for Human Rights and National Minorities backed a draft agreement with SCG to protect the Serb and Montenegrin minorities in Croatia and the Croat minority in SCG. 'Spozajem o manjinama', *Politika*, 9 March 2005.

<sup>17</sup> Zagreb will be the first city in the world to have a prestigious gymnasium (secondary school) to be founded by the SPC. In addition to Serb pupils it will be open to all who pass the demanding entrance examination. 'Pravoslavna gimnazija u Zagrebu', *Blic*, 18 August 2005.

<sup>18</sup> Ivo Sanader: 'The political reality is that Croatia has won the war imposed on it and that we have absolutely and definitively, as far as Croatia is concerned, done with the idea of the Greater Serbia conquerors.' 'Zagreb očekuje osudu zvaničnog Beograda', *Danas*, 28 February 2005.

<sup>19</sup> Rajko Ležajić, RSK government minister: 'If the President of Serbia, Boris Tadić, considers that these facts ought to be forgotten in Serbia, let him say so openly, but we don't believe that Tadić means that.' 'Nepromenjeni odnosi Srbije i Hrvatske', *Glas javnosti*, 6 March 2005.

<sup>20</sup> 'Veritas: primeniti plan Z-4', *Politika*, 4 August 2005.

<sup>21</sup> The Croatian Serbs believe that the authors did not devise the plan as a one-off proposition or to please the then leaders of Croatia, RSK or Federal Republic of Yugoslavia (FRY), but on the basis of historical conditions and facts as well as those prevailing at the time. 'Veritas: primeniti plan Z-4', *Politika*, 4 August 2005.

<sup>22</sup> 'Nepromenjeni odnosi Srbije i Hrvatske', *Glas javnosti*, 6 March 2005.

largest ethnic cleansing since the Second World War<sup>23</sup> to a genocide against the Serb people,<sup>24</sup> the rationale behind this being that all sides were equally responsible for the war. The patriotic rhetoric was rekindled which shamelessly trades upon the Serb victims<sup>25</sup> in order to relativize the crimes committed by 'all sides' and to promote the idea of a symmetry of crime. On the tenth anniversary of Operation Storm, Boris Tadić urged the Croatian leaders to condemn 'the crimes against Serbs in the same way he condemned the crimes in Srebrenica.'<sup>26</sup> President Stjepan Mesić retorted that 'Serbia ought to experience a catharsis, its citizens must seek their fortune in their own country, and we must all together open our borders and wage war for the adoption of European standards rather than equate Storm with Srebrenica.'<sup>27</sup> Boris Tadić wondered publicly 'how Croatia will treat, during the festivities in connection with Storm, the crimes committed against Serbs who were Croatian citizens? I am asking this question now and I would dearly like to hear the reply of the Croatian state and especially the Croatian politicians.'<sup>28</sup> Belgrade's accusations that ten years after the 'brutal aggression of the Croatian army and the ethnic cleansing of the Serbs in the territory of the RSK neither Croatia nor the international community has done anything to continue the process of resolving the question of Serbs in Croatia'<sup>29</sup> brought about a stagnation which, the Croatian Government said in an announcement, 'does not benefit the further development of relations between Croatia and SCG.'<sup>30</sup>

<sup>23</sup> Vojislav Koštunica: 'An entire people, the Krajina Serbs, was uprooted from its centuries-old home under ruthless threat of destruction in only a few days. The column of expellees stretching from Knin to Belgrade was the spectacle of a horrendous crime the like of which had not been seen before, representing the largest ethnic cleansing since the Second World War.' 'Iskorenjen ceo jedan narod', *Večernje novosti*, 5 August 2005.

<sup>24</sup> Sanda Rašković-Ivić: 'Croatia committed a genocide against the Serb people. For this reason Ivo Sanader and Stjepan Mesić ought to feel ashamed for declaring that Croatia is proud of Storm and that the action was brilliant.' 'Hrvatska počinila genocid nad Srbima', *Blic*, 4 August 2005.

<sup>25</sup> Čedomir Antić: 'Croatia has proclaimed [Operation] Storm its Victory Day. So, they do not mark their Victory Day when other countries do, because that is when their headman was thrown out in 1945, they celebrate the day on which they expelled 200,000 of their citizens.' 'Sad im Srbi i teroristi', *Večernje novosti*, 14 July 2005.

<sup>26</sup> The Croatian Assembly paid a tribute to the victims of the tragedy in Srebrenica by adopting a Srebrenica statement. It condemned the crime perpetrated by the Bosnian Serb army on the innocent victims in Srebrenica, then a safe zone under UN control. It thereby denounced any genocide, anywhere and in whatever form. 'Usvojena izjava o Srebrenici', *Danas*, 16-17 July 2005.

<sup>27</sup> 'Oluja jeste bila organizovan zločin', *Večernje novosti*, 1 August 2005.

<sup>28</sup> Boris Tadić, 'E, sad Oluja', *Kurir*, 29 July 2005.

<sup>29</sup> 'Zagreb očekuje osudu zvaničnog Beograda', *Danas*, 28 February 2005.

<sup>30</sup> 'Regarding the accusations which have been made by Belgrade lately, the Croatian Government draws attention to the historical fact that the only plan and

After the arrest of the Hague Tribunal indictee Ante Gotovina, Serbia remained isolated in its avoidance of cooperation with the Hague Tribunal. For all the accusations by Croatian war veterans<sup>31</sup> and right-wing associations<sup>32</sup> that the 'state leadership has betrayed the national interests', Prime Minister Sanader reacted rationally and called for 'self-command and coolness.' Determined to honour the Croatian state's commitments to the Hague Tribunal, Croatian politicians are insistent on SCG answering charges of aggression<sup>33</sup> and genocide before the International Court of Justice. Stjepan Mesić also argued that efforts should be made to individualize guilt because 'when specific people are made to answer for crimes, then collective accusations will cease.'<sup>34</sup> As well as repudiating responsibility for Belgrade's crimes in Croatia, Montenegrin officials signalled their readiness to make good some of the damage caused in the Dubrovnik hinterland, signing as a first step a memorandum on war reparations for the Konavle area.<sup>35</sup> Belgrade's response to this was to make further accusations against Zagreb for supporting secessionists in Montenegro.<sup>36</sup>

Speakers in the SCG Assembly debate on ratifying the Agreement on the Protection of the Rights of the Serb and Montenegrin Minority in Croatia and of the Croat Minority in SCG opposed ratification on the grounds that 'Croatia came into being through the ethnic cleansing of and war crimes

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objective of Operation Storm was liberation of the occupied territory, defence of the internationally recognized borders, and termination of the reign of terror of the illegal pack of criminal terrorists.' 'Vlada Hrvatske: častan čin', *Politika*, 5 August 2005.

<sup>31</sup> The rally in support of Ante Gotovina in Split brought together 50,000 to 70,000 people. The rally, entitled 'The truth, not the lie', was organized jointly by associations of veterans and disabled veterans. 'U Splitu više od 50 hiljada ljudi', *Danas*, 12 December 2005.

<sup>32</sup> Stjepan Mesić: 'If young people were taught in school what the throat-cutting criminal regime of Ante Pavelić and the NDH [Independent State of Croatia] was like, and if they knew what would have happened to Zadar if the Ustashe regime had endured, then they probably would not be wearing Ustashe hats on their heads.' 'Najžešće u Zadru', *Politika*, 11 December 2005.

<sup>33</sup> Predrag Bulatović, president of the Socialist People's Party, believes that in agreeing to pay compensation for a plundered farm at Grude in Croatia the Montenegrin government 'caused harm to Montenegro and the state union because it admitted responsibility and guilt for the aggression of which the Croats are accusing it.' 'Milova vlast priznala agresiju', *Kurir*, 19 September 2005.

<sup>34</sup> 'Mesić: Hrvatska neće odustati od tužbe protiv SCG', *Danas*, 18 February 2005.

<sup>35</sup> Croatia claims 385,000 euro for replenishing the livestock fund (650 cows) from a farm in Konavle. 'Prebijanje preko kolena', *Vreme*, 4 August 2005.

<sup>36</sup> 'Saradnja je nužnost', *Politika*, 9 August 2005.

against part of the population of the RSK<sup>37</sup> and for this reason they can't be admitted into Europe.'<sup>38</sup> Theses about the 'genocidal nature of the Croat people' were also put forward on the occasion of the sixtieth anniversary of the mass escape of Jasenovac camp prisoners. Sanader commented on the various estimates of the number of prisoners murdered in the camp, saying that on the one hand that already large crime had been exaggerated by the 'imposition of the thesis from Greater Serbia standpoints about the alleged genocidal nature of the Croat people', while on the other the number of Jasenovac victims had been played down as a way of shunning and hushing up the truth.<sup>39</sup>

During his visit to Croatia Prime Minister Vojislav Koštunica did not find it necessary to apologize for the war damage and crimes,<sup>40</sup> this at a time when Croatia was marking the fourteenth anniversary of the three-month siege of Vukovar.<sup>41</sup> Koštunica said instead that the problems caused by war 'are not solved by words, but by addressing the problems<sup>42</sup> that exist on both sides.'<sup>43</sup>

The judgement in the first case entrusted to the Serbian judiciary by the Hague Tribunal contains the first official acknowledgement by Serbia of the crimes committed at the Ovčara farm near Vukovar. The War Crimes Trial Chamber of the Belgrade District Court found guilty and sentenced 14 of 16 members of Vukovar territorial defence charged with the execution of at least 192 Croat prisoners.<sup>44</sup> At the same time, legal experts from both states argued that the case of the 'Vukovar three', currently tried by the Hague Tribunal, should be referred to national war crime courts. Croatia regards the Vukovar

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<sup>37</sup> Milorad Pupovac: 'This initiative is anti-Serb, against the policy of Serb repatriation to Croatia, as well as against an improvement of relations between Croatia and Serbia.' 'Protest ambasadoru Milanu Simurdiću', *Politika*, 2 March 2005.

<sup>38</sup> 'Žestoka rasprava o Srbima u Hrvatskoj', *Danas*, 21-22 May 2005.

<sup>39</sup> 'Sanader: utvrditi istinu o stradanju žrtava', *Danas*, 25 April 2005.

<sup>40</sup> The Croatian association of prisoners of Serb concentration camps has records that some 8,000 Croat soldiers and civilians passed through Serb camps, 300 of whom died as a result of abuse. 'Kolona sećanja na žrtve', *Danas*, 19-20 November 2005.

<sup>41</sup> During the siege of Vukovar 1,624 people were killed and 2,557 wounded, with some 22,000 Croats and non-Serbs expelled from the ruined city after its capture by the Yugoslav People's Army (JNA). 'Kolona sjećanja za žrtve', *Danas*, 19-20 November 2005.

<sup>42</sup> At the signing of the declaration establishing a ferry service across the Danube between Vukovar and Bač, local Croat officials from the Croatian Democratic Union (HDZ) and the Croatian Party of Rights (HSP) insisted that Serbian Deputy Prime Minister Miroljub Labus, who was about to visit Vukovar, would have to apologize for the things that happened in the town or not to come at all. 'HDZ traži izvinjenje', *Politika*, 20 October 2005.

<sup>43</sup> 'Oprez i uzdržanost', *Danas*, 25 November 2005.

<sup>44</sup> Eight were sentenced to 20 years imprisonment each and three to 15 years, three others were given milder sentences and two were acquitted for lack of evidence.

crime as 'the gravest crime committed in Croatia ever' and insists that the state in which the crime was committed has absolute priority to try it. Vukovar also figures in Croatia's aggression and genocide suit against the FRY, i.e. SCG, to the International Court of Justice in The Hague. Serbia, on the other hand, considers that letting Croatia prosecute the Ovčara case would have 'negative consequences because in that case opposition of public opinion to the Tribunal would grow'. The Hague Tribunal resolved the controversy by deciding to keep the 'Vukovar three' for itself.

A law adopted by the Serbian Assembly equating the Chetnik and partisan movements provoked negative reactions in neighbouring countries. Stjepan Mesić's visit to SCG was put off over the celebrations on Mt Ravna Gora, the Chetnik World War Two stronghold, the festivities organized and carried out with the active support of the Serbian authorities and the participation of a number of government officials. Croatia did not want to lend legitimacy of Serbia's revision<sup>45</sup> of twentieth century history,<sup>46</sup> particularly bearing in mind that in the name of the followers of Draža Mihailović<sup>47</sup> numerous atrocities against the civilian and other population were committed in the 1990s during the war in Croatia.<sup>48</sup> There was hardly any reaction in Serbia to the Mt Ravna Gora celebration, with SCG Foreign Minister Vuk Drašković, who hosted the event, declaring that 'We will not condition our relations with our neighbours on their attitude towards events from the past,<sup>49</sup> so we expect the same from them. Europe is our common home.'<sup>50</sup> Ivo Sanader proposed that the Assembly adopt a statement condemning the Chetnik movement, all its crimes in Croatia, and its collaboration with Fascism and Nazism.<sup>51</sup>

<sup>45</sup> Žarko Obradović: 'Mesić's statement contains a message not only to the public in Croatia, but to a much wider audience, because no one in the world has dared revise history the way we did.' 'Bez velike štete', *Politika*, 18 May 2005.

<sup>46</sup> Croatian President Stjepan Mesić said that the history textbooks should be revised as part of a school reform in order that the period under the Ustashe should be taught properly. 'Croatia did not evolve from the NDH but from anti-fascism; our young ones ought to know this, and they will know if they are taught that in school.' 'Mesić za revidiranje udžbenika istorije', *Danas*, 13 December 2005.

<sup>47</sup> The Croatian Ministry of Foreign Affairs and European Integration expressed regret that competent US institutions had made possible the presentation of President Harry Truman's award to the successors of the Chetnik movement leader Dragoljub 'Draža' Mihailović. 'Osuda Zagreba', *Politika*, 10 May 2005.

<sup>48</sup> 'Osuda Zagreba', *Politika*, 10 May 2005.

<sup>49</sup> Miroljub Albijanić: 'We do not interfere in the way in which Croatia manages its affairs, so they should not interfere in ours.' 'Bez velike štete', *Politika*, 18 May 2005.

<sup>50</sup> 'Mesić ne dolazi u Srbiju zbog Ravne Gore', *Danas*, 17 May 2005.

<sup>51</sup> 'Zagreb najavio mogućnost preispitivanja viznog režima sa SCG', *Danas*, 19 May 2005.

The law jeopardized all progress achieved up till then cooperation with the neighbours, Prime Minister Sanader even raising the possibility of a reintroduction of visas for SCG citizens: 'Our borders are our own affair, so bearing this in mind we will be closely watching developments in SCG and reacting, if need be, also with recourse to our visa regime.'<sup>52</sup> But in spite of the sparks caused by Serbian historical revisionism, the protestations that 'the idea of the political continuation of the RSK is not dead',<sup>53</sup> the proposals that Croatia be sued for genocide against Serbs,<sup>54</sup> and the thesis that Croatia bases its statehood on genocide,<sup>55</sup> the Croatian Government decided to extent the suspension of the visa regime for SCG from 1 January until 31 December 2006.<sup>56</sup>

Respect for and protection of minority rights is a problem both countries are striving to solve.<sup>57</sup> Serbia does not pursue an active and responsible minority policy,<sup>58</sup> and modifies its attitude towards its minorities only under pressure of the international community. International organizations say in their reports that persons belonging to the Serb minority in Croatia face various discrimination particularly in employment, proceedings before judicial authorities, the exercise of tenancy rights and freedom of movement.<sup>59</sup> Deputies of the Independent Democratic Serb Party (SDSS) point

<sup>52</sup> 'Zagreb najavio mogućnost preispitivanja viznog režima sa SCG', *Danas*, 19 May 2005.

<sup>53</sup> 'Izmenjena etnička slika Hrvatske', *Politika*, 5 August 2005.

<sup>54</sup> The founding convention of the RSK government in exile on the tenth anniversary of Operation Storm was attended by Radovan Karadžić's brother Luka. 'Tuže Hrvatsku sudu u Hagu', *Politika*, 5 August 2005.

<sup>55</sup> Aleksandar Vučić's 'special greetings to the Karadžić family' were given an ovation and the audience chanted the name of Radovan Karadžić for several minutes. In the Trade Union Hall where the meeting was held posters, badges and key ring attachments with portraits of Vojislav Šešelj were on sale, and some in the audience wore T-shirts bearing the logo of the right-wing organization Obraz. 'Traže da se hrvatska država proglasi za genocidnu tvorevinu', *Danas*, 5 August 2005.

<sup>56</sup> 'Bez viza u Hrvatsku', *Građanski list*, 20 December 2005.

<sup>57</sup> Stjepan Mesić: 'We can open the borders and cooperate, with the national minorities becoming our bridges of cooperation.' 'Zatvoriti ratne knjige', *Borba*, 7 July 2005.

<sup>58</sup> Threats to members of the Croat national community were written on a wall in Vrbas in Vojvodina. They read 'Death to Croats' and 'Kill and cut throats till there're no more Croats'. The graffiti were removed after a police on-site investigation, and the local Democratic Party (DS) branch asked the ruling Democratic Party of Serbia (DSS), SRS, and Socialist Party of Serbia (SPS) to do something to lessen the tensions. 'U Vrbasu prijeteće poruke tamošnjim Hrvatima', *Jutarnji list*, 7 April 2005.

<sup>59</sup> The European Commission says in its report on Croatia's progress that Serbs and Roma are still discriminated against especially in employment and that holders have problems exercising their tenancy rights. 'Srbi i Romi diskriminirani', *Politika*, 10 November 2005.



out that the right to use the Serb language and alphabet under an agreement with the HDZ has hardly been realized anywhere in Croatia,<sup>60</sup> a right also guaranteed by the Constitutional Law on the Rights of National Minorities.<sup>61</sup> The SCG Assembly ratified the Agreement on the Protection of the Rights of the Serb and Montenegrin Minority in Croatia and of the Croat Minority in SCG, which guarantees rights in the domains of culture,<sup>62</sup> education, the use of mother tongue and alphabet, information, scientific research, national minority heritage, and national minority protection.<sup>63</sup> Under the Agreement, SCG and Croatia undertake to ensure official use of the national minority languages and alphabets and to respect the national minorities' right to freedom of organization, cultural events and participation in decision-making relating to minority rights and situation. The Agreement provides for setting up a joint commission including minority representatives to monitor the implementation of the Agreement.<sup>64</sup> Both countries' officials stress that the persons belonging to the Serb and Croat minorities are expected to be loyal citizens of the states<sup>65</sup> in which they live,<sup>66</sup> at the same time underlying the commitments of the mother countries to their diaspora minorities.<sup>67</sup> Croatian officials gave credit to

<sup>60</sup> The SDSS vice-president and parliamentary deputy, Milorad Pupovac, has asked Ivo Sanader that 7 January on which Orthodox Christians celebrate their Christmas should be declared a holiday in all schools in Croatia. He said that if Sanader did not agree, he and the SDSS would demand a modification of next year's school calendar to include 7 January as a holiday. 'Traže neradni dan u školama', *Politika*, 6-7 January 2005.

<sup>61</sup> 'Nezadovoljstvo u redovima SDSS-a', *Politika*, 9 November 2005.

<sup>62</sup> SDSS vice-president Jovan Ajduković announced that a Serb Culture Centre would soon be established in Vukovar. He said the centre would launch a multi-national TV station, a regional outlet networking in the near future with TV stations from Vojvodina, Hungary and the Tuzla canton. 'Jovan Ajduković: Uskoro multinacionalna televizija u Vukovaru', *Danas*, 24 Oktober 2005.

<sup>63</sup> A large part of Croatia's artistic and cultural heritage, consisting of 8,500 museum and 10,000 sacral exhibits stolen during the last war, is yet to be returned. A number of items have been returned and the rest will be sent back subject to talks to be resumed shortly by the two countries' ministries of culture. The restoration of Croatian objects of art is part of an agreement reached in New York in 2001 by the then foreign ministers. 'Hrvatska još čeka kulturno nasleđe', *Danas*, 18 August 2005.

<sup>64</sup> 'Žestoka rasprava o Srbima u Hrvatskoj', *Danas*, 21-22 May 2005.

<sup>65</sup> The Croatian police investigated two provocations during the celebration of Orthodox Christmas in Borovo and instituted misdemeanour proceedings against four persons from Trpinje. Several young people unfurled a flag displaying a two-headed eagle and four Cyrillic letters 'S'. A person was spotted in a car wearing a Serb cap called *šajkača* with a Chetnik cockade. 'Provokacije u Vukovaru', *Politika*, 8 January 2005.

<sup>66</sup> Vojislav Stanimirović: 'The Serbs in Croatia now do not need guardians like those who formed the RSK assembly in exile in Belgrade.' 'Loša usluga Srbima', *Večernje novosti*, 1 March 2005.

<sup>67</sup> 'Važnost i zrnca različitosti', *Politika*, 7 July 2005.

the minority Serbs for their contribution to European integration, promotion of the culture of dialogue and mutual respect and tolerance. Prime Minister Sanader stressed in this connection that 'a major step forward has been taken with support from the minorities and their representatives in the Croatian Assembly<sup>68</sup> regarding respect for the values we share together with progressive Europe.'<sup>69</sup> Croatian officials further stressed the importance of the changed picture of Serbian-Croatian relations because, they said, 'we have much more in common than that which happened ten years ago.'<sup>70</sup> The National Coordination of the Councils of the Serb National Minority in the Republic of Croatia is the official name of the new Serb representative body in Croatia<sup>71</sup> established in Zagreb under the new Constitutional Law on the Rights of National Minorities.<sup>72</sup> Croatian media stressed that 'there is no reason whatever for anyone in Croatia to feel offended over the flag decision adoption; the Serbs must have the right to a flag and to other symbols, just as no one denies the Croatian Italians the right to a flag. Rather than jeopardizing the RH [Republic of Croatia], the national minority symbols at least bespeak the internal tolerance<sup>73</sup> and the level of democracy desired.'<sup>74</sup>

A Serb delegation from Croatia visited Sombor and Subotica at the invitation of the Croat National Council in SCG. On that occasion Croatian ambassador Tonči Staničić said that 'after a period in which minorities were the cause of misunderstandings, a time is coming for minorities to practice the policy of understanding, cooperation and solidarity among themselves and to exhort states to active minority policies and open relations in order that states should not pose obstacles to the realization of links between the mother nation and those who have meanwhile<sup>75</sup> become minorities.'<sup>76</sup> The Croat minority in

<sup>68</sup> The SDSS is satisfied with the local election results giving it twice as many deputies as last time. The party won in Knin with 36.5 per cent of the vote equivalent to eight seats, and 30 per cent of the vote in Vukovar.

<sup>69</sup> Ivo Sanader, 'Unapređenje suživota', *Politika*, 8 January 2005.

<sup>70</sup> Tonči Staničić, 'Prepišite od nas', *Večernje novosti*, 2 April 2005.

<sup>71</sup> The coordination of the Serb national councils will be an umbrella organization operating at state level and comprising representatives of the elected county councils of the Serb national minority in Croatia. The founding assembly was attended by 77 delegates from 17 counties in which the Serb national minority has its elected councils.

<sup>72</sup> 'Zajednički do prava', *Politika*, 6 April 2005.

<sup>73</sup> After the May 2005 local elections in the multiethnic towns of Knin and Vukovar, the HDZ cold-shouldered the Independent Democratic Serb Party and set up local government in coalition with the far-right Croat parties, a move which is not conducive to the lessening of tensions.

<sup>74</sup> 'Zastava hrvatskih Srba ne treba nikome smetati', *Jutarnji list*, 7 April 2005.

<sup>75</sup> Tonči Staničić: 'During the life of the former Yugoslavia the Croats were a constituent people. The fact that they were recognized as a minority comparatively recently explains why they still do not know what it means to be a minority. They have

Serbia is also in a very unfavourable situation<sup>77</sup> characterized by inequality and discrimination in relation to both the majority people and other minorities in Serbia. The Declaration of the Democratic Alliance of Croats in Vojvodina highlights discrimination by the civil service regarding employment and the failure to take affirmative action. The Croat minority complains that the provisions regulating the official use of the Croatian language and alphabet in the civil service and administrative and judicial proceedings are not implemented. They point out that the 'Croats in Vojvodina want only what all other minorities have - nothing more and nothing less.'<sup>78</sup>

By signing the Sarajevo Declaration Croatia undertook actively to support coordinated regional efforts and to do all it can to prove that the 'state and its institutions are functioning'<sup>79</sup> and that it is 'in Croatia's national interests that its refugee citizens return to the country'.<sup>80</sup> For all Belgrade's lip service to the return of refugees,<sup>81</sup> to their legal<sup>82</sup> and property security, and to the final resolution of the matter of registers of births, marriages and deaths

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no developed minority infrastructure, they are learning to behave and operate as a minority.' 'Hapšenje Gotovine ne treba slaviti, ali nije ni nešto oko čega treba tugovati', *Danas*, 17-18 December 2005.

<sup>76</sup> 'Susret Srba iz Hrvatske sa Hrvatima iz Srbije', *Danas*, 23 December 2005.

<sup>77</sup> Tonči Staničić: 'Perhaps the most serious problem is the insufficient representation of Croats in the organs of government, representative as well as on all other levels. The existence of problems is attested to, among other things, by the Declaration of the Democratic Alliance of Croats in Vojvodina on the situation of the Croat minority and by the debate in the Parliamentary Assembly of the Council of Europe.' 'Hapšenje Gotovine ne treba slaviti, ali nije nešto oko čega treba tugovati', *Danas*, 17-18 December 2005.

<sup>78</sup> TV Novi Sad started a Croat programme three years ago and broadcast it, with occasional interruptions, until June 2004. The competent authorities in Serbia and Vojvodina say that the 30-minute semi-monthly programme should be restarted and that the TVNS director should explain why it is not running. Since the founding of the Croat National Council, the newspaper publishing house Hrvatska riječ which launched the programme has not been able to sign a broadcasting contract because TVNS does not want it to. The Croat National Council held a press conference complaining of discrimination against the Croat minority, and TVNS retorted by filing a suit against the programme editor for alleged hate speech. 'Granice ne predstavljaju problem u našim odnosima', *Danas*, 17 February 2005.

<sup>79</sup> Stjepan Mesić. 'Ubrzati povratak izbeglica', *Danas*, 25 April 2005.

<sup>80</sup> Stjepan Mesić. 'Ubrzati povratak izbeglica', *Danas*, 25 April 2005.

<sup>81</sup> Rasim Ljajić: 'Since the beginning of 2005, 1,941 persons have returned to Croatia.' 'Rasim Ljajić: izvršena revizija tajnih optužnica iz Hrvatske', *Danas*, 15 July 2005.

<sup>82</sup> Tonči Staničić: 'A list of persons being prosecuted in Croatia for war crimes was transmitted to the Serbian side at least twice. The new revised list made up before the summer of this year contains [the names of] 930 persons.' 'Hapšenje Gotovine ne treba slaviti, ali nije ni nešto oko čega treba tugovati', *Danas*, 17-18 December 2005.

and other registers, the refugee repatriation campaign Croatia launched<sup>83</sup> was either ignored in Serbia or mostly criticized. Keeping the Serb refugees in Serbia as part of a strategy of ethnic consolidation of Serbia itself is Serbia's state policy.

According to the plans of the Croatian government, most of the 100,000 registered refugees are expected to return to Croatia by the end of 2006.<sup>84</sup> A promotion of the repatriation campaign in the Croatian embassy in Belgrade was called off because the republic Commissariat for Refugees had not responded to the invitation. The Croatian ambassador in Belgrade said that 'instead of [promoting] communication' the media carried an announcement saying that 'the time is not ripe for a campaign, it will not contribute to the process of return, the refugees and refugee associations are against the campaign.'<sup>85</sup> The appeals to open a dialogue on and make constructive room for resolving the complex issue of return failed to elicit specific action by the Serbian side, which responded by threatening to 'internationalize this problem' and calling for 'international forums to expedite the process'.<sup>86</sup> As part of the return campaign, the Consulate of the Republic of Croatia launched a telephone information service for refugees from Croatia. This is yet another source of information on the protection of refugees' rights, including their right to return, property rights, right to a pension, etc.<sup>87</sup>

Obstacles to faster return include lack of progress in dealing with the loss of tenancy rights pertaining to 'socially-owned' flats, limited economic prospects partly owing to discrimination in employment and inconsistent implementation of legislation on the proportional representation of minorities in the state administration, judiciary and regional offices of state ministries. An increase in the number of violent attacks on Serbs is also in evidence.<sup>88</sup> The

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<sup>83</sup> Vojislav Stanimirović: 'Croatian state statistics record the return of some 110,000 people, but we think that about 80,000 have returned. There are at least 150,000 more people who have taken up permanent residence in SCG, and many are coming here only temporarily because there are no conditions here for their permanent return.' 'Loše, ali bolje', *Večernje novosti*, 26 May 2005.

<sup>84</sup> In the opinion of Milorad Pupovac, the local elections in Croatia were an encouragement to return, a step towards the integration of the Serb community into the government institutions, public affairs and Croatian society as a whole. 'Mržnja sa ekrana', *Politika*, 24 May 2005.

<sup>85</sup> Tonči Staničić: 'Hapšenje Gotovine ne treba slaviti, ali nije ni nešto oko čega treba tugovati', *Danas*, 17-18 December 2005.

<sup>86</sup> Rasim Ljajić: 'Spisak osumnjičenih tek krajem avgusta', *Danas*, 4 August 2005.

<sup>87</sup> 'Informativni telefon za izbeglice', *Danas*, 15 July 2005.

<sup>88</sup> The office of the UN High Commissioner for Refugees in Croatia condemned in the strongest terms the attacks on Serb returnees in the village of Ostrovica near Benkovac. Although it considered such attacks isolated and the security situation in the return area satisfactory, the UNHCR warned that the frequency of

Croatian police made a report on the ethnically motivated incidents in 2005.<sup>89</sup> In most cases the police failed to identify and arrest the perpetrators.<sup>90</sup> Of the 25 Serbs arrested in Croatia in 2005, 20 were returnees from exile.<sup>91</sup> Ratko Gajica, SDSS parliamentary deputy, blamed this trend on the general mood in some parts of Croatia (the Šibenik and Zadar hinterlands)<sup>92</sup> and on private interests rather than ideological grounds.<sup>93</sup> The Croatian public showed an increasing willingness to take a critical look at the political legacy of the previous period<sup>94</sup> and to confront its own past<sup>95</sup> though, according to the Human Rights Watch, prosecutions of Serbs suspected of war crimes<sup>96</sup> far outnumbered those of Croats on the same charges.<sup>97</sup> A cooperation protocol of

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attacks on refugees and their property had of late given cause for concern. 'Osuda UNHCR', *Večernje novosti*, 21 July 2005.

<sup>89</sup> According to the police report, only a third of the perpetrators of misdemeanours and criminal offences against citizens of Serb nationality had been identified. There were a total of 50 incidents (including two homicides, four explosions, three cases of grievous bodily harm, five grand larcenies, six cases of property destruction, setting fire to vehicles, the use of firearms...).

<sup>90</sup> Milorad Pupovac: 'This is conducive to the spreading and revival of a nationalism which is the product of a policy of fear and of continuing lack of readiness to make clear political statements.' 'Srbi u pat poziciji', *Vreme*, 9 June 2005.

<sup>91</sup> 'Srbi građani drugog reda', *Večernje novosti*, 3 March 2005.

<sup>92</sup> *Slobodna Dalmacija* writes that not a single perpetrator was ever identified in connection with the murder of between 10 and 20 Serb civilians and the blowing up of scores of Serb refugee houses in 1991-93 in and around Zadar, an area under the control of Croatian police and military forces during the war. 'Zadarski slučaj Glavaš', *Politika*, 2 August 2005.

<sup>93</sup> 'The general atmosphere in those parts is unfavourable and still generates animosities that are out of place at this time so long since the war events. On the other hand, community leaders, certain veterans' organizations and certain other lobbies promoting mainly their private causes keep stoking such an atmosphere because it is in their interests.'

<sup>94</sup> The TV programme *Latinica*, which raised the question of the political legacy of Franjo Tuđman, caused a public uproar. Vladimir Šeks said that '*Latinica* is a blasphemous falsification of Croatian history'.

<sup>95</sup> The State Prosecutor's Office said that a total of 3,558 criminal complaints had been filed by the end of 2005 against persons suspected of committing war crimes. Some 1,360 indictments were brought of which some 240 were cast aside, and about 550 persons were convicted of war crimes. Only four Croats were sentenced under finally binding judgements, for crimes in Gospić and Paulin Dvor near Osijek. Some 420 investigations were pending and 1,440 were discontinued for lack of evidence. 'Osudeno malo Hrvata', *Glas javnosti*, 9 August 2005.

<sup>96</sup> Within six months of the signing of an agreement by the Croatian and Serbian judiciaries, five Serbs were transferred to prisons in Serbia, with 60 Serbs still awaiting trial in Croatian prisons. 'Da se ne zaboravi', *Večernje novosti*, 13 August 2005.

<sup>97</sup> Pursuant to a new investigation order against five of eight former Croatian policemen, issued by the County Prosecutor's Office in Split early in December 2004, a

the Croatian and Serbian ministries of justice institutionalized their cooperation<sup>98</sup> and made it possible to simplify dealing with many matters such as prisoner transfer, social security agreements<sup>99</sup> and succession. The process of refugee return does not appear viable mostly owing to problems with housing and employments and partly to lack of basic utility services and social infrastructure. The process of return and integration is slow<sup>100</sup> in spite of the present positive atmosphere created by the Croatian Government with the support of the opposition and the political leaders of the Serb minority.

The political representative of the Serb minority in the Croatian Assembly, the SDSS, conditions its support for the Sanader government on the resolution of issues of key importance for the successful return of refugees: continued development of areas under special state care, repair and restitution of property, and solution of the question of tenancy rights.<sup>101</sup> The solution in Croatia of the last question is a condition set out in its Stabilization and Association Agreement with the EU. The OSCE has recommended the necessity of amending the Law<sup>102</sup> on Civil Procedure<sup>103</sup> to forbid the users of property to sue the owners (Serb returnees) for reimbursement of investments made.<sup>104</sup> There also remains to solve the problem of misappropriation of Serb

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pre-investigation examination started of the suspects accused of war crimes against civilians at Lora prison in 1992. 'Zlostavljeni i ratni zarobljenici', *Politika*, 8 March 2005.

<sup>98</sup> 'Sporazum o saradnji ministarstva pravde Srbije i Hrvatske', *Danas*, 6 December 2005.

<sup>99</sup> As a result of the two states' agreement on social insurance, ratified in 2003, pensioners in Serbia and Croatia began receiving their pensions. At the moment, over 12,000 Croatian pensioners in Serbia are receiving their pensions regularly. The Serbian negotiators failed to secure payment of back pensions and recognition of length of service for the Serb pensioners. There are also unresolved problems regarding the right to shares distributed as part of the privatization process.

<sup>100</sup> The Croatian ombudsman Ante Klarić refers to 'several factors which contribute to this, especially the slow return of property, the unsolved question of the former holders of tenancy rights, destruction of abandoned property, and the compensation claims by the temporary users, including court judgements which place financial burden on owners for actions for which they are not responsible.'

<sup>101</sup> 'Pupovac najavio podršku rebalansu budžeta', *Danas*, 6 July 2005.

<sup>102</sup> The first principles of the repatriation procedure are that the successful applicant must live in Croatia and may purchase the flat to which they have tenancy rights on easy terms. Pupovac condemned the first requirement as racist. 'Prebijanje preko kolena', *Vreme*, 4 August 2005.

<sup>103</sup> 'Upozorenje OEBS-a', *Politika*, 11 April 2005.

<sup>104</sup> The OSCE and other international organizations in Croatia expressed their concern at the forced sale of the house of a Serb returnee, Stevo Zabradac, who could not pay compensation for the unsolicited investments made in the house by the temporary user, who inhabited the house since 1992. International representatives recommended that the Croatian authorities adopt legislation forbidding the temporary users of houses under Croatian Government management to sue the owners of the property and claim

property through purchases by the Agency for Legal and Real Estate Transactions (APN), giving rise to 127 judicial proceedings to date. Taking advantage of the scam devised by corrupt officials and organized crime syndicates, the abandoned property was bought by the Croatian state and sold without the knowledge of its owners.<sup>105</sup> The SDSS was dissatisfied with the realization so far of its agreement with the HDZ on the restitution of the property of Serb refugees and displaced persons, specifically with the failure to implement crucial points of the agreement.<sup>106</sup> Croatia twice extended the deadline for accommodation applications from former holders of tenancy rights who had acquired these rights in the territory of the Republic of Croatia other than areas affected by war and subject to special state care. The extension was welcomed by minority and international organizations, notably the OSCE, above all because the Croatian Ministry of the Sea, Tourism, Transport and Development had registered only some 2,600 out of 27,000 such flats.<sup>107</sup>

There was further progress regarding outstanding issues such as the matter of borders, which were no longer regarded as a 'political and international issue'. The change was the result of the commitment to European integration, which requires that territorial disputes must be settled beforehand, and this is why the question of borders was looked upon as mainly a 'technical' matter that ought to be 'solved before entry into the EU'.<sup>108</sup> The interstate diplomatic commission in charge of the matter continues to determine the border line, and is dealing with most issues such as Prevlaka

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reimbursement of investments. 'OEBS u Hrvatskoj brine prinudna prodaja kuće srpskog povratnika', *Danas*, 17-18 December 2005.

<sup>105</sup> The scheme is now characterized as the biggest fraud in the Balkans and a guile built upon ethnic cleansing. Since its formation the APN has spent over 200 euro on the purchase of 8,300 Serb houses in the Krajina and Slavonia regions, most of the money ending up in private pockets. 'Hrvatska prevara za proterane Srbe', *Nacional*, 14 February 2005.

<sup>106</sup> Since the beginning of last year, when according to official data 3,509 houses owned by Serb refugees were still illegally occupied, owners were unable to take possession of another 1,197 although the deadline for their restitution had expired on 31 December. 'Hiljadu zaposjednutih kuća', *Politika*, 13 January 2005.

<sup>107</sup> Milorad Pupovac reminded Sanader that 887 housing units were yet to be returned to citizens of Serb nationality, that not a penny had been spent to provide accommodation for the former holders of tenancy rights, and that all the money had already been spent that had been set aside for the repair by year's end of 3,500 buildings falling within damage grades 4-6. Pupovac said that the agreement implementation delay was equally damaging to the Croatian Government and the Serb minority.

<sup>108</sup> 'Granice ne predstavljaju problem u našim odnosima', *Danas*, 17 February 2005.

Peninsula and the northern border. The commission operates under the 2002 Protocol Concerning the Principles for Determining the Border Line.<sup>109</sup>

The two countries agree that it is necessary to determine the directions of their economic and technological cooperation to find joint markets and realize joint programmes. They had reason to be pleased with their trade in goods which, according to the latest data, achieved growth of 50 per cent during the first eight months of the year over the same period in 2004, reaching the value of some 300 million US dollars.<sup>110</sup> Croatian companies accounted for 2 per cent of foreign investments in Serbian firms.<sup>111</sup> In spite of occasional outbursts of 'economic patriotism', the results of the cooperation of Croatian and Serbian companies has surpassed all expectations, said Serbian Deputy Prime Minister Miroljub Labus on the occasion of the establishment of the Croatian Business Club in Belgrade.<sup>112</sup>

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<sup>109</sup> The border line on the Šarengradska Ada river island, in other pockets on the Danube and other places along the river can be determined according to the cadastral books, among other things. 'Granice ne predstavljaju problem u našim odnosima', *Danas*, 17 February 2005.

<sup>110</sup> 'Tonči Staničić: odnosi Hrvatske i SCG idu napred', *Danas*, 25 October 2005.

<sup>111</sup> Employees of the Toza Marković tile factory protested outside the conference hall against moves by the Croatian group Nekse to take over their firm. 'What do you want me to tell you? You can see for yourself why we're protesting! They beat us in Croatia, while here our police protect them,' a protester told the reporter. 'Poklon Mesiću za Oluju', *Nacional*, 26 July 2005.

<sup>112</sup> The club is a venue where Serbian and Croatian businessmen will exchange experiences with a view to improving bilateral economic cooperation. 'Saradnja iznad očekivanja', *Politika*, 22 November 2005.

## BOSNIA-HERZEGOVINA: THE BURDEN OF THE PAST

Relations between Serbia and Montenegro and Bosnia and Herzegovina are still burdened by problems from recent past, which are yet to be resolved in a satisfactory way. Political elite in Serbia is expending enormous energy to deny the BH genocide and aggression charges against SM,<sup>1</sup> while pertinent judgements passed by the Hague Tribunal are being trivialized. Serbia is trying to down-size the policy of aggression and ethnic – cleansing<sup>2</sup> resulting in displacement of 2 million inhabitants, killing of 200,000 people and tens of thousands of gang and individual rapes, to "the criminal hallmarks of a regime"<sup>3</sup>. Added to that the future of B-H as a single state hinges to a large degree on the revision of the Dayton Accord, which should relativise the ethnic principle.

Co-operation between the two countries is mostly propelled by the international community. SM and B-H have kicked-started negotiations on the Stabilization and Association Agreement with EU, for that is the only way of preventing the West Balkans from remaining the "black hole in Europe"<sup>4</sup>. In view of parallel negotiations on the future status of Kosovo, Belgrade insists that the BH talks on association with EU should also embrace the country's specific features, "in the similar fashion it was done with the state union of Serbia and Montenegro."<sup>5</sup> This is an attempt at drawing a parallel between a

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<sup>1</sup> Member of B-H Presidency, Sulejman Tihić: "Judgements are important because of the truth, justice and victims. They also have a bearing on confidence-building and promotion of relations between our two countries and our peoples, for only on foundations of justice and truth we can build a better future. "Tihić: Judgements are important because of the truth", *Danas*, 31 December – 3 January 2006.

<sup>2</sup> BH Ambassador to Belgrade, Tomislav Leko, welcomed the response of the Serb authorities to disclose the video recording on the killing of Srebrenica victims and assessed that the foregoing was the right way to resolve open issues between Belgrade and Sarajevo. "Leko welcomes Belgrade's response", *Politika*, 6 June 2005.

<sup>3</sup> President of DP political council, D. Micunovic, "Regime Is Guilty", *Novosti*, 4 June 2005.

<sup>4</sup> "Kosovo and SM the Biggest Challenges for EU", *Danas*, 28-29 January 2006.

<sup>5</sup> Aleksandar Simić, adviser to the Serb Prime Minister, "By Accusations They Cover Up Their Guilt", *Novosti*, 16 September 2005.

similar status of Republika Srpska and Kosovo. That stance of the Serb elite clearly demonstrates that in its view the issue of borders in the Balkans is still open,<sup>6</sup> and that it reckons on the new drawing of ethnic borders.

*Tenth anniversary of the Srebrenica massacre* was an occasion for a re-appraisal of international stances on the crime committed in Srebrenica. But contrary to all expectations Serbia failed to act likewise. On the contrary, it continued to deny<sup>7</sup>, contest the reality<sup>8</sup> and relativise it<sup>9</sup>, as well as to counter the Srebrenica genocide with the misuse and doctoring of the number of Serb victims in Bratunac.<sup>10</sup> Moreover the suffering of the Sarajevo-based Serbs<sup>11</sup> is now being qualified as a genocide.<sup>12</sup>

Presence of the Serb president Boris Tadić<sup>13</sup> in the Srebrenica commemoration ceremony was not a gesture of a politician assuming responsibility of Serbia for a planned and systematic destruction of Bosniak

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<sup>6</sup> Boris Tadić "This is the region of traditional inter-ethnic conflicts which have been currently more or less curbed, but there are always salient and sensitive issues which can revive those conflicts. Any precedent in the region may be tragic." "Tadić against Imposed Solutions", *Novosti*, 21 November 2005.

<sup>7</sup> Sulejman Tihić "Denial of Genocide Is the Last Stage of Genocide". "Use of Genocide", *NiN*, 14 July 2005.

<sup>8</sup> Zoran Stojković, Justice Minister, "Video recording on the crimes committed by members of paramilitary formation Scorpions, is revolting, but it was only one of many crimes committed on the whole territory of former Yugoslavia". "Trials in Serbia", *Nacional*, 6 June 2005.

<sup>9</sup> Tomislav Nikolić "One-sided tack to Srebrenica is unacceptable for the Serb Radical Party. It hurts me to see all and sundry in Serbia talking about crimes committed by Serbs, but no-one talks about crimes committed by Muslims. If some Serbs in Republika Srpska committed crimes, what kind of sin is it for Serbia?". "Witnesses of Crimes", *Danas*, 8 June 2005.

<sup>10</sup> With that intent the date of the 1993 Bratunac massacre of Serbs-which happened on Christmas in a reprisal for the previous Serb-committed crimes against Muslims- was doctored. Thus the Serb side on 12 July commemorated 3,000 killed and missing Serbs during the B-H war.

<sup>11</sup> During the 44 -month long siege of Srajevo over 11,000 people, of whom 1,500 children. died. An average of 1,000 shells from the Yugoslav People's Army weaponry fell daily on Sarajevo. The circle around Sarajevo manned by 12,000 soldiers was 62 km long. "1,000 shells every day", *Danas*, 6 April 2005.

<sup>12</sup> Likening of suffering of Sarajevo Serbs with the Srebrenica genocide "is equal to a political blindness and no-one can on grounds of current political needs change or re-tailor the truth." "Bukejlović's Political Provocation", *Danas*, 29 March 2005.

<sup>13</sup> Members of association Women of Srebrenica sent a letter to the Bosniak member of B-H Presidency Sulejman Tihić and reis-ul-ulema of the B-H Islamic community, Mustafa Cerić, asking them to ban the arrival of SM delegation to Srebrenica commemoration. They warned that "in case of arrival of SM representatives, we are not to be held accountable for our actions". "Do Not Come to Srebrenica", *Novosti*, 4 June 2005.

population<sup>14</sup>. Commemoration at which all international representatives acknowledged their responsibility for not acting fast enough and sufficiently enough to foil such a crime, ended by "the whole world, barring Serbia, making a public apology."<sup>15</sup> Former head of the legal team of BH in the proceedings relating to BH aggression and genocide charges against SM, Frances Boyle, stated that the arrival of the Serb President Boris Tadić was an insult for victims of Srebrenica: "His arrival and presence in Počare was tantamount to a visit by a Nazi officer<sup>16</sup> to Auschwitz".<sup>17</sup>

Initiative of the eight NGOs to make the Serb parliament adopt a Declaration acknowledging responsibility for the committed genocide and paying tribute to victims, was met with a great odium in Serbia.<sup>18</sup> In that regard the eight NGOs staged many manifestations, notably, the promotion of the book "Srebrenica: from denial to acknowledgement" published by the Helsinki Committee for Human Rights in Serbia, and the only institutionally and publicly organized marking of the tenth anniversary of massacre in Srebrenica in the Vojvodina Parliament. Added to that the Women in Black organized a protest *Let us not forget*, which was interrupted by a group of the right-wing militants chanting "Knife, wire, Srebrenica", and "This is a Serb land" and throwing tear-gas.<sup>19</sup> Nearly all billboards with an *artistic depiction of Srebrenica massacre* in Belgrade, Čačak, Niš and Novi Sad, were re-painted with black colour, torn up, or the following graffiti were written over them: "Reprisal is nearing", "Milica Rakić", "Knife, wire, Srebrenica", "To see, to remember, to repeat"<sup>20</sup>. Fund for the Humanitarian Law screened a documentary on the paramilitary formation *Scorpions*, which had been previously shown in the Hague Tribunal. All those attempts of the eight NGOs to break up the generally accepted conspiracy of silence were met with the following responses: "Why those greatest fighters for peace try to raise

<sup>14</sup> Berlin daily Welt, reminded its readership that the Srebrenica massacre was a taboo topic in Serbia and that one TV poll indicated that barely 50% of respondents believed that Srebrenica massacre really took place, and that two thirds of them considered Karadžić and Mladic, heroes. "The Great Stigma", *Politika*, 5 June 2005.

<sup>15</sup> "Lack of Tadić's Apology Is a Bad Sign", *Danas*, 13 July 2005.

<sup>16</sup> During the Potočari commemoration, in several places in Negotin, the following graffiti appeared: "Mladić, thank you for the Serb Srebrenica", "Knife, wire, Srebrenica", "Srebrenica 1995-2005", signed by the National Squad. "Message of gratitude to Mladić", *Danas*, 14 July 2005.

<sup>17</sup> "The Goal Is Abolishment of Republika Srpska", *Novosti*, 12 July 2005.

<sup>18</sup> Miloš Aligrudić "Text of declaration is unfit, for it implies repentance of the whole people for war crimes, that is, as if all citizens backed crimes, though, in fact, the majority of them were against crimes". "Marković: An Urgent Declaration on Condemnation of Crime", *Danas*, 7 June 2005.

<sup>19</sup> "You are contaminating our city". "Let's throw tear-gas on", *Danas*, 11 July 2005.

<sup>20</sup> "Disrespect of the Crime", *Glas*, 7 July 2005.

awareness of the people by provoking in fact a counter-effect? Are they bothered by the peacetime, so they need now something else to fight against?"<sup>21</sup>

President of the Serb Parliament, Predrag Marković, stated that "Srebrenica is a blemish on the consciousness of the whole<sup>22</sup> mankind"<sup>23</sup>, but added that "parliament of Serbia is not authorized to discuss a single event, which has moreover happened outside our territory."<sup>24</sup> Parliament of Serbia began its 11<sup>th</sup> July session by a minute of silence devoted to all victims of Srebrenica, Bratunac, and Skelane. MPs of the Serb Radical Party were absent, while only one MP of Democratic Party was present.<sup>25</sup> The republican parliament debated the Resolution condemning generally all war crimes. That was an attempt to show that Serbia disapproved of crimes and for them held accountable only some individuals<sup>26</sup> "in order to avoid condemnation of the whole Serb people".<sup>27</sup> Having in mind such a prevailing stance of the Serb political elite,<sup>28</sup> presence of President Tadić in Potočari was mostly interpreted by the BH public as his personal<sup>29</sup> stand.<sup>30</sup> Only the *Bosniak National Council of Serbia and Montenegro* passed the decision that 11<sup>th</sup> of July be celebrated as the Day of Remembrance. MPs of European Parliament<sup>31</sup> expressed their regret for non-adoption of Srebrenica-related resolution by the Serb Parliament.

<sup>21</sup> Savo Štrbac. "Srebrenica on Billboards", *Kurir*, 2-3 July 2005.

<sup>22</sup> House of Representatives of the US Congress and Senate adopted the Resolution on Srebrenica. "False Victory", *Nacional*, 7 July 2005.

<sup>23</sup> Paul Wolfowitz, "A Blemish on the Consciousness of the Whole Mankind", *Danas*, 12 July 2005.

<sup>24</sup> "All for Condemnation", *Novosti*, 4 June 2005.

<sup>25</sup> "Uproar because of Silence", *NiN*, 14 July 2005.

<sup>26</sup> Mirosljub Labus "It must be openly said that it was done by criminals, and the dictatorial regime was responsible for killing our and foreign people". "Killers Have Names", *Novosti*, 5 June 2005.

<sup>27</sup> Tomislav Nikolić, vice president of the Serb Radical Party. "All for Condemnation", *Novosti*, 4 June 2005.

<sup>28</sup> Association of students' of the Belgrade Law Faculty, Nomokanon, stated that the panel discussion Truth about Srebrenica "was a scientific meeting based on facts, and not the meeting staged for the sake of glorification of crimes". "Panel Discussion on Srebrenica Was a Scientific Meeting", *Politika*, 19 May 2005.

<sup>29</sup> With respect to the panel discussion Truth about Srebrenica, at which liberation of Srebrenica was extolled, Boris Tadić stated that "Citizens of every country have the right to freely express their stance, even when it is contrary to the official policy of those countries".

<sup>30</sup> Mirsad Tokača, Director of Research-Documentary Centre from Sarajevo "That gesture does not mean that the state of Serbia has thus paid tribute to all the Bosniaks killed in Srebrenica." "Tadić Is Not the State of Serbia", *Novosti*, 14 July 2005.

<sup>31</sup> MPs of European Parliament adopted the Resolution on the Future of the West Balkans ten years after Srebrenica. "Condemnation of Crime and Calls on Co-Operation with the Hague Tribunal", *Danas*, 8 July 2005.

Responses to Srebrenica anniversary only laid bare unreadiness of the Serb political elite to assume responsibility, or rather indicated that it still adhered to the project of unification of all Serb ethnic territories.<sup>32</sup> Anew the following comments could be heard: "Serbia is still the only guarantee of the Serb survival in BH, for we are taking about the same people. River Drina has never represented a demarkation line."<sup>33</sup> "Reform leading to unification of the police and armed forces in BH, causes fear in Belgrade and Banjaluka that the Dayton Accord may be revised that the a Brussels-style, European BH may be covertly created."<sup>34</sup> In response to such developments,<sup>35</sup> the following is being suggested: a referendum on secession of Republika Srpska from BH<sup>36</sup>. In that regard President of Serbia stated: "Existence of RS is very important for the Serb people, and any changes in the state BH arrangement, contrary to the will of one of three peoples, would not be good."<sup>37</sup> Key role of Belgrade in making more difficult negotiations on BH reforms is transparent, for "Belgrade wants to use the situation in BH for the forthcoming negotiations on the status of Kosovo".<sup>38</sup> Obstruction of the reform endeavours<sup>39</sup>, made BH a hostage of the Belgrade policy whose goal is to slow down its accession to EU. Milorad Dodik, President of SNSD, thinks that "Serbs could lay a claim to independence if the position of Republika Srpska is threatened, by using the same arguments as Albanians in Kosovo"<sup>40</sup>.

Serb Orthodox Church was an active factor of war in Bosnia,<sup>41</sup> and protected perpetrators of crimes during the B-H war.<sup>42</sup> The SOC moreover was

<sup>32</sup> Government of the Republic of Serbia on the eve of anniversary of war crimes committed on 11 July in Srebrenica and on 12 July in Bratunac most resolutely condemns all war crimes and underscores that it is of paramount importance to avoid making differences in their condemnation on the basis of nationality and religion of victims. "Government of Serbia Condemns All the War Crimes", *Danas*, 8 July 2005.

<sup>33</sup> Slavko Jovičić "Despite everything we don't expect much from Serbia, for it is clear that Serbia is blackmailed by the international community and that it is not allowed to mention Republika Srpska. "They All Expect Tadic's and Kostunica's Protection", *Danas*, 14 September 2005.

<sup>34</sup> "Dayton is a Real Disgrace", *Politika*, 3 February 2005.

<sup>35</sup> The Serb Radical Party demands that parliaments of Serbia and Serbia and Montenegro convene a session to discuss the RS problem, after a request that it abolishes its police. "Radicals Back RS", *Danas*, 16 September 2005.

<sup>36</sup> "Five Regions", *Politika*, 31 January 2005.

<sup>37</sup> "Tadić against Imposed Solutions", *Novosti*, 21 November 2005.

<sup>38</sup> "Prime Minister Bukejlović Does Not Expect Sanctions", *Danas*, 16 September 2005.

<sup>39</sup> The police reform was the last condition for BH to sign the Agreement on Stabilization and Association with EU.

<sup>40</sup> "Dodik: RS Could Demand Independence", *Start*, 3 December 2005.

<sup>41</sup> Video recording of the killing of six Bosniaks in Trnovo shows how Father Gavriilo, head of monastery Privina Glava, blesses members of the Scorpion paramilitary

consistent in its support of prime movers<sup>43</sup> and direct executioners of crimes.<sup>44</sup> Monk Gavriilo, who blessed killers of six Bosniaks in Trnovo, does not repent for blessing members of a paramilitary unit *Škorpioni*, for "we should not forget that the same or even worse crimes were committed against the Serb children."<sup>45</sup> Sanda Rašković-Ivić, Co-ordinator of the Centre for Kosovo, suggested that Serbs "face a great danger of orchestrated media and political campaign to depict the Serb people as genocide-prone,<sup>46</sup> the Serb state as an aggressor and stressed that "We are in danger of losing Republika Srpska and Kosovo".<sup>47</sup>

*Bosnian charges against Serbia and Montenegro for genocide and aggression* is one of the priorities of the state policy. Serbia is endeavouring to solve that issue in a diplomatic way, by offering to BH an out-of-court settlement. Radoslav Stojanović, legal representative of SM, in those terms suggests the following: "I want this matter settled in a diplomatic way, for any kind of judgement would leave its indelible mark on the future relations between the two neighbouring states. And that would not contribute to reconciliation in the

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group with the following words: "Brothers, Turks are rearing their ugly heads again. They want the Serb sacred places. Give strength to your faithful army to defeat the enemy people." "I Have Five of Them in the Package", *Novosti*, 4 June 2005.

<sup>42</sup> By this honourable act we have made an oath of allegiance, similar to the one made by your ancestors in previous centuries, an oath which the Serb people deserve. You have made that oath before honourable SOC fathers, before the honourable cross, before the banner and hymn of RS, and not on behalf of anyone else or for anything else. "In Manjača, there is no Bosnia", *Novosti*, 17 April 2005.

<sup>43</sup> Patriarch Pavle was present during the Serb Radical Party-organized screening of a documentary *The Truth* (on crimes against Serbs and members of the Yugoslav People's Army during 1991-1999 wars in former Yugoslavia. Luka Karadžić, brother of the Hague Tribunal war crime suspect, Radovan, was also present during the screening.

<sup>44</sup> Serb Orthodox Church offered its most heartfelt condolences regarding the suffering of Srebrenica people. "Today and tomorrow the anniversary of the two popular misfortunes in two places, in Potočari and in Bratunac shall be publicly marked. Both commemorations have the same character and goal: to serve as a memory and warning". "SOC: commemoration in Potočare and Bratunac - memory and warning", *Danas*, 12 July 2005

<sup>45</sup> "Monk Gavriilo Does Not Repent for Blessing "Škorpioni"", *Danas*, 9 June 2005.

<sup>46</sup> Sanda Rašković-Ivić "We in this period remember all the victims of the last war, all the criminals. We are alone in that endeavour, in contrast to commemoration in Potocari, when the whole world was with Bosniaks and their victims, for whom we feel compassion too. But it does not matter if we are alone now. For, we hope that one day the world shall understand that there were Serb victims too, that there are criminals responsible for our victims.. "The World Shall Understand", *Novosti*, 13 July 2005.

<sup>47</sup> "Victims, Executioners and Politics", *Danas*, 11 July 2005.

territory of former Yugoslavia and establishment of co-operation."<sup>48</sup> Legal representative of B and H, Sakib Softić rejected that proposal and stated: "The intent of B and H is to primarily show through the court proceedings that in that country the genocide was committed and that the country was attacked. Our primary concern is not the war damage compensation assessed to ranging between \$ 50 and 200 billion.<sup>49</sup> *Večernji list* disclosed that according to some assessments Belgrade would be ready to pay a symbolic compensation, if the BH representatives dropped their charges before the International Court of Justice in the Hague.<sup>50</sup>

Having in mind the BH political context, a positive resolution of BH charges against SM for aggression and genocide<sup>51</sup> would be of great importance for Serbia and the region, for it would provide a legal interpretation of the war. RS denies the legitimacy of charges, for "representatives of the Serb people in BH are not behind those charges, and consequently for us they don't have a full legitimacy of BH bodies"<sup>52</sup>. Added to that Prime Minister of RS maintained that "RS has never admitted that in Srebrenica 8,000 Bosniaks were killed, and therefore we shall no longer tolerate manipulation of such allegations."<sup>53</sup> He pointed out that the Commission investigating Srebrenica developments from 10 to 19 July 1995 had not come up with a qualification of the offence/act, nor established that there were victims of crime in Srebrenica. He added that the Commission only established that in the course of July 2005 in that area 7, 806 persons disappeared.<sup>54</sup> Report of the working group of the RS authorities was submitted to the Office of High Representative for Bosnia and Herzegovina and BH Prosecution Office. In the action in Srebrenica 23,000 soldiers and policemen took part.<sup>55</sup> OHR spokesman stated that "denial of facts presented by the Commission investigating developments in Srebrenica aimed at doctoring the reality"<sup>56</sup> and

<sup>48</sup> Radoslav Stojanović, legal representative of SM "Trnka: that is a sure sign of their realization that they are bound to lose the lawsuit. ", *Dnevni avaz*, 16 March 2005.

<sup>49</sup> "There Was No Genocide in BH", *NiN*, 17 March 2005.

<sup>50</sup> "Jović: Beograd Shall Pay Compensation to BH", *Danas*, 12. September 2005.

<sup>51</sup> Sulejman Tihić "Mass killing of Srebrenica locals in the best way proves not only the proportions of the crime but also the fact that the armed forces of other state took part in aggression against BH and genocide against Srebrenica locals.". "Nura Recognized Her Son", *Politika*, 6 June 2005.

<sup>52</sup> "Beograd and Sarajevo Should Reach an Agreement", *Politika*, 3 April 2005.

<sup>53</sup> "We Want Disclosure of the Truth about Sarajevo Serbs", *Novosti*, 1 August 2005.

<sup>54</sup> "Ill-intentioned Stories about Srebrenica", *Novosti*, 23 July 2005.

<sup>55</sup> "Alarm of Indictees", *Novosti*, 10 April 2005.

<sup>56</sup> OHR Spokesman : "It is important to clarify that the RS authorities have accepted the figure disclosed by the Commission for Srebrenica. RS government has admitted its responsibility for the massacre of 7,000-8,000 Bosniaks and apologized to the family victims." "8,000 Victims Are Nowhere To Be Found", *Novosti*, 4 August 2005.

that "those accused of war crimes in BH are protected by the RS ruling party and the SOC. They co-ordinate activities of numerous individuals<sup>57</sup> and institutions<sup>58</sup> providing protection to Karadžić and Mladić."<sup>59</sup>

Trials of war crimes perpetrators before the national courts in Serbia are still in an initial stage. Bogdan Ivanišević, researcher of Human Rights Watch, stresses that "due to lack of political will for the facing process *Special Prosecution for War Crimes* "works to the extent of allowing the authorities to "pacify" the potential detractors of the passivity of that body"<sup>60</sup>

BH Court for War Crimes confirmed the first indictment for genocide against 11 persons suspected for taking part in killing of several thousand Bosniaks in Srebrenica.<sup>61</sup> After a decade of total judicial inactivity, in RS are currently under way several trials related to war crimes. In the entire post-war period trials of only 50 persons (6 Croats, 17 Serbs and 27 Bosniaks), have been finalized, while national judicial bodies are currently conducting investigation against 73 suspects.<sup>62</sup> Special department for war crimes and a detention unit of the BH Court was opened<sup>63</sup> in the premises of the former Yugoslav People's Army barracks Viktor Bubanj in Sarajevo.<sup>64</sup>

On the 13th anniversary of deportation of 143 BH citizens from Montenegro and their subsequent liquidation on the Bosniak Serb-controlled

<sup>57</sup> Momčilo Mandić, former RS Justice Minister, was accused of bankrolling the hiding of war crime suspect Radovan Karadžić.

<sup>58</sup> The indictment related to the case of Commercial Bank Serb Sarajevo, inter alia reads: "A group of criminals founded by Momčilo Mandić is still operational "thanks to a widespread net of funds, persons, public and private organizations, including the high officials of Serbia and Montenegro".

<sup>59</sup> Steven Shook added that one of the signs of a decreasing support for the two fugitives from justice was a big add in newspapers of Bosnian Serbs in which they were called on to surrender. "General Steven Shook: Karadžić Before the Face of Justice ", *Danas*, 18 August 2005.

<sup>60</sup> Bogdan Ivanišević, researcher of HRW. RFE, 24. December 2005.

<sup>61</sup> 10,000 cases are yet to be investigated.

<sup>62</sup> Of 846 cases related to war crimes submitted to the BH judiciary by the ICTY as A cases-implicating the existence of hard evidence for indictment-filing- only 54 cases relating to 94 indictees, were processed, that is, brought to the stage of main hearing. "Slow and Biased", *Politika*, 25 March 2005.

<sup>63</sup> Vice President of the Alliance of Former Detention Camps Inmates of RS, Slavko Jovičić has sharply condemned presence of the Serb officials at inauguration of the Special Department of the BH Court for War Crimes. "Insult to Victims", *Novosti*, 9 March 2005.

<sup>64</sup> Research-documentation centre in Sarajevo has data on 25,000 war criminals hiding in Serbia and Montenegro and Federation of Bosnia and Herzegovina.



territory, their families asked for the assistance of the Montenegrin state bodies in clarifying that crime.<sup>65</sup>

Republika Srpska to date has not shown its readiness to co-operate with the Hague Tribunal.<sup>66</sup> Official Banjaluka, despite acceptance of voluntary surrender, insisted on elaboration of operational agreements in the region. Adnan Terzić announced as a possibility for the arrest of war crimes indictees "a total sealing off of borders with Serbia and Montenegro."<sup>67</sup>

*Act on Equalization of Chetniks and Partisans* passed by the Serb parliament in May 2005 was met with disapproval in Bosnia. Assembly of canton of Sarajevo sharply condemned statement of SM Foreign Secretary that "the Chetnic Movement headed by Draža Mihajlović has equal anti-war merits as the anti-fascist movements of WW2." That is why a resolution demanding that SM Foreign Secretary be proclaimed a *non grata person* in Bosnia and Herzegovina was proposed.<sup>68</sup>

*Agreement on Special Ties between RS and Serbia* is still a main hurdle on the path of RS integration into European processes. Paddy Ashdown has repeatedly underscored that Republika Srpska „was a hostage to the isolation-minded line toed by Belgrade", and that the road to Europe „includes meeting of standards".<sup>69</sup> RS still expects Serbia to protect its interests on the basis of the agreement on special ties and a bevy of similar agreements.<sup>70</sup> SM has opened a consulate in Banjaluka on the basis of the aforementioned Special Agreement and stressed that "with this move we don't threaten the sovereignty and state integrity of Bosnia and Herzegovina." Ambassador of Serbia and Montenegro in Bosnia stressed that "For Serbs in general and for RS in particular opening of SM consulate in Banjaluka has a special weight, stemming from the character of signed agreements and special and parallel ties between RS and Serbia and

<sup>65</sup> Families of victims have filed lawsuits claiming damage compensation to the tune of 38 million Euro. "Deportation of Refugees-Montenegrin Hague", *Glas*, 4 June 2005.

<sup>66</sup> Bosnian Serb authorities only this year, after a decade of passivity, managed to deport to the ICTY several war crimes indictees. That is, after Lord Ashdown fired several security officials last year, 7 indictees left for the Hague. "Paddy, Go Away!", *Nacional*, 16-17 April 2005.

<sup>67</sup> "I am not referring to a physical closure, but rather to a total control of the border between the two countries, for it is currently too porous and we must make sure that it becomes less so. ". "Priority is Given to Massive Hunt for War Crimes Indictees", *Politika*, 6 February 2005.

<sup>68</sup> "Drašković is Undesirable", *Politika*, 25 May 2005.

<sup>69</sup> Paddy Ashdown "if you want to join Serbia and Montenegro on the road to Europe then you must meet European standards, or you shall remain isolated. Belgrade shall not help you and shall not look back in order to save Banjaluka". "Ashdown: Belgrade shall not look back in order to save Banjaluka", *Danas*, 22 April 2005.

<sup>70</sup> "Impaling in RS", *Novosti*, 23 May 2005.

Montenegro".<sup>71</sup> In rendering his support to preservation of all the existing states within their current borders, President of Serbia, Tadić stated that he would counter unilateral decisions aimed at changing the state arrangement of BH, that is, of RS within that arrangement.<sup>72</sup>

With a view to more efficient resolution of open border issues two commissions have been set up: a sub-commission for border issues between BH and Serbia and Montenegro and an inter-state diplomatic commission for border issues between BH and Serbia and Montenegro.<sup>73</sup> Both sides officially insist on the principle of non-alteration of BH borders, for violation of that principle could lead to grave consequences in the region.<sup>74</sup> Resolution of European Parliament on the West Balkans deemed as a factor of instability of the BH state the existence of entities, Republika Srpska and Federation BH. Belgrade interprets that resolution as a sign of possible changes of internal state arrangement of BH but also of RS<sup>75</sup>, all of which is deemed as unacceptable.<sup>76</sup>

*Revision of the Dayton Accord*<sup>77</sup> is one of the key topics in relations between Serbia and Bosnia. It turned out that the revision was necessary because of harmonization of constitutional provisions with European standards, and also as a way of prevailing over ethnic-national divisions. At the same time constitutional changes would reduce possibilities of RS to opt for secession. Hence the opposition to all initiatives aiming to define Bosnia

<sup>71</sup> Stanislav Vukičević, SM Ambassador to BH "As regards all the neighbouring countries, we have the most developed economic co-operation with BH". "SM Opens a Consulate", *Politika*, 30 March 2005.

<sup>72</sup> "All that is an imposed suspension, all that is not a result of agreement, may affect the regional political situation". "Tadić against Imposed Solutions", *Novosti*, 21 November 2005.

<sup>73</sup> "State Commission for BH Borders Founded", *Danas*, 29 September 2005.

<sup>74</sup> Nenad Kecmanović "Recomposition of borders in the West Balkans would lead to both fragmentation and enlargement. Albania with Kosovo and Western Macedonia would not be a Greater Albania, but a state within its national borders. Croatia with Herzeg-Bosnia would not be a Greater Croatia, but an European state of average size. And that obviously applies to Serbia with RS and Bosniak republic with Sandžak. The number of states would practically remain the same, that is, would have only one addition-Montenegro. "Greater Croatia", *Novosti*, 16 April 2005.

<sup>75</sup> At a Banjaluka rally *An Outdoor Parliament*, placards "Long Live RS", "We Want Referendum" and "Serbia Help Us" and flags were carried. Some protesters also carried T-shirts with the images of Radovan Karadžić and Ratko Mladić with inscriptions *Serb heroes*. "They Threaten Us with 5 October", *Politika*, 18 May 2005.

<sup>76</sup> "Honouring of the Dayton Accord and Republika Srpska", *Politika*, 6-7 January 2005.

<sup>77</sup> Joint statement on readiness for amendments to the supreme legal act which were announced in parallel with the 10<sup>th</sup> anniversary of the Dayton Accord. That statement was signed by the eight leading political parties. "BH Leaders Agree to Constitutional Amendments", *Politika*, 23 November 2005.

and Herzegovina as a single, unified state. With respect to discussions on revision of the Dayton Accord, Dragoljub Kojčić, Democratic Party of Serbia, expressed his fear "of a new attempt to place us in an inferior position"<sup>78</sup>, "intention of the international community to compel the Serb public to experience a collective guilt, in order to make the punishment meted out to us, go down well. That punishment is most likely to be in the shape of toppling of the Dayton position of Republika Srpska, or acceptance of BH charges against Serbia and Montenegro. I don't even exclude the laying of foundations for independence of Kosovo and Metohija."<sup>79</sup>

RS has put up a stiff opposition to the reform of army and police,<sup>80</sup> for, "such an overhaul, that is transfer of prerogatives from entities to the state level, would seriously threaten prerogatives, even the very survival of RS entity." There was a widespread conviction that RS could not survive without its own army and police. However, thanks to a strong EU pressure laws on defence and armed forces were passed,<sup>81</sup> and only after 8 months of negotiations an agreement on the police reform was reached. Serbia became the most vocal advocate of *status quo* in Bosnia, that is of the Dayton Accord, for that Accord is seen as the only guarantee of survival of Republika Srpska and its prerogatives.<sup>82</sup> Resistance to the army reform was manifested by the March conscripts of the RS Army who during the taking of oath of allegiance in barracks in Manjača and Bileće instead of vowing to guard BH stated that they would *guard RS*. That was the first taking oath of allegiance in RS in line

<sup>78</sup> Dragoljub Kojčić, DPS, "Serbs Shall Be Anew Pushed into an Inferior Position". "Why Should an Entire Nation Be Condemned because of the Bestial Conduct of Some Individuals?!", *Nacional*, 6 June 2005.

<sup>79</sup> Dragoljub Kojčić, DPS. "Why Should an Entire Nation Be Condemned because of the Bestial Conduct of Some Individuals?!", *Nacional*, 6 June 2005.

<sup>80</sup> Co-ordinating centre of 11 NGOs of RS threatened to stage a massive rally if the NC of RS adopted a proposal of the Council of Ministers on the police reform. That NGO Center sent an open letter to President of Serbia and Prime Minister of Serbia demanding Serbia, as a guarantor of the Dayton Peace Accord to protect RS institutions and at the same time provisions of the Dayton Accord. "All and Sundry Expect Tadić's and Kostunica's Protection", *Danas*, 14 September 2005.

<sup>81</sup> In the sector of defence and armed forces entity defence ministries and chief of staffs are abolished. They shall exist only at the state level. A unified budget is introduced, military service is abolished, reserve units are abolished, and an exclusive professional army with 10,000 professional servicemen and 1,000 civilians is being established. On the national basis shall exist only three infantry divisions-the Bosniak, the Serb and the Croat one.

<sup>82</sup> Head of Press Bureau of the government of Serbia, Srđan Đurić, stated that speculations on Belgrade's pressure on Banjaluka to reject the police reform were "just one in a series of fabrications". "Political Retribution because of Police", *Danas*, 2 June 2005.

with the Act on BH Defence, accompanied by notes of the state anthem and with insignia of the BH armed forces.<sup>83</sup>

Conduct of Serbia and general mood in Serbia as regards status of RS<sup>84</sup> are reflected on the conduct and lack of readiness of RS to turn towards Sarajevo,<sup>85</sup> and thus become part of the process of European integrations. Progress of negotiations on Stabilization and Association in both countries hinges on their fulfilment of international commitments, in the first place those relating to co-operation with the Hague Tribunal.<sup>86</sup> Refusal of Belgrade to fully co-operate with the ICTY affected the relations between RS and the Hague Tribunal. High Representative Paddy Ashdown frequently pointed out the fact that the largest number of war crimes indictees was hiding in Serbia, but added that "Belgrade has not helped RS to relieve to its burden. Belgrade has betrayed Banjaluka".<sup>87</sup>

International community has already set in motion preparations for the revision process with the argument that "the goal of the Dayton Accord was to stop the war in BH and in those terms the DA was successful. But the US authorities have never wanted the Dayton Accord to be cemented. We have always thought that it must be updated, that it evolved."<sup>88</sup> The focus would no longer be on entities, that is constituent peoples, but rather on citizens and human rights, and a loose confederation should be replaced by a centralized state.<sup>89</sup>

<sup>83</sup> First notes of the BH anthem were booed by families and friends of recruits, while the notes of RS anthem were widely applauded. During a minute of silence tribute to all fallen fighters the following comments were heard "Wher is RS?", "We are for RS, We Do Not Want BH".

<sup>84</sup> Adnan Terzić stated that BH needed foreign soldiers for in the neighbouring Serbia in the last elections 1.3 million citizens voted for Greater Serbia. He added that Serbia still had special ties with RS and that BH citizens were discriminated against in Serbia. "Terzić: We Need Foreign Servicemen", *Politika*, 22 October 2005.

<sup>85</sup> National Assembly of RS certified the Act on Territorial Organizaiton of RS, whose article 3 listed the municipalities which names were to be changed. None of those municipalities had the pre-war adjective-Bosniak. "Adjective Bosniak is anew banned in RS", *Danas*, 1 August 2005.

<sup>86</sup> Dragan Čavić "As regards co-operation with the Hague, both Serbia and RS face a difficult problem. Political ambience in RS has totally changed. All serious prime movers in RS now think that co-operation with the ICTY is a must. General change of mood in RS was positively assessed in the world. The international community recognized that voluntary surrenders were a result of an intense work of competent institutions in Serbia and RS." "Message to Fugitives: Commit Suicide or Surrender", *Politika*, 29 March 2005.

<sup>87</sup> Paddy Ashdown, "Belgrade Betrays Banjaluka", *Novosti*, 6 March 2005.

<sup>88</sup> Nicholas Burns. "Burns : Dayton Accord Should Be Updated", *Danas*, 13 October 2005.

<sup>89</sup>Constitutional amendments devised by the US Institute for Peace envisage abolishment of a three-member Presidency while the existing Council of Ministers

Redefinition of the state arrangement of BH is *sine qua non* of establishment of internal stability and state subjectivity. By dint of new solutions activities of the *Inter-state Council for Co-operation between Bosnia and Herzegovina and Serbia and Montenegro* would help foster integration. That in turn would make easier repatriation of refugees<sup>90</sup> and displaced persons,<sup>91</sup> and implementation of a bevy of agreements and initiatives,<sup>92</sup> including the Agreement on Free Trade and Dual Citizenship.<sup>93</sup> *Sarajevo Declaration*, which opens up regional prospects for resolution of problem of repatriation of refugees, was adopted by Serbia and Montenegro and Bosnia and Herzegovina as a good vehicle for resolving problems in their entirety. Both sides are pleased with the repatriation process to date and dynamics of restitution of property and reinstatement of tenancy rights. The issue of illegal cross-border trade remains unresolved, and honouring of provisions of the *Agreement on Free Trade* was called into question by violation of some provisions by Montenegro.<sup>94</sup> Because of the foregoing Council of Ministers of Bosnia and Herzegovina passed a decision on interim suspension of implementation of the Agreement on Free Trade between Bosnia and Herzegovina and Serbia and Montenegro. The goal of the aforementioned agreement is formation of a free trade zone in South East Europe making up a 650,000 square kilometers market catering to 60 million people and enabling companies to sell their goods tax-free.

would be replaced by a centralized government. "Republika Srpska Shall Not Accept Moves Leading To Its Suicide", *Danas*, 14 November 2005.

<sup>90</sup> Banja Luka bishop Komarica disclosed data on the number of Catholics in districts of Banja Luka bishopry in the territory of RS entity. Those figures indicate the presence of only 6,838 Catholics of pre-war 70,000. He also said that the situation was even more dramatic in 33 districts of Vrhbosanska bishopry in the territory of RS entity, for "of pre-war 130,000 Catholics, now only 5,280 remain." "Heavy Rout of Authorities", *Oslobodjenje*, 16 March 2005.

<sup>91</sup> In RS there are only 7% of Croats and Bosniaks, and before the war they made up nearly half of population of the current RS. "B and H in Jaws of the Dayton Controversies", *Helsinki Charter*, no. 89-90.

<sup>92</sup> Last year's case of destruction of Shehiti trigger-holes in front of the Belgrade Military Museum, prompted the Commission for Preservation of National Monuments to propose to the BH Council of Ministers a formation of inter-state commissions with Serbia and Montenegro and Croatia. "Shehiti Trigger-Holes Affair Still Awaits a Good Epilogue", *Danas*, 18 March 2005.

<sup>93</sup> Government of Serbia is ready to write off one fourth of debt of RS to the health funds of Serbia and to enable RS to pay off the rest of debt in the next three years without interest rates. RS owes to the health funds of Serbia and the Medical-Military Academy 26 million Euros. "Serbia Writes Off Part of the RS Debt", *Politika*, 12 November 2005.

<sup>94</sup> Montenegrin authorities in late 2005 upped duties on wheat flour by 30%, without informing the BH authorities. That in itself constituted a breach of the inter-state agreement. "Resignations Are Not a Good Solution", *Politika*, 3 February 2005.

## MACEDONIA: COOPERATION AND VEILED CONFRONTATION

Relations between Serbia and Macedonia in the year 2005 were burdened by the Serb Orthodox Church (SOC) treatment of the Macedonian Orthodox Church, that is, the SOC's denial of the latter. In those terms the Serb state structures backing of such a SOC stance had a negative impact on relations between the two states. Unresolved status of Kosovo was an additional problem in the body of border issues between Serbia and Macedonia.

Despite the fact that the aforementioned problems have been hampering a swifter development and normalization of relations between the two countries, in their official meetings representatives of Serbia and Macedonia regularly pointed out that bilateral relations were dominated by the policy of co-operation and not confrontation<sup>1</sup>, that both countries strove towards acceptance of European standards, and that economic and political relations between Serbia and Macedonia were good, despite existence of open issues.<sup>2</sup>

Start-up of negotiations on resolution of status of Kosovo called into question a long-standing, informal coalition between Serbia and Macedonia on the Albanian issue. Hence a public warning by the leader of the Democratic Party of Serbs in Macedonia (DPSM) to his coalition partners from the ruling

<sup>1</sup> Let the Churches Independently Settle Their Dispute, *NiN*, 8 September 2005.

<sup>2</sup> "Serb cultural-historical monuments are not sufficiently protected, notably the Ossiary Monument near Kumanovo. A road is cutting across the Serb Military Cemetery, while the WW2 Kajmakalan Monument is half-destroyed. Controversial is also the status of Ohrid arch-episcopacy, for its priests don't have the right to christen, bury and conduct weddings. In the near future teachers from Serbia shall be able to give Serb language classes." Assistance to Emigrants from Serbia, *Danas*, 5-6 February 2005.

block *For Macedonia Together*, "not to make rash statements on negotiations related to the Kosovo status."<sup>3</sup>

In the meantime Macedonia was granted status of candidate for EU membership. Oli Ren, EU Commissioner for Enlargement, thus commented that EU decision: "It is a genuine signal for the whole Balkans region. EU thus clearly demonstrated to all the Balkans countries what prospects lie ahead of them if they meet the necessary preconditions."<sup>4</sup> After Croatia, Macedonia is the second, former Yugoslav republic to obtain the status of candidate for EU membership, while Slovenia has already found its place in the family of European states. According to Prime Minister Vlade Bučkovski "Macedonia has finally left the Balkans dirt track and embarked on the highway leading to Europe." He added: "We shall be patient<sup>5</sup> and shall toe a constructive line on European concerns, as much as EU was patient in helping us solve our problems."<sup>6</sup> Standing OSCE Council welcomed the EU decision relating to

<sup>3</sup> "We don't want the international community to back leaders and population who are against an evidently respectable and democratic country, as Serbia is today. For Serbs in Macedonia Kosmet is an all-Serb concern. The goal of the DPSM national policy is a moral and spiritual recovery of the Serb people." "Kosmet - an All-Serb Concern", *Novosti*, 28 November 2005.

<sup>4</sup> Oli Ren, EU Commissioner for Enlargement: Good News for the Balkans, *Blic*, 19 December 2005.

<sup>5</sup> Academician-witnesses think that creation of a unified Serb state, that is rallying of the whole or the largest part of the Serb people in one state, is not a greater-state idea, but a legitimate right of the Serb people. But none of those witnesses mentioned millions of victims sacrificed for the sake of attainment of that idea, that is, of that "right." Greece shall use its right to veto and thus foil any attempt of the Former Yugoslav Republic of Macedonia to join under other name any international organization. After an urgent meeting with Prime Minister Costas Karamanlis, head of the Greek diplomacy, Petros Molivijatis, sent the following message to Skoplje: "the position of Athens is based on the 1995 agreement. Proposal of the UN envoy that the FYRM be called the Republic of Macedonia is not acceptable for Greece. Also unacceptable is the idea of a special agreement between Athens and Skopje, under which Greece would call the FYRM, the Republic of Macedonia. "Athens Says No to Skoplje", *Politika*, 12 October 2005.

<sup>6</sup> Elections for the local bodies were the most direct illustration of moulding of the Macedonian society on an ethnic, rather than on a civil ground. Political parties of Macedonians tried to get across their messages to Macedonians, political parties of Albanians communicated only with Albanians, and the smaller ethnic communities addressed only the issues of their communities- Turks, Romany, Serbs, Bosniaks. "The Balkans in Europe", *Politika*, 4 April 2005.

Branko Crvenkovski: "In my mind the most important feature of the region, or of all the regional countries, is the existence of forward-looking political structures, or of the structures turned towards the future joining of of their countries the common family of EU and NATO. "Let the Churches Settle Their Dispute Independently", *NiN*, 8 September 2005.

Macedonia's status of EU membership candidate and consequently stated: "It is a very important step not only for Macedonia but also as regards the stability and European prospects of the whole Balkans. Furthermore it is an incentive for all the others to work on their step-by-step accession to EU".<sup>7</sup>

## Bilateral Relations

The assessment by the Macedonian Prime Minister Vlade Buckovski that the Serb-Macedonian bilateral relations are "rapidly improving"<sup>8</sup>, was contested by the following words of his: "It is not easy to understand why last year we had more intense co-operation with all the neighbours than with Belgrade, though our ties with Belgrade are the firmest and our relations are traditionally good."<sup>9</sup> In his mind those relations were affected by the SOC-MOC conflict. According to the Macedonian daily *Večer*, official Belgrade accused Macedonia of stepping up the regional tensions by getting embroiled in the intra-church conflict.<sup>10</sup> On the other hand, Branko Crvenkovski, Macedonian President, thinks that traditionally good co-operation "did not result only from short-term assessments or the incumbent political authorities<sup>11</sup>, but rather from realistic, rational and long-term interests of both sides."<sup>12</sup> Crvenkovski then said that "it is of paramount importance that the regional leaders resolutely tackle the common problem of organized crime,<sup>13</sup> in order to build 'a more efficient and stable Balkans', geared towards the EU accession.". He also voiced his conviction that in the next phase of the EU enlargement "all the Balkans country shall together enter EU."<sup>14</sup>

<sup>7</sup> "OSCE: Europe Is Not Complete Without the Balkans", *Danas*, 23 December 2005.

<sup>8</sup> "New Border Passes Shall Reduce Incidents", *Danas*, 2 February 2005.

<sup>9</sup> "Without Border Changes", *Politika*, 28 February 2005.

<sup>10</sup> "Serbs Are Crying", *Glas*, 29 July 2005.

<sup>11</sup> Representatives of states-successors of former SFRY in Skopje have set up a joint committee tasked with overseeing the process of implementation of agreement on division of property of the former, common state. At a Skoplje meeting they shall discuss recent and future steps in that direction, notably the issue of financial assets deposited in foreign banks by the former Federation. "Committee of Countries, Successors of Former SFRY, Has Been Set-Up", *Danas*, 7 June 2005.

<sup>12</sup> "Let the Churches Settle Their Dispute Independently", *NiN*, 8 September 2005.

<sup>13</sup> Branko Crvenkovski "Organized gangland does not recognize borders, hence we must jointly combat that evil. We agreed to hold a summit of regional leaders dedicated to an anti-organized gangland combat. "New Border Passes Shall Reduce Incidents", *Danas*, 2 February 2005.

<sup>14</sup> "There's an EU plan for the whole West Balkans, a kind of Marshall Plan-financial and economic support-which at the same time makes it possible for all of us to

Macedonian officials also expressed their readiness to back Belgrade-Podgorica<sup>15</sup> agreement, deeming it conducive to the regional stability.<sup>16</sup> In parallel they warned the Serb leaders that their lack of readiness to seriously negotiate the Kosovo issue would impact negatively Serbia's aspirations to join EU.<sup>17</sup> *Agreement on Borders and Demarcation* respects interests of both states as regards drawing the border line between Serbia and Macedonia towards Kosovo.<sup>18</sup> Serbia is interested in opening five new border passes-the two of which are on the point of inauguration-at its border with Macedonia.<sup>19</sup> In the context of resolution of the issue of Serb-Macedonian border, President of Serbia, Boris Tadic, stressed that "independence of Kosovo and Metohija is absolutely unacceptable."<sup>20</sup> On the other hand Prime Minister of Serbia Vojislav Koštunica, underscored the importance of honouring the UN Security Council Resolution 1244<sup>21</sup> in the course of resolution of the issue of demarcation of border between the State Union of Serbia and Montenegro and Macedonia<sup>22</sup>, which implied that the said demarcation would possible only after settlement of the issue of Kosovo status.<sup>23</sup> However, Soren Jesen Petersen

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reach a compromise on all the salient issues". "Without Border Changes", *Politika*, 28 February 2005.

<sup>15</sup> Crvenkovski announced opening of a Macedonian consular office in Podgorica with a view to enhancing development of bilateral relations and further co-operation between Macedonia and Montenegro. "Together without Agreement", *Politika*, 4 March 2005.

<sup>16</sup> "Together without Agreement", *Politika*, 4 March 2005.

<sup>17</sup> "Republic of Macedonia is not one of the key factors influencing a possible fate of Kosovo". "Let Churches Settle Their Dispute Independently", *NiN*, 8 September 2005.

<sup>18</sup> Sources of Kosmet Albanians have been for days putting out rumours that Washington has brought pressure to bear on the Balkans states, notably Macedonia, to publicly back independence of Kosovo, in order to effect regional isolation of Serbia. According to State Department opinions of neighbouring states are one of the criteria for determination of the final status of Kosmet. "Something In-Between", *Politika*, 29 October 2005.

<sup>19</sup> "Together without Agreement", *Politika*, 4 March 2005.

<sup>20</sup> "Balkans Should not Become the Black Hole of Europe", *Danas*, 1 March 2005.

<sup>21</sup> Skoplje daily Dnevnik quoted the Serb-Montenegrin Foreign Secretary Vuk Draskovic: "It is not a Kosovo border, and Serb borders with Albanian and Macedonia cannot be altered or renamed into the Kosovo state border". "Border Sours Relations between Skoplja and Priština", *Danas*, 17 May 2005.

<sup>22</sup> "Border Demarcation Is the Most Important Topic", *Danas*, 1 March 2005.

<sup>23</sup> The "third way" Macedonian parties- - Macedonian Socialists, Democratic Party and Democratic Party of Serbs in Macedonia demand that Macedonia introduces "a total embargo towards Kosovo." That is their response to the UNMIK and Pristina authorities announcement relating to introduction of a visa regime and customs for all

emphasized that "the process of border line demarcation should not be held hostage to unresolved status of Kosovo."<sup>24</sup> Macedonian officials on the other hand think that "Macedonia should not be a bargaining chip in dealings between Belgrade and Priština".<sup>25</sup> Process of drawing closer to EU exacts joint effort to stop the Balkans being the "black hole of Europe"<sup>26</sup>, and notably in the light of resolution of status of Kosovo.

## Serb Orthodox Church - Macedonian Orthodox Church

Alliance between the Serb political establishment and the Serb Orthodox Church throughout 2005 led to exacerbation of relations with Serbia's neighbours, the most notably manifestation of which was provocation of incidents in Macedonia. Serb nationalists still have aspirations towards Macedonia,<sup>27</sup> so the attempt to divide the Macedonian church was met with very negative responses in the region and in the world. The conflict between the two churches peaked with the arrest of Archbishop Jovan (Zoran Vraniškovski) on grounds of "his spreading of religious, racial and national hatred"<sup>28</sup>. Ignoring the existence of an independent Macedonian Orthodox Church<sup>29</sup>, the Serb Orthodox Church tried to put in place its own church organization in Macedonia by issuing *Tomos on Autonomy of Ohrid Archbishopric* (Zoran Vraniškovski was named Archbishop of Ohrid and Mitropolite of

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Macedonian produce as of 1 July. "Border Sours Relations between Skoplje and Priština", *Danas*, 17 May 2005.

<sup>24</sup> "First the Status and then Resolution of Other Issues", *Novosti*, 4 June 2005.

<sup>25</sup> "No solution should raise the issue of border change. On the contrary, a domino effect would cause grave regional consequences. ". "Without Border Change", *Politika*, 28 February 2005.

<sup>26</sup> "Balkans Should not Be the Black Hole of Europe", *Danas*, 1 March 2005.

<sup>27</sup> Aleksandar Vučić: "Our future interest are good relations with Macedonia enabling us to make one day wit that country either a federation or confederation. That is why we should not provoke tensions in Macedonia but rather decisively and boldly tell the Macedonian leadership and Crvenkovsi that his conduct was not good." "Putin-Style Anti-Corruption Model", *Novosti*, 6 August 2005.

<sup>28</sup> Statement of the SOC Holy Synod reads: "We hoped that the time of the Church persecution was behind us. Conviction of Archbishop Jovan, recognized by all local Orthodox churches, is tantamount to conviction of the international Orthodoxy. "Multicultural Arrest", *NiN*, 28 July 2005.

<sup>29</sup> Mitropolite of Montenegro and Coastal Area, Amfilohije: "Conviction of Archbishop of Ohrid and Mitropolite of Skoplje, Jovan is a major outrage committed by the Macedonian state and Macedonian courts. Added to that it is also a major outrage committed by a dissenting organization, self-styled Macedonian Orthodox Church, for that breakaway Macedonian hierarchy is obviously behind that ignominious act." "Mitropolite Amfilohije: Sheer Outrage", *Novosti*, 28 July 2005.

Skoplje). That move was tantamount to denial of sovereignty of Macedonian state and its church. The SOC –issued Tomos on Autonomy, paved the way for escalation of religious tensions,<sup>30</sup> and fanning of extremist and militant political stands. Holy Synod of the Serb Orthodox Church also decided to give the property of Pec Patriarchy in Macedonia to Ohrid Archbishopric.<sup>31</sup> Macedonian state delegation marked the Ilinden day in the ASNOM Memorial Centre, in village Pelince near Kumanovo.<sup>32</sup>

By issuing Tomos<sup>33</sup> on autonomy of the Orthodox Archbishopric of Ohrid, the Holy Synod of the Serb Orthodox Church morphed the Macedonian church issue into the state-political issues. In those terms the SOC insisted on a clear response by the official Belgrade, for Archbishop Jovan was convicted for "professing his faith". Thus the Serb Orthodox Church demonstrated its disrespect of laws of the other state and its legal order. By making official the coming into being of Ohrid Archbishopric<sup>34</sup> in the territory of a sovereign state of Macedonia, the Serb Orthodox Church called into question the reality of existence of a sovereign, European states which has its own Church. Statements calling into question the existence of the Macedonian state, nation and language, dominated the Serb public and political scene. The statement of the Macedonian President Crvenkovski that "the Church cannot be made by dint of a decree<sup>35</sup> in a secular state which gives precedence to the civilian legislation", was understood in Serbia as stripping the Serb Orthodox Church

<sup>30</sup> 24 religious organizations were registered in Macedonia. The court established that Zoran Vraniškovski spread religious hatred and practically initiated activities conducive to replacement of the existing MOC.

<sup>31</sup> "Multicultural Arrest", *NiN*, 28 July 2005.

<sup>32</sup> Sasho Colakovski, Spokesman of the government of Macedonia stated: "Flowers shall be laid again in monastery Prohor Pčinjski when European spirit prevails among our northern neighbour." "Macedonian Authorities Mark Ilinden in Pelinovac", *Danas*, 1 August 2005.

<sup>33</sup> Head of the Serb Orthodox Church named Mirtropolite of Veles and Vardar Area, Jovan, the Archbishop of Ohrid and Mitropolite of Skopje, and within the framework of enhancement of the SOC Constitution Holy Synod recommended to an autonomous Ohrid Archbishopric to embark upon drafting of its part of constitution. "Mitropolite Jovan Named Archbishop of Ohrid", *Danas*, 28-29 May 2005.

<sup>34</sup> Mirko Đorđević "If one knows that Tomos is the ultimate act or decree of faith by which Synods regulate Christology issues-and between the Serb Orthodox Church and Macedonian Orthodox Church there are no Christology-related differences-one must question the goal thereof". "Battle for Canonic Territories", *Republika*, 1-31 August 2005.

<sup>35</sup> "Serb Church Banned, and Serb Songs under Embargo", *Svedok*, 7 June 2005.

and Patriarchy<sup>36</sup> of their right to take any decision on the territory of Macedonia.<sup>37</sup>

The Serb political establishment rendered full legitimacy and support to excessive and conflict-deepening responses of the Serb Orthodox Church. Milan Radulović, the Serb Minister for Religions, admitted that the Serb-Macedonian relations were weighted down by the non-recognition of the SOC and Ohrid Archbishopric by the Macedonian state,<sup>38</sup> but he nonetheless stressed as positive the fact that the dissenting bishops still had a chance to place themselves under a spiritual jurisdiction of Ohrid Archbishopric thanks to the SOC readiness for a dialogue.<sup>39</sup> Aside for charges relating to instigation and spreading of religious, racial and national hatred, head of Ohrid Archbishopric was also accused of a criminal offence of embezzlement of half a million Euro during his tenure in the canonically unrecognized Macedonian Orthodox Church.<sup>40</sup> Macedonian President Crvenkovski suggested that "the church dispute would be best resolved by a dialogue or negotiations between the two churches."<sup>41</sup> The Serb side, that is Prime Minister Kostunica, President

<sup>36</sup> Tomos calls on the Macedonian Orthodox Church to return to the unity of the Church, for, on the contrary, all its faithfuls shall be considered –dissidents. "Battle for Canonic Territories", *Republika*, 1-31. August 2005.

<sup>37</sup> Egzarhat in the area of the Republic Macedonia-RM is considered a canonic area of the Serb Orthodox Church headed by the Serb Patriarch Pavle-by dint of Tomos was elevated to the level of the newly-established Ohrid Archbishopric- within the SOC-headed by Archbishop Jovan. In fact that move meant a return of Macedonian church to the fold of the Serb Orthodox Church. Now we face a paradoxical situation-in the territory of the Republic of Macedonia there are two operational Churches and none of them has its status clarified or resolved. Macedonian Orthodox Church does not have its canonic status resolved, and the newly-established archbishopric does not have its status resolved within the framework of the state of Macedonia. Canonically unrecognized Macedonian Orthodox Church operates in its canonic territory, has it clergy, has its temples, and church structure, and Synod as well. "Battle for Canonic Territories", *Republika*, 1-31 August 2005.

<sup>38</sup> Milan Radulović "Serb Orthodox Church has resolved its side of the problem, but it is of utmost importance that other Orthodox Churches muster up enough courage to tell their authorities not to touch their inner order and our sacrosanct legislation. "The State Does Not Exert Influence on the Serb Orthodox Church", *Novosti*, 4. June 2005.

<sup>39</sup> Local bishops there have not been condemned, no anathema against them was pronounced, they have not been declared heretics – it was just made plain to them that the church life may unfold only via Ohrid Archbishopric. "State Does Not Exert Influence on the Serb Orthodox Church SPC", *Novosti*, 4 June 2005.

<sup>40</sup> "Jovan Is Tried for Embezzlement", *Novosti*, 27 October 2005.

<sup>41</sup> "Let the Churches Resolve Their Conflict Independently", *NiN*, 8 September 2005.

Tadic, Serb and Montenegrin Foreign Secretary, SOC representatives,<sup>42</sup> aides to Prime Minister of Serbia, launched appeals for the release of Archbishop Jovan. Macedonian state was accused of showing a shortage of democratic capacity<sup>43</sup> by refusing to integrate into its legal order the Orthodox Ohrid Archbishopric, or to even register it as an association of citizens.<sup>44</sup>

Macedonian Orthodox Church responded to Belgrade's decision by issuing a communique: "Serb Orthodox Church is disregarding the will of people of Macedonia, for the popular will is above any clericalism and uncontrolled decision-making by high church dignitaries"<sup>45</sup> and "Belgrade's decision is nothing else but declaration of church war to faithfuls in Macedonia."<sup>46</sup> By refuting responsibility<sup>47</sup> for an imposed spiritual terror Vladeta Jankovic, an aide to Prime Minister Kostunica, assessed that the arrest of the bishop caused destabilization of relations between the two states.<sup>48</sup> By extension communique of the Foreign Ministry of Serbia and Yugoslavia read: "Such a decision of the SOC's Holy Synod cannot change anything in brotherly feelings of <sup>49</sup> of the Serb and Montenegrin peoples towards the people of Macedonia." <sup>50</sup> Officials of the Republic of Serbia brand the MOC as *so-called*

<sup>42</sup> "That is why we call on the bodies of the Republic of Macedonia to renounce that mindless act which tarnishes the image and reputation of that country and its judiciary before God, justice and international public. "Multicultural Arrest", *NiN*, 28 July 2005.

<sup>43</sup> The first mistake of the Macedonian authorities is their tackling of intra-Church relations, while, their second, fundamental mistake, is their disrespect of autonomy of the Church legislation. The state which does not respect an age-old Church legislation, and only honours its Constitution and modern laws, cannot be considered a democratic state. Archbishop Jovan and Synod of Ohrid Archbishopric should call on a breakaway and unrecognized Macedonian Orthodox Church to forge a canonic unity with Ohrid Archbishopric and to resume talks with the SOC Patriarchy in Belgrade. "Free Jovan", *NiN*, 28 July 2005.

<sup>44</sup> "Serb Church Banned and Serb Songs Under Embargo", *Svedok*, 7 June 2005.

<sup>45</sup> "Mitropolit Jovan Named Archbishop of Ohrid", *Danas*, 28-29 May 2005.

<sup>46</sup> www.B92.net, 27 May 2005.

<sup>47</sup> Ljupčo Jordanovski, president of Macedonian parliament "Republic of Makedonija is not a problem-creating state, in fact it is a problem-solving one." "Co-operation- the Only Option", *Politika*, 31 July 2005.

<sup>48</sup> "That move of the Macedonian authorities clearly increases regional tensions, though we, in fact, very much need stability, mutual understanding and goodwill. Because of all consequences of that move, both the government of Macedonia and the international community should immediately tackle that case." "Tension Between Neighbours", *Novosti*, 28 July 2005.

<sup>49</sup> Velimir Ilić, Capital Investments Minister, stressed: "I would understand if our Church was persecuted by Shiptari or Al-Quaida, but I cannot understand why it is being persecuted by the Montenegrin and Macedonian authorities. ". "Macedonian Authorities Mark Ilindan in Pelinovac", *Danas*, 1 August 2005.

<sup>50</sup> www.B92.net, 27 May 2005.

*Macedonian Orthodox Church*,<sup>51</sup> and indicate that the SOC has every right to approve autonomy of an archbishopric in the territory under its jurisdiction or to transfer to it part of its prerogatives. But according to them the problem lies in the fact that in line with the state law in Macedonia, a church formed by the Macedonian state parallelly functions. <sup>52</sup>

The Serb authorities underscored that the arrest of Archbishop Jovan was a blatant case of violation of human rights, notably of the right to freedom of faith of the Serb minority in Macedonia. They furthermore insisted on the fact that Archbishop Jovan was of a Christian Orthodox faith-though of Macedonian nationality and with Macedonian citizenship- and that "he was arrested because he belongs to and spearheads the only recognized Christian Orthodox church in Macedonia. Once the authorities realize that they cannot arrest all their citizens of the Christian Orthodox faith, they shall release Archbishop Jovan".<sup>53</sup> The Serb authorities also tried to use that case to raise the issue of status of the Serb minority in Macedonia:<sup>54</sup> "Although President of Macedonian parliament spoke about the Serb community as a loyal one and as "a constructive element of co-operation between Macedonia and the State Union of Serbia and Montenegro"<sup>55</sup>, some representatives of the Serb minority maintain that "the DPSM is still in a delicate situation, for we have entered a period of the major freeze of relations between Serbia and Macedonia." Due to irrational motives or perhaps because of a "conscious instrumentalization of faith to political ends, Serbs in Macedonia are the only ethnic minority stripped of the right to freedom of religion, and their situation has been additionally exacerbated by the arrest of Archbishop Jovan."<sup>56</sup> Vojislav Vukčević, the Serb

<sup>51</sup> Milan Radulović, Serb Minister for Religions: "That Church aspires to be a successor of the Christian Orthodox Church in Macedonia. It may even act as such, but it lacks what we call apostolic guarantees-its bishops have not been elected legitimately by a synod, but rather by civilian authorities. They are a kind of free clergy who are trying to exert rights and prerogatives in which they have not been vested by the church order and authorities." "The State Does Not Influence the Serb Orthodox Church", *Novosti*, 4 June 2005.

<sup>52</sup> It is easy to notice, as indicated by the highest SOC officials, notably by a reputable member of the Holy Synod, Bishop of Backa, Irinej, that the issue of the Macedonian Orthodox Church is being discussed and tackled more often and more vocally by Messrs Bučkovski, Crvenkovski and other prime movers of the Skopje political scene, than by the local church frontmen. ". "Multicultural Arrest", *NiN*, 28 July 2005.

<sup>53</sup> "Radulović: A Stupid Move", *Novosti*, 28 July 2005.

<sup>54</sup> Our people in Macedonia are in an unpleasant situation, for it is not easy to be members of a minority. We as a Ministry shall protect their rights in the way we are allowed to do that under international contracts and treaties. "We Must Protect Our People", *Svedok*, 7 June 2005.

<sup>55</sup> "Co-operation-the Only Option", *Politika*, 31 July 2005.

<sup>56</sup> "Kosmet – An All Serb Issue", *Novosti*, 28 November 2005.

Minister for Diaspora, stated that the Ministry was duty-bound to "protect the reputation and interests of many Serbs<sup>57</sup> living in Macedonia, though they, alike Archbishop Jovan, are citizens of Macedonia."<sup>58</sup> Representatives of *The National Council of Macedonians in Serbia and Montenegro* thus responded to accusations that Macedonia disrespected human rights guaranteed by international conventions: "Relations between the Serb Orthodox Church and the Macedonian Orthodox Church should not affect relations between the two states." That Council also took the stand that the Churches should independently resolve their problems, while Gojko Ilijevski, President of Community of Macedonians stated: "No-one asks Macedonians in Serbia if they enjoy their religious rights and how they feel as faithfuls of the Macedonian Orthodox Church in the State Union of Serbia and Montenegro."<sup>59</sup>

All the appeals to Macedonian authorities<sup>60</sup> and international organizations related to the release of Archbishop Jovan, as well as numerous responses to his arrest, failed to take note of the fact that the decision on the arrest was taken by independent judicial instances in Macedonia.<sup>61</sup> The Serb Orthodox Church Synod equalized conviction of Archbishop Jovan to "the conviction of the whole, international Christian Orthodoxy".<sup>62</sup> What followed up were the threats<sup>63</sup> that unless the conviction was declared null and void and Archbishop Jovan released, the Macedonian Orthodox Church clergy would be prevented from officiating a 2 August liturgy in monastery Prohor Pčinjski, on the anniversary of Ilinden. Since the Serb-Montenegrin Foreign Ministry

<sup>57</sup> Serbs in Macedonia have long been burdened by constitutional inequality and long-standing exclusion from legal, political and public life. Added to that the collective responsibility for recent wars in former Yugoslavia was imposed on them. After the 21 war developments in Macedonia, the new situation emerged here. Then the KLA agenda became an integral part of our constitutional system. "Kosmet - an All Serb Issue", *Novosti*, 28 November 2005.

<sup>58</sup> We were contacted by representatives of the Democratic Alliance of Serbs, of some municipalities, Serb schools and numerous Serb local communities in Macedonia. Concerned over the arrest of Archbishop Jovan, they wanted us to take an official stand. "Macedonian Authorities Mark the Anniversary of Ilinden in Pelinovac", *Danas*, 1 August 2005.

<sup>59</sup> "Official Skoplje Searches Legal Basis for Release", *Danas*, 30-31 July 2005.

<sup>60</sup> Vojislav Kostunica, Prime Minister of Serbia, sent the following message: "Release of Archbishop Jovan is the best thing that Macedonian authorities could do at this moment of time."

<sup>61</sup> Arrest of Archbishop Jovan is a nervous, mindless and politically stupid response of the Macedonian authorities to internal issues of the Christian Orthodox Church in that state. "Radulović: A Stupid Move", *Novosti*, 28. jul 2005.

<sup>62</sup> "Brutal Persecution", *Novosti*, 23 July 2005.

<sup>63</sup> Lawyer Sava Anđelković "In Kostunica-led government of Serbia there are serious jurists who are yet to publicly protest against torture of SOC priests in Macedonia". "Archbishop in Jail, States in Conflict?", *Glas*, 28 July 2005.

declined to respond to the official request of the Macedonian state delegation to approve its flower-laying ceremony on 2 August and thus mark the 61st anniversary of the first session of ASNOM and proclamation of Macedonian statehood, the state delegation of Macedonia was compelled to mark that anniversary in another place.<sup>64</sup> Added to the appeal for the release of Archbishop Jovan, the Serb-Montenegrin Foreign Ministry also made it clear that it did not oppose the presence of the state delegation of Macedonia in monastery Prohor Pčinjski, but reminded that "the owner of monastery is the Serb Orthodox Church and not this Ministry".<sup>65</sup> But all the efforts made by President of Serbia Boris Tadić and the SOC Synod to that end failed, for Archbishop Jovan is formally a Macedonian citizen.<sup>66</sup> Most concrete move in the campaign for the release of Archbishop Jovan was made by Velimir Ilic, the Serb Minister for Capital Investments, who ordered a swift return of the two Yugoslav Airlines aircraft- -leased to the Macedonian air-carrier- from Skoplje.<sup>67</sup>

In the process of greenlighting the Macedonian EU candidacy the case of arrest of Bishop Jovan required additional clarification.<sup>68</sup> European Commission viewed that problem in the light of violation of human rights, but also assessed positively the possibility of legal resolution of that problem<sup>69</sup> as indicated by the Skoplje authorities. In the face of the campaign which aimed at slowing down<sup>70</sup> or making more difficult Macedonia's gaining of status of candidate, the campaign which also tried to call into question readiness of Macedonia to open its territory and guarantee implementation of fundamental

<sup>64</sup> "Without Delegation in Prohor Pčinjski", *Glas*, 29 July 2005.

<sup>65</sup> "Macedonian Authorities Mark Ilinden in Pelinovac", *Danas*, 1 August 2005.

<sup>66</sup> Aleksandar Vučić "Arrest of Archbishop Jovan is not only unlawful, but also a mindless and savage gesture of Macedonian authorities." "Putin-Style Anti-Corruption Model", *Novosti*, 6 August 2005.

<sup>67</sup> "We invest billions in building of a highway enabling Macedonia to enter Europe, and they pay us back in this way." Ilic also reminded Macedonian President of "My recent efforts to effect the write-off of Macedonian air carrier-MAT-to YAT Airways...in the face of strong opposition." "Macedonian authorities Mark the Anniversary of Ilinden in Pelinovac", *Danas*, 1 August 2005.

<sup>68</sup> Branko Crvenkovski "The fact is that to date no request was submitted for registration of a religious association dealing exclusively with religious feelings of Serbs in Macedonia". "Let Churches Resolve Their Dispute Independently", *NiN*, 8 September 2005.

<sup>69</sup> "EU Asks Skoplje To Explain the Arrest of Bishop Jovan", *Danas*, 21 October 2005.

<sup>70</sup> In his letter to President of the Commission of EU Bishop Conferences, Bishop Joseph Homeier, High EU Representative for Foreign Policy and Security, Xavier Solana, cautioned that the arrest of Bishop Jovan, on grounds of alleged instigation of rational intolerance, may seriously slow-down and even threaten accession of Macedonia to EU. "Solana: Freedom for Bishop Jovan", *Blic*, 16 September 2005.



principles of freedom of thinking and religious liberties, Macedonia has demonstrated the maturity and responsibility as befits the future member of EU in the case of the SOC-MOC dispute.

Head of the Russian Orthodox Church, Aleksej, also got embroiled in resolution of status of Macedonian Church. Namely he stated that in the world of the Christian Orthodoxy there was no rule as to gaining of independence of a church, but he added that despite that the Macedonian Orthodox Church might resolve its status without any talks with the Serb Orthodox Church. Aleksej also said that to date there was no consensus as to the procedure for independence-gaining of a church. He also admitted that in he was in touch with the Serb and the Greek Orthodox Church in a bid to help them solve the problem faced by the Macedonian Church. But he added that he was engaged only in "church talks of general nature." As a settlement he announced the possibility of using "the term-independent or self-managing Church, for that would contribute to re-launching the currently dead-ended talks with the Serb Orthodox Church".<sup>71</sup>

## VIII

# KEY CHALLENGES: KOSOVO AND MONTENEGRO

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<sup>71</sup> SOC and MOC Must Talk, *Blic*, 15 January 2006.

## **KOSOVO: CONSENSUS ON TWO PRINCIPLES**

In spite of the new reality and of the principles and guidelines<sup>1</sup> laid down by the international community,<sup>2</sup> the Serbian side (that is, the Serbian government, parliamentary parties, Serbian president and greater part of the intellectual elite) remains entrenched in the positions it has held for many years,<sup>3</sup> showing almost no progress compared with 2004. In the last two years the Serbian government and Assembly have adopted a number of documents relevant to the status talks based on two principles: Kosovo's remaining a part of Serbia and Kosovo's decentralization on ethnic principles. These principles also underlie the Platform for Talks on the Future Status of Kosovo put forward by the Serbian president and Democratic Party (DS) leader, Boris Tadić. Although their rhetoric differs according to their constituencies, the main parliamentary parties, the ruling Democratic Party of Serbia (DSS), Serbian Radical Party (SRS), DS and Socialist Party of Serbia (SPS), are agreed on the future status of Kosovo. In other words, as far as Kosovo is concerned, there is no dialogue in Serbia and no opposition in its institutions, particularly in parliament.

On the political stage, only a few minor parties have made a genuine break with the Kosovo policy of Slobodan Milošević, whose term of office started with the abolition of Kosovo's autonomy and repression of the Kosovo Albanians. Although the two sides continue to hold opposite views, the very fact that the talks were got under way in February 2006 was a step forward from the status quo the Serbian side had been striving to preserve over the years. But for the pressure of the international community, the Serbian side would in all probability have gone on insisting on a postponement; thus, addressing the United Nations Security Council in February 2006, Tadić proposed that the final settlement of Kosovo's status should be postponed for

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<sup>1</sup> These principles are: no return to the situation in 1999, no division of Kosovo, and no incorporation with other states following determination of final status.

<sup>2</sup> The Contact Group, European Union and United States.

<sup>3</sup> The principles of the territorial integrity of Serbia.

twenty years.<sup>4</sup> The Helsinki Committee for Human Rights in Serbia for its part insists that issues such as respect for minority and human rights, security (internal and regional), organized crime and economic progress cannot be addressed before Kosovo's status is defined and the borders of the newly-established states on the territory of the former Yugoslavia are determined. This presupposes defining the status of Kosovo's minorities, developing a system for the implementation of standards and legislation to ensure respect for and protection of minority and human rights, and instituting a system to identify responsibility for the creation of a democratic society.

## The Serbian Negotiating Position and Status

The basic principle on which the Serbian side insists is respect for the sovereignty and territorial integrity of Serbia.<sup>5</sup> A second principle concerns the compactness of the Serb-populated territory and its institutional link with Belgrade. The Serbian Assembly achieved consensus on the matter of Kosovo's status, with the far-right SRS taking part in the drafting of certain 'strategic documents'.<sup>6</sup>

The Serbian Assembly would consider any imposition of an independent Kosovo solution as an act of violence and would declare it illegitimate, illegal and having no effect. Many politicians explained that in that case Serbia would proclaim an occupation of Kosovo, a possibility first announced by the Serbian Orthodox Church (SPC).<sup>7</sup> The Serbian prime

<sup>4</sup> Boris Tadić: 'The consensual solution which would be reached in this way would carry international guarantees and, after the expiration of a specified period (say, twenty years), would again be placed on the negotiating table.' (www.b92.net/info/vesti, 'Savet bezbednosti o Kosovu', 14 February 2006). A postponement had been raised by Tadić's adviser, Dušan Bataković, in April 2005 in an interview with *NIN*: '...the reasons are getting more and more serious for the international community to stop being in a great hurry regarding the determination of the future status of the province.' ('Protiv defetizma', 28 April 2005).

<sup>5</sup> On 21 November 2005, the Serbian Assembly adopted a Resolution on the Mandate for Political Talks on the Future Status of Kosovo and Metohija. Other than being approved by the ruling DSS, the resolution was backed by the extreme SRS and SPS. The resolution was carried by a vote of 205 in favour, none against, and 29 abstentions by deputies of the DS and Social Democratic Party who did not, however, fundamentally oppose the principles contained in the resolution. Deputies Nataša Mičić and Žarko Korać alone criticized the Serbian government's approach to solving Kosovo's status and walked out before the vote was taken.

<sup>6</sup> This was asserted by the member of the Assembly Committee for Kosovo and Metohija, Dušan Proroković. *Politika*, 20 November 2005.

<sup>7</sup> Serbian Prime Minister Vojislav Koštunica: 'To divide Serbia by grabbing Kosovo and Metohija would be to directly violate the most general principles of international law. All the principles Serbia espouses in addressing the question of

minister's adviser, Aleksandar Simić, said that Kosovo's independence would be totally unacceptable and would mean an occupation of part of the territory of Serbia.<sup>8</sup>

The SRS deputy president, Tomislav Nikolić, said that Koštunica had assured him that 'neither he nor any other official would ever sign anything concerning Kosovo and Metohija which would mean a change of borders and predetermine the independence, sovereignty, autonomy of Kosovo and Metohija'.<sup>9</sup> Speaking in the Assembly, Nikolić addressed the following message to the government: 'We are sending you to these negotiations with an open heart and we undertake that you will negotiate on our behalf. Though I can promise you that you will never see us fighting for power in the streets, in the struggle for Kosmet [Kosovo and Metohija] the Serb Radicals will use all available means against anybody and even against you, should you venture upon a bad solution.'<sup>10</sup>

The Assembly platform for talks also provides for holding a referendum to let the citizens of Serbia declare themselves on Kosovo's status.<sup>11</sup> In considering this possibility, the government invokes the 1991 Constitution that formally abolished Kosovo's autonomy.

The Serbian president and DS leader, Boris Tadić, announced his platform called Formation of a Serb Entity in Kosovo and Metohija during an official visit to Moscow, on the very day the government adopted the platform for talks on the future status of Kosovo (Rather than offering a substantial change, the Tadić platform was more a propaganda stunt calculated at stealing a march on the government). Tadić insists on the creation of Serb and Albanian entities in Kosovo, with the Serb entity having direct institutional links with Belgrade and the rest of Kosovo being guaranteed 'substantial autonomy'. The platform provides for a special relationship of the two entities within the framework of official Kosovo institutions. Tadić said at the UN Security

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Kosovo are without exception universal principles compatible with international law. Based on these most general principles, [Serbia] is committed to finding an effective compromise solution in the form of substantial autonomy for Kosovo and Metohija.' (www.b92.net/info/vesti, 'Kosovo na putu do...', 15 February 2006.

<sup>8</sup> *Večernje novosti*, 'Nema šargarepe za okupaciju', 10 November 2005.

<sup>9</sup> *Danas*, 'Koštunica obećao Nikoliću da neće potpisati akt o otcpljenju Kosova', 12 May 2005.

<sup>10</sup> *Politika*, 22 November 2005.

<sup>11</sup> The president of the Serbian Constitutional Court, Slobodan Vučetić, said that a direct vote by the citizens was obligatory concerning a change of borders or detachment of territory. 'Any referendum decision would be binding on the political leaderships of Serbia and the state union,' said Vučetić, who drafted the Milošević Constitution. (*Politika*, 20 November 2005). Koštunica's adviser Aleksandar Simić said that the 'possibility of a referendum vote by the citizens on the status of Kosovo ought to be a focus of public consideration.'

Council Meeting<sup>12</sup> that the Albanians would be offered autonomy from Belgrade in most affairs of daily life 'on condition that they accept the same kind of autonomy for the Serb entity'.

According to Tadić, the Serb entity would comprise the present and newly-established municipalities 'with a clear Serb majority'. The new municipalities would be established in northern Mitrovica, central Kosovo, the Morava river valley in Kosovo, and Metohija. The Serb entity would include the 'most important centres of the Orthodox faith in Kosovo and Metohija such as the Patriarchate of Peć, [Monastery of] Dečani, [Church of] Bogorodica Ljeviška, [Monastery of] the Holy Archangels and Devič [Monastery], with safe zones around them.' It is further said that in establishing the safe zones one should 'take account of the justified demands of the Serbian Orthodox Church for the restitution of property taken away by nationalization after the Second World War.' The competence of local self-government authorities would encompass full cultural autonomy (education, media, culture, protection of religious and cultural monuments; right to special institutional relations in these fields), self-government in health care (specific competence in the spheres of social welfare and pension insurance; right to receive material and personnel assistance from Belgrade). 'Regarding decisions of the [Kosovo] parliament concerning vital interests of the Serb community, including the adoption of provincial legislation, it ought to be provided that a decision cannot be valid if not voted also by the majority of deputies of Serb nationality,' the Proposal says.<sup>13</sup>

The Tadić plan tallies with the Serbian government's Plan for Political Solution of the Situation in Kosovo and Metohija adopted on 29 March 2004<sup>14</sup> (and approved by the Serbian Assembly in April 2004), as well as with other documents concerning Kosovo. This was confirmed by the prime minister's adviser Slobodan Samardžić, who explained that the term 'Serb entity' used in the Tadić plan was compatible with the 'previously adopted standpoint on the necessity of establishing the autonomous status of Serbs and other non-Albanians in Kosovo and Metohija'.<sup>15</sup>

Although the Serbian side<sup>16</sup> denies that it wants a divided Kosovo, the Albanians fear rightly that the plans envisaging the establishment of entities

<sup>12</sup> February 2006.

<sup>13</sup> *Večernje novosti*, 25 November 2005.

<sup>14</sup> The Serbian Assembly unanimously approved the Plan for Political Solution of the Situation in Kosovo and Metohija on 20 April 2004. The plan envisaged a division into entities on the model of Bosnia and Herzegovina. The plan denounces the 1974 Constitution under which Kosovo enjoyed the widest possible degree of autonomy, the government considering that arrangement 'not rational and just'.

<sup>15</sup> *Politika*, 25 November 2005.

<sup>16</sup> The Serbian president's adviser, Dušan Bataković, who proposed a cantonization of Kosovo as far back as 1998, argues that the Tadić plan does not aim for

seek to lay the foundations for a division of Kosovo or for its federalization along the lines of Bosnia and Herzegovina, a solution likely to render the Kosovo state and society dysfunctional. The Serbian side has been insisting on a territorial arrangement for the Kosovo Serbs on the model of Bosnia and Herzegovina since the end of the NATO intervention, though plans for dividing Kosovo into entities go back further than that, there being indications that Serbian academic circles exerting influence on the government in particular had been working on them.<sup>17</sup> After 17 March 2004 the Serbs succeeded in forcing the issue of a decentralization based on ethnic principles as part of the negotiating process of Kosovo's status.<sup>18</sup> Since the war, the Serbs have striven to legalize the enclaves and to weave them together into a compact territory effectively forming an entity.

The president of the Coordination Centre for Kosovo and Metohija, Sanda Rašković-Ivić, says that 'official Belgrade looks upon the northern part of Kosovska Mitrovica as a model that may help the Serbs to stay and live there'. She said that, taking northern Mitrovica as a model, 'the object of the plan of the government of Serbia is to protect the remaining Serb and other non-Albanian population in the province through a system of territorial wholes'.<sup>19</sup>

The Union of Serb Municipalities in Kosovo (the Serb National Council of Northern Kosovo and the Serb National Council of Kosovo and Metohija) advocates a concept whereby the Serbs would be represented in 18 newly-established municipalities on 38 per cent of the territory of Kosovo, corresponding to the percentage of land it alleges to be in Serb private ownership. Of these, 16 municipalities would be purely Serb and the remaining two made up of members of the Gorani and Muslim communities.

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a division of Kosovo because the 'Serb municipalities, both new and old, are territorially unconnected and scattered all over the Province; their links would be functionally institutional though not territorial, which in itself rules out a division'. (An interview with *Danas*, 3 December 2005).

<sup>17</sup> After the NATO intervention, Kosovo officers discovered in the Highway Administration, which had been under Serb control for years, maps indicating roads that would be built only through Metohija to interconnect the Serb areas.

<sup>18</sup> Koštunica's adviser Slobodan Samardžić: 'The issue of decentralization is closely bound up with that of status. We don't wish to determine the position of the Serbs in the province before the status is determined. This is why UNMIK and the Kosovo government are doing all they can to by-pass us in talks concerning decentralization and the position of the Serbs. It's not that we are not taking part in talks because we do not want to, but because UNMIK will not let us. And the reason they won't let us is because the whole thing hinges on the question of decentralization. UNMIK must not cave in to the Albanian pressure.' ('Unmik u panici', *Večernje novosti*, 17 March 2005).

<sup>19</sup> 'U potrazi za modelom opstanka Srba na Kosovu', *Danas*, 24 September 2005.

These municipalities would be interconnected. All of them would also be connected with Serbia and would no longer exist as enclaves. There are plans to build roads to link the newly-established municipalities together.

The president of the SNC Executive Committee, Dragan Velić, says that the 'territory of these municipalities would have to be compact...We aren't interested only in local self-government in the municipalities, we demand substantial autonomy within this territory: charge of the judiciary, security, health care, education and religion'.<sup>20</sup>

This indicates that the Serbian side has effectively given up the idea of Serbs returning to certain parts of Kosovo, particularly to Priština and other large towns. Sanda Rašković-Ivić says that it would be more realistic for Serbs to return to Gračanica 'which is in the vicinity of Priština, to turn it into a Serb centre and to fortify the intellectual and human potential that exists there. We must become realists. It's a great pity that the towns are lost, but that's not our fault'.

Decentralization on ethnic principles was meant to be used by the Serbian side as an instrument for a possible carve-up of Kosovo in the future. But this possibility is ruled out for now by the principle of the international community that Kosovo cannot be divided.

The G17 Plus party is the chief advocate of the creation of two entities into which Kosovo would eventually be divided. The Serbian deputy prime minister, Miroslav Labus, proposed as early as 2004 that the Serb entity should comprise the Northern Kosovo and Kosovsko Pomoravlje regions. According to the Labus proposal, the sovereignty of the entire territory of Kosovo would have provisional European guarantees pending EU membership, an arrangement whereby the EU would take over from the UN, with Kosovo and Serbia exercising partial sovereignty over the respective entities. Čedomir Antić of G17 Plus suggested that the Albanians should be offered autonomy; if they do not accept this, then they should be offered independence in three stages: first, the creation of two entities; second, evaluation of the implementation of standards in both entities over five years; and third, incorporation of the Serb entity with Serbia and the proclamation of the independence of the second entity.<sup>21</sup>

A solution was also put forward by the foreign minister and president of the Serbian Renewal Movement (SPO), Vuk Drašković, who considers that Kosovo should be modelled on South Tyrol in Italy. This solution would provide for positive discrimination towards the Serb minority in relation to the Albanian majority as well as for Kosovo's remaining within Serbia. Drašković also called for giving the Albanian majority the rights offered the Republic of Serb Krajina and Republika Srpska under the Z4 plan (own parliament,

<sup>20</sup> 'Briše etničko čišćenje', *Večernje novosti*, 28 September 2005.

<sup>21</sup> *Večernje novosti*, 20 November 2005.

president, currency, police, judiciary, independent representation on international organizations save those symbolizing state sovereignty such as the UN).

The idea of establishing a Serb and an Albanian entity and dividing Kosovo accordingly dates from the mid-1990s. Academic Aleksandar Despić, for instance, proposed the idea publicly in 1996. During the NATO intervention, the most influential ideologue of modern Serb nationalism, Dobrica Ćosić,<sup>22</sup> suggested that the large Serb monasteries should become the centres of small states such as San Marino; the Serb parts in northern Kosovo would be joined to Serbia and the southern Albanian majority regions incorporated with Albania or with an autonomous Albanian state. In his book *Kosovo*, Ćosić proposes the following line of action: 'For nearly two decades I have been convinced that Kosovo is Serbia's cancerous wound and ought to be excised while saving the Patriarchate of Peć, Dečani, Gračanica and the ethnic space in the plain of Kosovo around Gračanica. [Slobodan] Milošević and the majority of Serbian politicians including those from the opposition have had no courage for such "national treason", hence the use of army and police to deal with the Kosovo question. Either a war with the Kosovo Albanians or a gradual capitulationist surrender of Kosovo to Albania is now inevitable.'<sup>23</sup>

A spatial planning expert, Branislav Krstić, proposed establishing an Albanian area having a special status (a 'safe area' on the model of the Vance-Owen Plan) in parts in which Serbia could not exercise its control, with Serb and Montenegrin historical territories integrated into the mother state. Calling this a 'spatial rearrangement' rather than a division, he argues that it is warranted by the need to realize the historical right of the Serbs and the ethnic right of the Albanians. A reordered Kosovo would remain a province within

<sup>22</sup> Dobrica Ćosić was criticized by the president of the Serb National Council, Radmila Trajković, because 'he is known to be behind [Nebojša] Čović'. She said she had satisfied herself that 'Ćosić exerted influence on the editorial policy of the RTS state channel and that he was 'involved in the goings-on in the Serbian Patriarchate in connection with Kosovo and Metohija'. 'The decentralization project offers the removal of the Serbs from the central parts of Kosovo: this is an important strategic interest of the Albanians and it is clearly denoted in the document of the Kosovo Protection Corps; it was also the subject of a political discussion of the Albanian leaders, who publicly offered Belgrade a deal regarding the evacuation of central Kosovo and its exchange for territories bordering on central Serbia. Ćosić came out advocating the right to self-determination for Albanians as far as Zvečan, which is unnecessary at this juncture. He has very powerful mechanisms at his disposal, I don't know where they lie, but they're stupendous. I know that he harboured a considerable animosity towards Bishop Artemije, as it turned out there were some embarrassing things going on at Bishop Artemije's expense although he and the eparchy are the mainstay of Serb survival. As to other Serb institutions in Kosovo, we just haven't got them.' (*Danas*, 'Rada Trajković: Akademik utiče na RTS i SPC', 17 August 2005).

<sup>23</sup> Quotes from *Danas*, 30 November 2005.

Serbia under the aegis of international forces.<sup>24</sup> The closest to this proposal is Nebojša Čović, the former president of the Coordination Centre for Kosovo and Metohija, who is now campaigning for President Tadić's 'entity approach'. On 20 November Čović's Social Democratic Party published maps in support of dividing Kosovo into entities.

'More than autonomy, less than independence' was a formula the ruling circles mentioned most often during 2005 as a solution for Kosovo's status. It envisages no international dependence for Kosovo and therefore no renaming of Serbia's borders with Macedonia and Albania. According to the president of the Coordination Centre, Sanda Rašković-Ivić, the formula means that Serbia would have sovereignty and Kosovo executive, judicial and legislative power. The border would be guarded by Serbian police and fiscal and customs policy would be tied to the state, that is, determined centrally. There would be one defence minister, one foreign minister, and one place for Serbia and Kosovo at the United Nations.<sup>25</sup>

Political actors in Belgrade agree that there should be no dilemma between Serbia's EU and Euro-Atlantic integrations and resolving Kosovo's status within Serbia's borders. President Tadić was explicit that not even Serbia's membership of the EU could compensate for the loss of Kosovo.<sup>26</sup> Koštunica's adviser Aleksandar Simić pointed out that 'although entry into NATO is essentially important to us, we cannot give up part of territory for that reason. Although countries which are even smaller than ours have not acceded to every demand, they are today nevertheless serious states in their own right'.<sup>27</sup>

## The Role of the Serbian Orthodox Church

Having exerted a strong influence on the Kosovo Serbs for years, at the end of 2005 the SPC was effectively enabled to influence the settlement of Kosovo's status formally by having its representatives on the Serbian negotiating team.<sup>28</sup> The position of the SPC for the most part coincides with Belgrade's official policy on Kosovo.

<sup>24</sup> 'Od razgraničenja preko uređenja prostora, kantonizacije, do entiteta', *Danas*, 30 November 2005.

<sup>25</sup> *Danas*, 'Srbiji suverenitet, Kosovu izvršna, zakonodavna i sudska vlast', 22 September 2005.

<sup>26</sup> Boris Tadić: 'Serbia cannot accept the "quicker road to the EU in exchange for Kosovo and Metohija" formula because a compensation is to be ruled out...A quicker road to the EU cannot compensate for the loss of KiM [Kosovo and Metohija]'. ('Kosmet nije karta za EU', *Večernje novosti*, 15 September 2005.)

<sup>27</sup> 'Nema šargarepe za okupaciju', *Večernje novosti*, 10 November 2005.

<sup>28</sup> Bishop Pahomije sat at the negotiating table at a time when he was on trial charged with paedophilia.

The first meeting of the Serbian negotiating team took place on 6 December and was attended by members of the Kosovo and Metohija Committee of the SPC Holy Assembly of Bishops, headed by Patriarch Pavle. The meeting was organized at Patriarch Pavle's request to discuss church, private and socially-owned property in Kosovo. The meeting agreed to establish cooperation between the SPC Committee and the negotiating team with a view to an 'adequate response to the challenges the negotiations will bring'. The SPC insists that restitution of church property should be an integral part of the future status talks.

The SPC was the first institution to announce, in early November 2005, that any declaration of Kosovo's independence would be regarded as an occupation of a part of Serbian territory, Patriarch Pavle saying on the occasion that an 'act of grabbing KiM [Kosovo and Metohija] from Serbia, however covert, would essentially have the character of an occupation'. The Holy Assembly of Bishops announced that a solution could not be imposed unilaterally, nor be the result of a territorial rearrangement, because such an outcome would trigger mass evacuation of population and renewed tensions in the Balkans. It concluded that in the event of an imposed settlement the Serbian Assembly would have to 'enunciate to the whole people that an illegitimate and illegal occupation of a part of our national territory has been carried out'. An almost identical rhetoric was later adopted by the ruling Belgrade elites including Prime Minister Vojislav Koštunica.

The close nexus between the state authorities and the SPC is also in evidence at numerous gatherings devoted to Kosovo. For instance, on 19 November 2005, the Assembly of Serb Youth and the periodical *Srpske dveri* organized an event in Belgrade's large Hall of Trade Unions that was attended by high-ranking SPC dignitaries (Bishops Atanasije and Teodosije) and state officials (Sanda Rašković-Ivić), its message being that the 'crucified Kosovo is the only thing on which we can be united. It is the foundation stone of our future, for it is on our attitude towards such a Kosovo that our future depends'.

The nexus between the SPC and the state is confirmed by Đorđe Vukadinović, a political analyst close to the DSS and the prime minister: 'People in these parts do not realize how important and significant Church attitudes and the Church as an institution are regarding European and world public opinion. While I am not sure that the negotiating team ought to have started out as it did, the question of protecting our large sanctuaries is certain to figure at the forthcoming talks as a major argument working to Belgrade's advantage along with international law. This is why it was important to coordinate the policy of the state team with the Kosovo church committee and to set up a coordinator. The few concessions Belgrade will be able to get will concern precisely the question of protecting the sanctuaries and church

property.<sup>29</sup> This attitude was reaffirmed by the Serbian minister of religion, Milan Radulović, who said that ‘we must realize that Serbia is as strong in Kosovo and Metohija as the SPC is strong in that space’.<sup>30</sup>

## The Serbian Opposition and Kosovo

Since the abolition of Kosovo’s autonomy in 1989 there has been no dialogue on Kosovo in Serbia, with alternative opinions aired only at the panel discussions and within the circles of a small number of nongovernmental organizations. On the political stage, alternative opinions on Kosovo’s status have been expressed by the Liberal Democratic Party (LDP), the Civic Alliance of Serbia (GSS), the Social Democratic Union (SDU), and certain small parties in Vojvodina. The LDP, founded in November 2005, states in its programmatic document that it espouses an independent Kosovo; it and the GSS hold that the Kosovo Serbs should be granted the status of a constituent people and able to exercise the veto regarding crucial issues such as accession to Albania.

At a meeting at which the platform for talks was put to the vote, the government’s attitude to the question of Kosovo was effectively criticized only by the GSS and SDU leaders, Nataša Mičić and Žarko Korać. They hold the regime of Slobodan Milošević responsible for the present situation of the Serbs.

GSS president Nataša Mičić said that priority in addressing the status of Kosovo ought to be attached to individuals and peoples rather than to territories. She thinks that the Kosovo Serbs ought to turn to the Kosovo institutions and to deal with their problems there if they do not want to isolate themselves in a ghetto.<sup>31</sup> Speaking in the Assembly, she said that Serbia should pursue a policy of helping people in Kosovo and Metohija to live better as a minority and as individuals, as well as striving in the negotiations to ensure an extraterritorial status for the monasteries and protection of the cultural heritage.

Also addressing the Assembly, SDU leader Žarko Korać described the government’s resolution as unrealistic ‘because those who brought Kosovo into the present state of affairs are being amnestied anew, [and because] the advocacy of dialogue and compromise is coming very late’.

On account of their positions, Mičić and Korać were accused in the Assembly and publicly of being traitors, a charge much used and favoured by the Milošević regime. A fellow deputy, for instance, told Korać that he would have ‘struck a chord had his address been in Albanian’.

<sup>29</sup> ‘Pravi sastanak tek predstoji’, *Danas*, 12 December 2005.

<sup>30</sup> ‘Duhovni koreni orijentir budućnosti’, *Politika*, 23 September 2005.

<sup>31</sup> *Srpsko-albanski dijalog 2005*, p. 21, Helsinki Committee for Human Rights in Serbia.

Čedomir Jovanović’s LDP states in its programmatic document<sup>32</sup> that the ‘recognition of Kosovo by Serbia will ensure the Serbs the most favourable position in Kosovo in constitutional-law terms’. The LPD also campaigns for ‘Albanian recognition of the status of the Serb community as a constituent people within Kosovo’.<sup>33</sup> Such a settlement of the status of Serbs within an independent Kosovo implies ‘adoption of the Ohrid Agreement principles complemented by a combination of bilateral and international guarantees for their observance. The settlement would be formulated in a Constitutional Agreement between Serbia and Kosovo whereby Serbia would transfer its sovereignty to Kosovo in exchange for specific constitutional arrangements in Kosovo’.<sup>34</sup> The agreement would give the Kosovo Serbs the right to veto amendments to the Kosovo Constitution.

Jovanović argues that Serbia has ‘neither political, nor economic, nor social, nor security capacity to administer Kosovo in the interests of the citizens who live there’.<sup>35</sup> In an interview with Tanjug news agency, he said that Kosovo and Metohija were already independent of Belgrade and that the foregoing was merely a statement of the state of affairs on the ground.<sup>36</sup>

## The Messages Sent to the Serbian Public

The Serbian side persisted with the rhetoric that because Kosovo’s society is allegedly steeped in crime and incapable of democracy the two communities must be kept apart. In corroboration of its argument, the Serbian side kept referring to the March 2004 violence against the Serb community and insisting that the Albanians were preparing a repetition. In the early stages of the talks it used the media to run down the Albanian negotiating team,<sup>37</sup> following a campaign against the appointment of Maarti Ahtisaari as the UN Secretary General’s Kosovo talks envoy.

A number of statements and messages carried by media, even by Serbian politicians, could be construed as racist talk. On the other hand, the Serb elites kept assuring the Serbian public that Kosovo would remain within Serbia’s borders and perpetuating the decades-old stereotypes about Kosovo being the cradle of the Serb people essential for its survival and about the Albanians as its centuries-old enemy. It was these very stereotypes, used to manipulate public opinion, on which Slobodan Milošević had built his policy.

<sup>32</sup> ‘Srbiji se radi - prvih deset poslova’, p. 14.

<sup>33</sup> *Ibid*, p. 14.

<sup>34</sup> *Ibid*.

<sup>35</sup> ‘Kosovom da upravljaju građani koji tamo žive’, *Danas*, 12 November 2005.

<sup>36</sup> ‘Kosovo nezavisno od Beograda’, *Večernje novosti*, 14 November 2005.

<sup>37</sup> At a time when the Serbian team had not even been selected, Serbian newspapers were full of texts alleging discord within the Albanian negotiating team.

Like in the late 1980s, the Serb elites urged national unity, effectively suppressing any dissenting view not only in the Assembly but in public life as well. Thus the analyst Đorđe Vukadinović declared that the Democrats' inopportune arguments during the Assembly debate on the Kosovo resolution and their reserve towards it constituted a bad message to the international and domestic public. He blamed this partly on the inability of political actors to relegate their animosities and interests to the background at least temporarily. He added that luckily the absence of votes against the resolution had prevented a fiasco and an embarrassing situation in the Assembly.<sup>38</sup>

The individuals arguing in favour of an independent Kosovo risked being lynched. The attitude towards dissenting opinion became glaringly clear when the former foreign minister, Goran Svilanović, said, in his capacity as a member of the Independent Commission on the Balkans, that Kosovo ought to become independent. As a result, Svilanović immediately became the target of attacks from various political circles differing only in terms of the language they used.

Thus the adviser to the Serbian president, Leon Kojen, said: 'Surely something must be amiss with the political elite of a people when someone who was foreign minister only a short while ago does not care a hoot about what was and remains the policy of his country. Though, in Svilanović's case, this comes as no particular surprise.' Kojen went on to recall an incident recorded by Milan St. Protić in his book *Izneverena revolucija* (A Revolution Betrayed): at a dinner in November 1999 with Richard Holbrooke, attended by representatives by the Alliance for Changes, among others, Svilanović was 'the most vociferous, shouting almost beside himself: "Rid us of Kosovo!"'<sup>39</sup> At the time of Kojen's critique, supporters of Bogoljub Karić's Movement for the Strength of Serbia were pasting posters in downtown Belgrade carrying the message 'Stop the Break-up of Serbia' and displaying a map of Kosovo overlaid with a caption saying 'Sold' and a blurred photograph portraying Goran Svilanović wearing the traditional Albanian cap with the letters UCK (Kosovo Liberation Army) on it. The SRS for its part filed a criminal complaint against Svilanović for 'putting forward the view, as minister of foreign affairs, on the necessity of creating an independent Kosovo'. The SRS charged in the complaint that Svilanović had committed the criminal offence of endangerment of the territorial integrity of SCG. Furthermore, a member of Karić's movement, Boris Strajkovic, demanded that Svilanović should be stripped of his mandate. Svilanović left the DS parliamentary floor group on the grounds of his disagreement with the DS about Kosovo's independence. The report of the Independent Commission on the Balkans was criticized by the representatives of all parties in the Assembly.

<sup>38</sup> *Večernje novosti*, 23 November 2005.

<sup>39</sup> 'O Kosovu neće odlučivati ni Srbi ni Albanci', *Blic*, 15 April 2005.

The Serbian president's adviser, Dušan Bataković, was asked the following suggestive question by a journalist of the weekly *NIN*: 'What is the extent of the lawlessness in Kosovo, which is undeniable regardless of what UNMIK may say about it – an argument which may carry weight in the negotiations – and does that strengthen Belgrade's hand?' Bataković replied: 'The balance of power is now changed in that Serbia has become a linchpin of stability and dependable cooperation with the international community, whereas Kosovo is again the dark Balkan boondocks where bloody local clashes, this time only between Albanian elites, are recurring. All the same, whatever is bad for Kosovo is also bad for Serbia, for they are, after all, one *organic whole* kept together by almost unbreakable threads in spite of their great differences of mentality, chronic conflict and opposite political aspirations.'<sup>40</sup>

Those who dare to present views essentially contrary to Belgrade's policy become the target of hate speech characteristic of the period of Milošević's rule. Among the main bearers of the hate speech are the SRS, media, and individuals who can influence public opinion. The citizens are constantly force-fed the message that Kosovo's society is criminalized and incapable of democracy and therefore incapable of being a state, and the Albanians are depicted as a nation inferior to the Serbs. Thus, the former head of the Coordination Centre for Kosovo and Metohija, Nebojša Čović, said: 'There's no chance of an independent Kosovo surviving financially or security-wise. It will belong either to Serbia or to Albania, but all that will become relative if we join the EU together.'<sup>41</sup>

Čović's successor and official of the DSS, Sanda Rašković-Ivić, manifests the same attitude toward the Albanians. When after a visit to Kosovo in September 2005 she was taken ill, the media speculated that she might have been poisoned by Albanians. She denied this with the words: 'I certainly wasn't poisoned. I stayed with Serbs, I ate from Serb plates, so poisoning wasn't the cause of the complaint.'<sup>42</sup> Only the daily *Danas* condemned this statement as racist.

The citizens are also continually assured that Serbia will be helped by its 'old allies' Russia, China and Greece to keep Kosovo. For instance, on 2 November the daily *Večernje novosti* published an article headlined 'Ofanziva naše diplomatije na Moskvu i Peking – vera u stare saveznike' (Our diplomacy's offensive against Moscow and Beijing – trust in the old allies), the message being that a 'veto by China and Russia in the Security Council would prevent formal independence of Kosovo and Metohija'. Foreign Minister Vuk Drašković was quoted as saying during his visit to Beijing that 'Taiwan is

<sup>40</sup> 'Protiv defetizma', *NIN*, 28 April 2005.

<sup>41</sup> 'Kosovo ne može opstati nezavisno', *Blic*.

<sup>42</sup> *Danas*, 26 September 2005.



China, Kosovo is Serbia'. The daily further writes that 'Russia and China as permanent members of the UN Security Council can prevent by veto an attempt by Western countries to legalize the secession of Kosovo from Serbia. The eyes and hopes of the Serbian public and politics have been focused on these two countries since the Western political and intellectual stage began to be seized with the idea that Kosovo ought to be given a kind of autonomy.'

In a 3 November 2005 article headlined 'S kim ćemo u boj na Kosovo' (Who are we going to the Battle of Kosovo with) the high-circulation influential tabloid *Kurir* writes that China, Greece and Russia will back the Serbian position on Kosovo. In this connection, SRS leader Tomislav Nikolić said: 'Putin is a man who's not going to let us down! We have no other! Do we have other Russians? Do we have another Putin? We don't!' To which Sanda Rašković-Ivić added her assurances: 'The Russian Federation has from the very first been very clear concerning respect for Resolution 1244 and protection of territorial integrity and sovereignty. They figured it all out and have on several occasions stated everything that Serbia advocates.'

On the other hand, a number of public opinion polls carried out by CeSID indicated that more and more citizens were resigned to the prospect that Kosovo will not remain as part of Serbia. When asked whether they would like Kosovo to remain in Serbia they replied in the affirmative; but again, when asked whether that was realistic, more and more of them replied that it was not.<sup>43</sup> In April, 45 per cent of respondents said they would like Kosovo to remain in Serbia as an autonomous province or as a third member of the state union, 34 favoured a division into a Serb and an Albanian part, 6 per cent wanted the current state of affairs to continue under prolonged UN administration, 3 per cent thought the creation of an independent Kosovo state would be a good outcome, and 12 per cent were undecided. However, 26 per cent considered a Kosovo state realistic, 25 per cent were undecided, 21 per cent believed there would be a partition, 15 per cent envisioned Kosovo as an autonomous province or as a third member of the state union, and 13 per cent predicted a prolongation of the current state of affairs under a UN protectorate.

Four months later, in August 2005, 55 per cent of respondents wanted Kosovo to remain a part of Serbia or SCG, 25 per cent supported a partition, 9 per cent were undecided, 7 per cent supported Kosovo's independence, and 4 per cent were for the current state of affairs to continue. On the other hand, 34 per cent believed the creation of an independent Kosovo state probable and possible, 23 per cent were not sure whether that would happen, 20 per cent expected a division into a Serb and an Albanian part, 13 per cent wanted Kosovo to remain within Serbia or SCG, and 10 believed that the UN will remain there for a long time to come.

<sup>43</sup> *Večernje novosti*, 29 November 2005.

## South Serbia in the Kosovo Status Context

Stability in the Albanian-majority parts of southern Serbia (Preševo, Bujanovac and Medveđa) will remain fragile until Kosovo's status is defined. In response to the Kosovo Serbs' insistence on territorial autonomy in Kosovo, demands for the establishment of territorial autonomy in southern Serbia and other parts of the Republic are growing.<sup>44</sup>

On 14 January 2005 the Albanian deputies in the municipalities of Preševo, Bujanovac and Medveđa adopted a Political Platform for the Region. They announced that in case the Contact Group principles on the future status of Kosovo were not respected, or in the event of a border change in the Preševo Valley, they would strive for the region's integration with Kosovo. Their Political Platform also urges the establishment of special ties between the Preševo Valley and Kosovo and for the region to be arranged on an administrative-territorial principle. This is what the Kosovo Serbs want for themselves and, of late, increasingly the Vojvodina Hungarians.

Towards the end of 2005, the Party for Democratic Activity of Riza Halimi, the recalled mayor of Preševo, announced a Political Declaration stating that the 'Preševo Valley is a natural ethnic part of the Albanian people, upon whom have been imposed a way of life and political decisions against its will'.<sup>45</sup> The Preševo Valley Albanians demand that their vital problems should be addressed simultaneously with the Kosovo status talks. The Belgrade government was also asked to demilitarize the Preševo Valley, pull out all special security forces located there since the withdrawal of Serbian forces from Kosovo, and stop building military bases. Another demand concerns the establishment of a border police force reflecting the ethnic composition of the population.

The situation in the region has been made worse by the suspension of investments during the past three years. According to Halimi, assistance to

<sup>44</sup> Demands for territorial autonomy have also been made by the Hungarian national minority. Three Vojvodina Hungarian party leaders, Andras Agoston (DSVM), Sandor Pall (DZVM) and Laszlo Ratz Szabo (GSM), have launched an initiative to grant the Vojvodina Hungarians ethnic autonomy on a territorial principle such as the 'Serbs in Kosovo are likely to be given'. Andras Agoston: 'In launching this initiative we didn't want to say that the Hungarians in Vojvodina are having as hard a time of it as the Serbs in Kosovo, only that we consider that a territorial autonomy, such as the Serbs in Kosovo are likely to get, would be the right solution for us in Vojvodina too. If a territorial autonomy is an option in Kosovo, it would be the right solution also for us in Vojvodina.' (*Večernje novosti*, 30 November 2005.) A fourth Vojvodina Hungarian leader, Josef Kasza, asked for a territorial autonomy to unify eight municipalities in northern Bačka with a majority Hungarian population.

<sup>45</sup> 'Pregovori i o jugu Srbije', *Večernje novosti*, 17 October 2005.

Preševo dried up 'at the height of many works and projects'.<sup>46</sup> 'Neither has the economy been set in motion, nor have Albanians started working in state institutions,' he alleged.<sup>47</sup> The former head of the Coordination Body for Southern Serbia, Nebojša Čović, confirmed that all projects in the region had been suspended and blamed the government for stopping the funds for their realization.

## A Regional Concern

The countries in the region are of the opinion that the issue of Kosovo should be resolved as soon as possible. But although the Serbian authorities state publicly that they have the support of most countries in the immediate neighbourhood, particularly Greece, none of these countries has stated its opposition to Kosovo's independence so far. Notably, Greek Foreign Minister Petros Molyvatis said in a meeting in Priština attended by the Romanian and Croatian deputy foreign ministers (Interbalkan Cooperation Delegations): 'We're not here to suggest a solution. We remain dedicated to the principles and guidelines for defining the final status of Kosovo adopted by the UN, EU and Contact Group.'<sup>48</sup> There was also a proposal by Greece's academic circles (Professor Evangelos Kofos) to set up a 'church administrative-spiritual unit under the name Monastic Orthodox Community KiM' enjoying 'self-government on the model of Mount Athos'.<sup>49</sup>

The Croatian government's resolve to follow the policy of the EU and the US was confirmed by, among others, Croatian Prime Minister Ivo Sanader. He said that his country would back any decision by the EU and the international community because Croatia was obliged to do so as a candidate for EU membership.<sup>50</sup>

Albanian Prime Minister Sali Berisha said that Kosovo's status should be resolved 'in keeping with the repeatedly expressed will of its people, which is independence'. Albania supports full rights for the Serbs and other minorities in Kosovo, the return of displaced persons, real decentralization and its implementation, and a dialogue between Belgrade and Priština.

Slovenia's President Janez Drnovšek was among the first to say that the settlement of the Kosovo question lied in Kosovo's independence. During a visit to Gračanica, he observed that Kosovo was already independent and that

<sup>46</sup> Halimi was recalled in November 2005 after serving as mayor of Preševo municipality for many years.

<sup>47</sup> 'Ideje o odvajanju su igre vatrom', *Večernje novosti*, 5 January 2005.

<sup>48</sup> 'International community criteria as important as final Kosovo status, FM says', quote from Athens News Agency, 7 December 2006.

<sup>49</sup> 'Kosmet kao Sveta Gora', *Politika*, 17 March 2005.

<sup>50</sup> Daniel Server's conversation with Ivo Sanader, 20 July 2005; [http://www.cfr.org/publication/8589/conversation\\_with\\_ivo\\_sanader.htm](http://www.cfr.org/publication/8589/conversation_with_ivo_sanader.htm)

the Serb minority should be guaranteed two things: protection of autonomy and protection of religious and cultural monuments with a view to their extraterritorial status.<sup>51</sup> According to Drnovšek's plan, the UN mission would hand over all power to the Priština government within eighteen months, and Kosovo would become independent within five years provided it creates the conditions for the peaceful life and coexistence of all peoples living there. Drnovšek's scheduled visit was cancelled by Belgrade over these statements. Bishop Irinej Bulović condemned Drnovšek's statements as 'impermissible and irrational' and Koštunica's adviser Vladeta Janković described them as an 'example of unstatesmanlike behaviour'.

Weighed down by the question of its own status, Montenegro did not comment on Kosovo's status though a number of its officials said that the settlement of Kosovo's status must not be delayed. Montenegrin Foreign Minister Miodrag Vlahović said that although Kosovo was not Montenegro's problem, Montenegro was interested in its earliest possible solution.<sup>52</sup>

## Conclusions and Recommendations

Ignoring the international context and the reality in Kosovo, the ruling Democratic Party of Serbia and its coalition partners have not yet offered a genuine alternative to the Serbian Radical Party's position on the Kosovo question and the definition of Serbia's borders. In view of the prevailing position of the numerous international indirect and direct actors in the talks on Kosovo's status – a position favouring Kosovo's independence – the lack of such an alternative is merely contributing to the radicalization of Serbian politics and by that very fact making it possible for the SRS to expand its influence.

It is necessary to create the conditions for a free dialogue on Kosovo so as to hear and recognize alternative views including a political discourse in favour of independence. Preparation of the public for realistic solutions is a precondition for the weakening of the SRS and nationalistic options.

Based on the principle of the separation of Church and State, the direct participation of the Serbian Orthodox Church in the Kosovo talks is impermissible. Solutions ensuring the preservation of the Orthodox churches and monasteries in Kosovo must be sought in a wider context given that they are not only part of Serb but also of Kosovo and world culture heritage.

<sup>51</sup> 'Drnovšek: Kosovo de facto nezavisno', *Politika*, 13 November 2005.

<sup>52</sup> 'Srpsko-Albanski dijalog' (Serb-Albanian Dialogue), Helsinki Committee for Human Rights in Serbia.

## MONTENEGRO: ON THE EVE OF THE REFERENDUM

According to the Constitutional Charter of Serbia and Montenegro, moratorium on a referendum relating to the Montenegrin state status expires on 5 February 2006. And now Montenegro is resolved to exercise that right. As early as in 2001 Montenegrin authorities and opposition were ready for the referendum. But EU then prevented that vehicle for independence of Montenegro in order not to encourage similar, independence-oriented aspirations and claims of Kosovars and upset a delicate balance in Serbia in the wake of downfall of Slobodan Milošević. By dint of *Belgrade Agreement*, masterminded by Xavier Solana, the state union of Serbia and Montenegro was formed.

Creation of the state union of Serbia and Montenegro did not lessen the independence claims of Kosovar Albanians or stop the pro-independence process in Montenegro. Negotiations on the status of Kosovo start in February 2006. Contrary to the predominant impression that Belgrade is focused on keeping Kosovo within Serbia, the priority of Prime Minister Vojislav Koštunica and conservative block in Serbia is Montenegro. Countries-members of the state union from the inception thereof had different positions on an already ambivalent *Belgrade Agreement*. Montenegro agreed to a minimum of joint institutions, while Serbia joined the union with the idea of unitarizing that state formation in the future.

Due to decision of the Montenegrin government and parliamentary majority to hold a referendum in late April 2006, Brussels was compelled to take on the role of mediator in kicking off talks between the authorities and opposition. High EU representative Xavier Solana entrusted the Slovak diplomat Miroslav Lajčák with that role.

Official Belgrade keeps piling pressure on Podgorica to postpone the referendum and renounce its resolve to go independent. Kostunica's presentation of the list of Montenegrin citizens living in Serbia to Brussels was seen as an attempt to impact the result of voting and consequently to preserve the state union. However, the Venice Commission, an expert body of Council of Europe, in its recommendations issued at its December session, did not take into consideration the proposal of Prime Minister of Serbia.

The Serb Orthodox Church throughout 2005 acted very aggressively in Montenegro. In order to help preserve the state union the SOC openly sided with opponents of referendum and directly assisted activities of the pro-Serb opposition and the Movement for the Common State. By erecting a pre-fabricated, metal, church atop of Rumija, the mountain embodying the multi-confessional character of Montenegro, the SOC openly showed its close ties with the army. The Serb Orthodox Church is one of the founders of the Council of National Assemblies, whose representatives (*League for North*) announced that in case of independence of Montenegro they would proclaim their union with Serbia.

High EU officials throughout 2005 tried to persuade the official Podgorica to postpone the referendum for another 6 months. But they failed in their intent despite promises relating to the signing of Agreement on Stabilization and Association. When that Agreement was finally signed in October 2005, EU started a new campaign demanding amendments to the *Act on Referendum* with a view to making more stringent conditions for its holding. However, after the ruling of the Venice Commission that the Montenegrin law was in tune with the European standards, EU finally agreed to holding of referendum in late April 2006.

### Act on Referendum

On 16 December 2005 the Venice Commission passed a Report assessing that the Montenegrin Law on Referendum was harmonized with the European standards. It also issued its basic recommendations: 50% turn-out of electorate should be retained, Montenegrin citizens living in Serbia are to stay away from voting and authorities and opposition should agree on a necessary majority for passing a decision on the state status.

Those recommendations, notably the one stripping of the referendum voting right Montenegrins living in Serbia were propped by the demand that "Serbia should not resort to disenfranchising its citizens declaring themselves as Montenegrins or claiming to be Montenegrin citizens." Those recommendations are of a paramount importance in view of strong pressures piled on some members of the *Venice Commission* on the eve of its December session. James Lyons, Head of the Belgrade Office of International Crisis Group in those terms pointed out the following: "In talks with some members of the Venice Commission we learnt that EU brought to bear a large political pressure on them."

Nicholas White, representative of the International Crisis Group, earlier assessed that the Montenegrin Law on Referendum which bore the brunt of attacks by the local opposition and Xavier Solana, was satisfactory. When asked about the whys and wherefores of the EU criticism of that act, White warned: "Solana has very a very firm stance on that issue and generally

speaking has a very protective attitude towards the state union in which formation he took part."<sup>1</sup>

As the referendum approaches, so the Serb pressures in regard to amendments to the Montenegrin Act on referendum are increasing. Added to that Belgrade has raised the issue of majority which should take a decision on independence. Boris Tadić, President of Serbia, stated that decision on independence of Montenegro "cannot be convincing unless it is taken by a convincing majority" and warned that "a very small number of citizens in that referendum may take a decision leading to disintegration of an internationally recognized state."<sup>2</sup>

### Prime Minister's List

The staunchest advocate of the state community is Prime Minister Vojislav Koštunica. That stance of his was best demonstrated by his taking of the list of 263,000 Montenegrin citizens to the top Brussels officials, Xavier Solana and Ollie Ren, as a crown evidence of non-feasibility of Montenegrin independence. While handing in that list he stated: "This is an important evidence for the future Montenegrin referendum if it ever comes to pass".

Along with the names of Montenegrin citizens living in Serbia, the list includes the names of towns—a total of 176 towns in Serbia and the number of Montenegrin citizens living in them (Ada - 72; Aleksinac - 563; Aleksandrovac - 210; Alibunar - 236 ...) The list also includes the names of 30,000 Kosovo citizens. As it was officially explained the list was obtained by dint of the last Serb census (census was not carried out in Kosovo since 1981). In fact it is a Milosevic era list of voters drawn up during the 90's host of elections.

At play is obviously an attempt of the Serb government to prevent Montenegrin independence by "relocation" of the voters contingent from Serbia to Montenegro. Since the Montenegrin electorate totals 450,000 voters it is clear that with additional 263,000 voters the outcome of referendum would be called into question. Prime Minister's move is illegitimate also from the constitutional standpoint, for the Serb Constitution guarantees confidentiality of personal data. The latter is also laid down by the republican Act on Personals, "which are to be disclosed only if so agreed by the concerned persons." On the other hand President of Serbia Boris Tadić and President of the Radical Party Tomislav Nikolić assessed the Prime Minister's move as "justified and legitimate."

Podgorica daily *Vijesti* sharply criticized the stand of President of Serbia, Boris Tadić, and pointed out that "Boris Tadić, who together with his father (academician Ljubomir Tadić, president of the Belgrade branch of Movement for the Common State) instigated that name-counting, could as well find his name on that list." The daily concluded that Montenegrin President,

<sup>1</sup> Statement to agency *Fonet* in Podgorica, carried by *Politika*, 16 April 2005

<sup>2</sup> *Blic*, 23 December 2005

Filip Vujanović, who sent a protest letter to Tadić, "now understands that there is no person to whom he may complain in Serbia." Filip Vujanović also warned that "Vojislav Koštunica and his government have mounted an intense campaign against Montenegro."<sup>3</sup>

Slobodan Samardžić, an adviser to the Serb Prime Minister, thinks that Montenegrin citizens in Serbia have the voting right and that "the Montenegrin authorities are discriminating against their citizens and engineering an artificial division between the Serb and Montenegrin people." The same opinion was voiced by the Serb Minister for the State Administration and Local Self-Rule, Zoran Lončar.<sup>4</sup> Under the headline "Yellow Arm-Bands for Montenegrins" daily *Večernje novosti* ran the following commentary: "If Montenegrin citizens in Serbia cannot vote in a historic referendum, which would abolish both the 1918 and 1945 state creations, then what makes them citizens of Montenegro? Djukanović and Vujanović, in collusion with Marović, and not Kostunica, are in fact those bent on reducing their citizenship to a worthless chapel in their homeland and are possibly planning for them genuine *yellow arm-bands*."<sup>5</sup> Message which the other media tried to get across was the following: "Koštunica is trying to explain to Brussels that if Milo Djukanović has his way, in Serbia shall remain a quarter of million of totally disenfranchised voters."<sup>6</sup>

That campaign was also aimed against Montenegrin citizens in Serbia. Namely that part of population was exposed to various status-related threats, if Montenegro went independent. Thus the *Ministry for the State Administration and Local Self-Rule* on 2 December 2005 posted on its Web site the recommendation that the Montenegrin citizens in Serbia be stripped of their voting right, "for, in case of referendum on independence of Montenegro criterion of citizenship must prevail over criterion of residence." Blagota Mitrić, judge of the State Union court, responded to those threats by asserting that "no ministry can strip citizens of their long-standing rights." Mitrić also made it clear that "this was a classical form of discrimination, and if someone instituted proceedings before the Court of Serbia and Montenegro, that position of the Ministry would be declared null and void."<sup>7</sup>

Srdjan Darmanović, member of the Venice Commission and professor of the Podgorica Law Faculty, maintains that the issue of suffrage of Montenegrin citizens was clarified: "They have been exercising their voting right in Serbia for 15 years now, and since the first parliamentary elections they voted in all referendums in Serbia. It is quite clear that they shall not be able to vote in Montenegro." Darmanovic also underscored that "no international pressure can make the Montenegrin government and parliamentary majority

<sup>3</sup> *Interview to BK TV*, 14 July 2005

<sup>4</sup> *Večernje novosti*, 20 June 2005

<sup>5</sup> *Večernje novosti*, 21 June 2005

<sup>6</sup> *NIN*, 23 June 2005

<sup>7</sup> *Monitor*, 9 december 2005

change their voters list, for it was established and drawn up in co-operation with other bodies."<sup>8</sup>

### *Javier Solana's Tack*

Xavier Solana, a creator of the Belgrade Agreement, tried persistently to promote Serbia and Montenegro as a functional state. In those terms he backed without any reservations and uncritically similar attempts made by Belgrade. But the Montenegrin reality flew in the face of claims made both by Solana and official Belgrade. Though the Serb-Montenegrin Charter and the Montenegrin Constitution clearly spell out that Montenegrin citizens living outside the Montenegrin territory cannot vote in a Montenegrin referendum, Brussels kept sending paradoxical messages. In its first reaction to Kostunica's list, EU pledged not get involved in an internal issue, that is, not to voice its opinion as to who may vote in a Montenegrin referendum. But then Solana threatened to resort to a "political decision," that is his cabinet communicated that "EU legal services are studying the issue of the right of Montenegrin citizens in Serbia to vote in a possible referendum in Montenegro, on which EU shall have to adopt a political decision.". But then, EU gradually stopped mentioning a political decision.

One of EU-devised scenarios for the resolution of status of Montenegro was creation of the confederation of Kosovo, Montenegro and Serbia, along with a promise on its swift accession to EU. However, after a failed referendum for the EU Constitution in France and Netherlands, the story about a swift accession of new members of EU disappeared from circulation. The second scenario was giving "compensation" to Serbia for its loss of Kosovo: that is, remaining of Montenegro within the state community (in early 90's that was the proposal made by Lord David Owen). In mid-2005 the rumour circulated among diplomatic circles that "a secret Kosovo-related trading with Serbia, involving Montenegro as a major chip, was under way with Serbia."<sup>9</sup>

It is maintained that the shift in EU stance happened because, inter alia "Chris Patten's faction, advocating independence of Montenegro, prevailed over Solana's faction."<sup>10</sup> According to some information, the gist of Solana's plan for preservation of Serbia and Montenegro consists in the following: "if Serbia quickly hands over Mladic to the Hague Tribunal, EU shall stall European integration of Montenegro in case of its secession."<sup>11</sup>

EU insisted on a 6-month postponement of referendum in view of the October 2006 signing of Association Agreement between Serbia and Montenegro and EU. Brussels also suggested that "the process of stabilization

<sup>8</sup> Interview of the Helsinki Committee, 14 December 2005

<sup>9</sup> *Monitor*, 1 July 2005

<sup>10</sup> *Evropa*, 10 February 2005

<sup>11</sup> *Blic*, 21 July 2005

and association of Serbia and Montenegro should be prioritized with respect to a future referendum in Montenegro". Prime Minister Milo Djukanović rejected those suggestions because, according to him, "the process of accession to EU should not be linked to other, current political questions, notably resolution of the state status of Montenegro." The official stand of Montenegro is that the impending referendum would not hamper the signing of the said accession agreement, for, "EU is able to transform the twin track process into the parallel track one, and Montenegro as a an independent state may sign up to those agreements without delay."

Xavier Solana tried to persuade Montenegro that "its expectations to join quickly EU as an independent state are sheer miscalculation." Later he insisted on an amendment to the Act on Referendum relating "to a qualified majority in a possible referendum on the state status."<sup>12</sup> All attempts of Solana to contest referendum have always been meet by a hard line that "Montenegro shall not accept anyone's attempt at arbitrating and imposing conditions for referendum organization just for the sake of prevention of Montenegrin independence".

On the eve of the Venice Commission session, High EU Representative sent a letter to the Montenegrin opposition informing them that "EU shall not accept any one-sided move leading to non-cooperation of the Montenegrin authorities and opposition with EU and other responsible international bodies on questions relating to the establishment of international standards for the referendum." However, the letter also highlighted the following: "We should wait for the assessment of the Venice Commission on whether the Montenegrin Act on Referendum is in harmony with international standards."<sup>13</sup>

### **Serbia Contests Montenegro's Independence**

Government of Serbia still expects that in the post-referendum period the Montenegrin parliament would have to change its constitution by the two-third majority because of the change of state status. However, Srdjan Darmanović, member of the Venice Commission and Podgorica Law Faculty professor, says that as early as in 2002 the Constitutional Court of Montenegro ruled on that matter: "According to that ruling of the Constitutional Court that is not a problem, for the two third majority is related to constitutional changes, while, under Article 2 of the Montenegrin Constitution only citizens are empowered to decide on the change of state status in a referendum. Under the Montenegrin Act on Referendum results thereof are binding for the parliament. That Act was contested before the Constitutional Court in 2002, and the latter's ruling confirmed its validity. "

<sup>12</sup> Beta Agency report from Podgorica, carried by *Politika*, 10 April 2005

<sup>13</sup> *Blic*, 1 December 2005

Darmanović underscores that "it is difficult to expect that the citizens' votes would be contested in parliament, even by opponents of independence. Also, even if the Socialist Popular Party and perhaps some pro-Serb parties in Montenegro embark upon negotiations on referendum and referendum is held on the basis of a compromise and with EU presence, it would be difficult for them to contest results of such a referendum."<sup>14</sup>

Montenegrin President Filip Vujanović and Prime Minister Milo Djukanović suggested to Serb President Boris Tadić and Prime Minister Vojislav Koštunica an alliance of sovereign and internationally recognized states. According to that proposal, the same-text agreement would be adopted by parliaments of member-states and parliament of the state union. Thus the state union would be declared null and void. After that Montenegro and Serbia would recognize each other as independent states with all rights and obligations stemming for such an independent, international-legal sovereignty. Instead of Council of Ministers the work of such alliance would be co-ordinated by a Commission. Serbia and Montenegro would form a military alliance and would have two armies, separate embassies and foreign ministries. Serbia would be a successor of the State Union of Serbia and Montenegro in international political organizations.

Serb Prime Minister rejected that proposal assessing it "a gross breach of the Belgrade Agreement". Montenegrin President Filip Vujanović then publicly posed the following question: "Why Serbia does not want its own diplomacy, its own army, open borders.?"<sup>15</sup> Representatives of parliamentary parties in Serbia then unanimously concluded that the Montenegrin authorities suggested an alliance of sovereign states in order to avoid a referendum on independence, though it is foreseen that citizens of Montenegro must have their say about such an alliance in a referendum relating also to the question of the Montenegrin state status.

An anti-independence, official stand of Belgrade is backed by the patriotic block. In those terms indicative are statements of personalities who share that stand. For example, Srdja Trifković, Director of Centre for International Relations of the US Rockford Institute, said: "Duklja-size Montenegro would be the most zealous Ustashi country in the world", while Dragomir Acović, member of the Crown Council, stated that "In case of secession, Montenegro shall become Serbia's greatest foe."<sup>16</sup>

Regardless of assurances that independence of Montenegro essentially shall not change status of citizens from Serbia, barring their loss of voting right, the Belgrade press continues to intimidate Montenegrin citizens in Serbia. In an article headlined "Difficult employment for Montenegrins", Belgrade daily *Večernje novosti* suggests to its readers the worsening of employment

<sup>14</sup> Interview of Helsinki Committee, 14 December 2005

<sup>15</sup> Interview aired by BK TV, 14 July 2005

<sup>16</sup> "Impression of the Week" B 92, talk show, 24 July 2005

conditions: "Citizens of Serbia, *non-residents* do the most difficult, low-income, menial jobs in Montenegro. They are either employed as seasonal workers on building sites, during grape-harvesting, or they work as cooks, maids, cleaners."<sup>17</sup>

### *Campaign in Sandžak*

Anti-referendum campaign mounted by Belgrade has been expanded to Sandžak in a bid to persuade the locals, notably Muslims and Bosniaks, of the necessity to preserve the state union. Mayor of Novi Pazar, Sulejman Ugljanin, has been entrusted with spearheading that campaign. In late November 2005 Prime Minister Vojislav Koštunica, together with his ministers Predrag Bubalo and Velimir Ilić visited Novi Pazar. Nearly at the same time Head of Security-Informative Agency, Rade Bulatovic, paid a visit to Ugljanin too.

Koštunica asked Ugljanin to steer Montenegrin Muslims and Bosniaks against Montenegrin independence, for, according to him, "an independent Montenegro shall be terribly harmful for the entire Bosniak people." Ugljanin promised to do his utmost to persuade his fellow-nationals to vote for the common state.

Belgrade media glossed over Kostunica's visit to Novi Pazar. On the other hand the Montenegrin weekly *Monitor* maintained that "the Serb Prime Minister had his reasons for hiding his visit to Novi Pazar, for his plan is to engage part of the Bosniak corps in Serbia in an anti-referendum campaign in Montenegro. Thus, it would be shown, above all to the international community, that in addition to Serbs in Montenegro, members of national communities also advocate the survival of common state. That is why a close co-operation was established with Sulejman Ugljanin, who, in exchange, was also promised assistance in strengthening the standing of his party."

To that and similar announcements, notably that Montenegrin police should be controlled during referendum, Montenegrin Prime Minister Milo Djukanović responded in the following fashion: "That control shall be effected in line with Montenegrin law and international practice". He also indicated that it was interesting to note that the secret police was mostly criticized by those who were not in the least concerned with various malpractices of neighbouring secret services. Djukanovic went on to note "those most critical of the Montenegrin secret police failed to touch on the Military-Security Agency talks in cabinet of Mitropolit Amfilohije and attempts by certain Belgrade services to transplant an alleged Muslim-Bosniak stance on the state union in Rožaje."<sup>18</sup>

<sup>17</sup> *Večernje novosti*, 17 January 2005

<sup>18</sup> Report by RT Montenegro, 26 December 2005.

## Independence: Pros and Cons

December public opinion poll in Montenegro, conducted by the *Damar agency* showed that most citizens favoured independence. Of total electorate, 41% favoured an independent state status, while 32% backed union with Serbia. Those percentages also included the undecided voters intending to stay away from referendum. But if only pro and contras are counted, like in a genuine voting process, then the result is 56% for independence and 44% against it. The most noticeable trend is a modest increase in the number of advocates of Montenegrin independence.

Ruling parties, Democratic Party of Socialists (DPS) and Social-Democratic Party are oriented towards the sovereign, internationally recognized state of Montenegro. In explaining that at play is a natural process of restoration of the state status to the old European-Montenegrin state, which had been granted independence as early as at the 1878 Berlin Congress, representatives of Montenegrin authorities through pro-active diplomacy in the world highlight advantages of independence, notably in terms of a more accelerated accession to Euro-Atlantic integration, which, as regards the state union of Serbia and Montenegro has been slowed down.

As regards reforms Montenegro has done much more than Serbia, the fact which is even recognized by the international community: it has its own currency, its own customs and trade system, and fully controls its territory. In full respect of that reality on the ground, EU, two years ago in Maastricht, took a "twin track" decision, which in fact meant separate EU negotiations with Serbia and Montenegro in economic sphere. The fact that EU is holding separate negotiations with the Montenegrin team on Association Agreement indicates that Montenegro is drawing closer to its independence.

*Movement for an Independent and European Montenegro*, set up in January 2005, rallied the broadest possible circle of citizens of all faiths and nations. Its leadership is made up of civilians, formerly stiff opponents of wars in former Yugoslavia and hegemony-minded Greater Serbia Milosevic policy, and currently opponents of those bent on continuing that policy in Serbia. In parallel with the government they pursue their own pro-referendum or pro-independence campaign in all parts of Montenegro.

*Movement for the Common State*, which has been also formed in Montenegro, though making a legitimate demand for preservation of the union with Serbia, is doubly handicapped. First of all it is made of by parties bearing a strong national hallmark, the Serb one. In fact it is composed of the pro-Serb opposition parties and Serb associations in Montenegro. Secondly, it is openly backed by Belgrade, and the Serb Orthodox Church, which took part in formation of the *Council of National Assemblies*. The movement has its name-sake offshoot in Belgrade, headed by the Serb academicians, masterminds of the Serb Academy of Sciences *Memorandum*. The largest opposition Montenegrin party,

Socialist Popular Party, (SPP) is not formally a member of the Movement for the Common State, but makes part of its top leadership and membership.

That organization, established along one-party lines, urges a centralized state with Serbia, due to, as highlighted, historical, cultural and security reasons. Movement for the Common State highlights Serbhood and denies existence of the Montenegrin nation. The Movement is particularly active in underdeveloped parts and in North of Montenegro. That organization basically pursues an anti-referendum campaign, and demands the suffrage of Montenegrin citizens living in Serbia. The movement backs its anti-referendum campaign by a thesis about a high level of corruption and criminality among the Montenegrin authorities.

### *Movement for an Independent and European Montenegro*

*Movement for an Independent and European Montenegro* summed up its program in "10 points for independence". It is underscored that "an independent state empowers its people to decide their own fate", for, according to the Movement, "the world political, economic and military order is made up of sovereign states (UN, IMF, SC, NATO, WTO), and European Union is also an union of sovereign states."

The second reason for independence is the fact that the state union with Serbia does not provide Montenegro with a full equality. The Movement's program says: "Our dilemma is not independence or state union, but rather independence or disappearance of the Montenegrin statehood and identity, which means that Montenegro shall either become independent or become only part of the Serb state." That program also cautions: "Let us not be naïve, the current state community cannot last long. History does not know an equitable union of the two, so structurally different, states. Serbia is 6 times bigger than Montenegro, has 11 times more citizens, and its economy is 12 times larger. That is why an equitable, lasting and successful state union is not feasible."

In the Movement's opinion an independent state shall have a swifter access to Euro-Atlantic integrations, and "Montenegro because of its cohabitation with Serbia since disintegration of the SFRY, has distanced itself from democratically progressive societies." The Movement's program also reads: "Behind us are many lost years and a slowed-down process of return to the fold of international community. For 15 years now we have been suffering the consequences of a destructive Serb foreign and internal policy. The state union of Serbia and Montenegro is a metaphor for a bad community and sluggish return to the fold of democratic world. Our experience tells us that independence is an optimal road to the Euro-Atlantic integrations. Sovereign Montenegro would immediately become a member of the UN, international financial institutions, Council of Europe, Partnership for Peace. Such a Montenegro can only accelerate its accession to Brussels and EU."

The movement's program furthermore underscores that an independent state is a condition for friendly relations with Serbia, for a sovereign Montenegro is a condition for development of prosperous relations with Serbia. Such a stand is explained in the following fashion: "Historical experience since 1918 has clearly been warning us that the Greater Serbia state policy does not contribute to prosperity of Montenegro. That is why we are convinced that Montenegrin independence is the foundation stone for the future, best possible relations between Serbia and Montenegro. That independence is the only way for removing causes hampering establishment of stable and progressive relations between Montenegro and Serbia. All historical and contemporary ties between Montenegro and Serbia only after constituting of the two independent states shall foster fruitful and close political, economic and cultural relations. And finally we shall leave behind us all the bad times, while the future belongs to the policy of open borders and friendly Serb-Montenegrin relations."

The program also notes that size of Montenegro is its advantage, for the most developed and stable European states are the smallest ones (Iceland, Luxembourg, Cyprus, Estonia, Monaco, Lichtenstein, Andorra, San Marino.) It is also underscored that an independent state is a guarantee of economic development and better living standards of citizens, as well as, the best framework for preservation of a multi-ethnic society. After underscoring independence as a prerequisite for self-respect and self-confidence, as well as "the past which binds to independence", the program concludes that independence would be confirmed in peace and in a democratic way: "Throughout past century Montenegro three times changed its state status (in 1918, 1945, 1992), and each time under the war circumstances and in an undemocratic way. Therefore after 87 years, the time is up for Montenegro to restore in peace and in a democratic referendum its state. For the first time citizens of Montenegro shall vote for themselves and for a democratic return to the world family of internationally recognized states. Independence shall put an end to an exhausting domestic political and other divisions and turn into winners all citizens of Montenegro."

Members of that Movement have often made referendum-related public statements. Branko Lukovac, former ambassador of Serbia and Montenegro to Rome, and co-ordinator of the Movement, openly responded to some pressures from Brussels regarding postponement of referendum: "We shall not postpone referendum even if EU wants us to do that. Montenegro is our first priority, therefore because of its future we shall organize the referendum, the way it is laid down by the Constitutional Charter."<sup>19</sup> Film director Branko Baletić thus assessed founding of the Belgrade branch of the Movement for the Common State: "I am not surprised by their strong campaign, for they have uppermost in their mind preservation of the project of

<sup>19</sup> *Večernje novosti*, 2 July 2005

Greater Serbia, which does not want a common state, but rather a unified state of all Serbs to be taken as such to EU."<sup>20</sup>

## Movement for the Common State

Movement for the Common State enjoys an open backing of Belgrade. Vojislav Koštunica, in his capacity of Prime Minister met with the leadership of that movement. That event received a wide coverage by the Belgrade print and electronic media. The Serb Orthodox Church managed to coalesce all the nationalistic forces in Montenegro in that Movement, without hiding its true intent and laying down foundations of that organization by staging several meetings of leaders of the pro-Serb political parties.

Nationally homogenous Movement for the Common State espouses the stand on the need for a firm and close state unity with Serbia and consistently floats the thesis about threatened Serbhood in Montenegro. It also keeps accusing the Montenegrin authorities of jeopardizing all rights of local Serbs, from the right to use of mother tongue, to persecution of the Serb Orthodox Church. Within its anti-referendum campaign the Movement keeps instilling fear from the forthcoming vote. Representatives of parliamentary parties (members of Movement) publicly threaten that the upcoming referendum shall be the "the war-style" one.

The Serb Popular Party maintains that Serbs are currently more threatened in Montenegro than in Croatia during the operation *Storm*. SPS, the most radical party in Montenegro, in case of an independence-confirming vote in the referendum, demands for local Serbs their own parliament, their own budget, their own institutions, Serb school classes, and separate frequencies for the Serb electronic media. Aćim Višnjić from NGO *Serbs in the 21<sup>st</sup> Century* called on its like-minded fellows to organize a tribal referendum for the sake of "effecting a secession of the Serb tribes territory from an independent Montenegro."<sup>21</sup>

In his expose at the convention of the Belgrade *Movement for the Common State* held in the Serb-Montenegrin Army club in Nis, Zoran Žižić, high official of the Socialist Popular Party and President of the Movement for Montenegro, pointed out that "the Montenegrin regime is carrying out a cultural genocide against its own people, and that the forthcoming referendum is one of the vehicles for achieving that goal."<sup>22</sup> Smajo Šobajić, President of NGO League for North, warns that in case of independence of Montenegro, its northern part shall secede and unite with Serbia for "it is clearly in the interest of Montenegrin citizens to be part of the Danube basin countries, as much as it is in the interest of citizens of Serbia to be part of the Mediterranean area. "

<sup>20</sup> *NIN*, 1 February 2005

<sup>21</sup> *Blic*, 3 August 2005

<sup>22</sup> *Politika*, 22 May 2005



Association *Vaso* from Lijeva Reka publicly pledges: "Without a bloodbath we shall not yield our holy land", while founder of that organization, Zoran Lakušić (member of the Socialist Popular Party), announces that he would rather die than give up his land. Marko Pekić, leader of the students' movement *Njegoš*, calls the referendum "a crazy idea" and says that he prepares a march on Montenegro with a view to abolishing "artificial borders".<sup>23</sup>

*Movement for the Common State* was founded in Belgrade by academicians Ljubomir Tadić and Matija Bečković, who have always denied Montenegrin nation and state. Ljubomir Tadić, one of co-authors of *Memorandum of the Serb Academy of Sciences*, stated that "Montenegrin regime fears a probable defeat ...hence its referendum-related threats." He demands that Montenegrin citizens living in Serbia be granted a voting right in the referendum.<sup>24</sup> Furthermore he is of opinion that "neither the loss of Serb Krajina and Slavonic countries in which Serbs constituted the majority nor Montenegrin separatism should be accepted." Academician Veselin Djuretić publicly cautioned "incompatible" Montenegrins that they would be "expulsed from Serbia."

The Movement members held a three-day meeting in Podgorica, as part of an anti-referendum campaign, mounted on three levels-the legal, political and security one. Threats addressed to minorities were voiced ("in case of independence-confirming vote, civil war shall erupt"), and some guests, notably Panajotis Haristos from Greece, used pejorative words ("that memorandum is monkey-business"). Added to academicians Ljubomir Tadić and Matija Bečković, the meeting was attended by Mitropolit Amfilohije, Branko Kostić, former President (of the rump) Presidency of the SFRY, Zoran Žižić, former FRY President, James Bissett, Canadian ambassador, Ronald Hatchett, former Reagan-era administrator, etc.

In late 2005 *Movement for the Common State* stated that no talks on referendum were possible with the Montenegrin authorities and suggested that Montenegro formed a caretaker government for "priming a democratic ambience for parliamentary elections and a possible referendum." That idea was identical to the one earlier floated by NGO Group for Changes. According to Belgrade press, Nebojša Medojević, one of members of that organization was officially received by President of Serbia, Boris Tadić. With the goal of contesting the referendum that organization was also instrumentalized by the Serb media.

Official Podgorica reacted to an official meeting between Vojislav Koštunica and representatives of the Movement for the Common State. Montenegrin President Filip Vujanović cautioned the Montenegrin public that "representatives of that movement were met by Vojislav Koštunica in his capacity of Prime Minister of Serbia, and not the one of president of Democratic

<sup>23</sup> *Monitor*, 22 July 2005

<sup>24</sup> *Večernje novosti*, 3 February 2005

Party of Serbia. By that and similar activities he postured as one of the frontmen of the movement against independence of Montenegro."<sup>25</sup>

## Montenegrin Opposition

In 2005 Montenegrin opposition lost local elections in 6 towns, and due to parliamentary representation of the four, opposition, minorities parties, they cannot foil even a possible adoption of the new, Referendum Act. On the other hand, the pro-Serb opposition parties are in disarray, and under the direct influence of the Serb Orthodox Church and official Belgrade.

Socialist Popular Party is not a member of the Movement, but its leader Predrag Bulatović, in contrast to presidents of other Serb political parties, does not have close ties with Mitropolit Amfilohije. Their strategy is not clear. If the boycott of referendum and dialogue with authorities suits smaller parties, it should not be the case with the SPP. Socialist Popular Party could represent an authentic, strong, opposition party in independent Montenegro. Because of that Bulatovic could be the biggest loser if he opts for the boycott.

In late 2001 Predrag Bulatović and his party agreed to referendum. He then stated that he was against the boycott of referendum, and that if the decision on independence is reached by fair means, his party would agree to amendments to Montenegrin Constitution, confirming independence of Montenegro. But his change of heart is again possible. He may call on membership to take part in the referendum. That possibility is indicated by the fact that in December 2005 Xavier Solana had talks not only with the Serb and Montenegrin officials, but with Bulatovic too. President of the Socialist Popular Party then stated: "I don't exclude referendum under certain conditions, but as I personally urge a common state, no-one has the right to ask me to renounce my program."<sup>26</sup> He once again confirmed that he would not have talks with representatives of Montenegrin authorities and reiterated the stand shared by the whole pro-Serb opposition in Montenegro that he would talk only with EU representatives.

European Union does not prejudice any result of referendum in Montenegro. That is the gist of the stand espoused by the Special EU Envoy Miroslav Lajcak, in late December 2005, after the referendum conditions-related talks with both the authorities and opposition. Earlier, Michael Polt, the US Ambassador to Serbia and Montenegro, had public a very clear-cut US position: "Constitutional Charter enables referendum after February 2006. After that citizens of Montenegro shall decide whether they want the referendum, and then its holding must be in keeping with EU standards, and fair and in an

<sup>25</sup> Statement made to TV CG, 25 July 2005

<sup>26</sup> *TV B 92*, 7 December 2005

open process." He added that "for the referendum it is sufficient to respect the Constitutional Charter and European standards."<sup>27</sup>

### *Serbia's Alternative Stances*

There are different opinions on Montenegrin independence in Serbia, though they are the minority ones. Some think that the state union is a loose alliance between Serbia and Montenegro, which has not succeeded in accelerating its accession to Euro-Atlantic integrations and therefore they back Montenegro's efforts to attain independence. Some parties, like the Christian-Democratic one urge an independent Serbia, or like *Group 17 plus*, also mention in their program that their goal is an independent Serbia. The latter has however "frozen" its program due to its participation in Kostunica-led government. Social-Democratic Union (Žarko Korać) and the Civic Alliance (Nataša Mičić) are the only parliamentary parties positively speaking about the Montenegrin independence. The newly-emerged party, Liberal-Democratic Party (Čedomir Jovanović) also backs independence of Montenegro.

The Civic Alliance of Serbia thinks that Montenegro is entitled to referendum without any interference of Serbia and deems the referendum an exclusively internal Montenegrin issue. Nataša Mičić says: "For us the proposal of Montenegrin government on alliance of independent states is totally acceptable, since it is in line with the historic ties between the two peoples and their common European future." According to her, resolution of status of Kosovo and Metohija, and also future relations between Serbia and Montenegro, cannot be viewed outside the context of European integrations. What is certain and what no-one can deny is an European future of Serbia, Montenegro and Kosovo." However, Nataša Mičić, also underscores: "Our mutual relations mostly depend on us, the current authorities have a great responsibility to judiciously and constructively take part in the pertinent negotiations and agree to a solution which above all should meet the need of citizens to live in a stable, democratic society, and be respectful of individual rights and also enable them to lead normal and decent lives."<sup>28</sup>

Čedomir Jovanović, President of the Liberal-Democratic Party thinks that Serbia and Montenegro as separate states shall more swiftly access EU. He warns that "the state union as the last refuge of a totalitarian concept threatens Serbia and Montenegro" and concludes "the problem of the state union is not of a national, but rather of a democratic character. That is why we face such rigid messages that the union is necessary because of the army. If someone is afraid of the Army transformation, then we, in Serbia, should instead tackle the roots of that fear."

<sup>27</sup> *Blic*, 8 December 2005

<sup>28</sup> Interview of Helsinki Committee, 16 December 2005

If Montenegro goes independent, Montenegrins in Serbia shall demand to be recognized the minority status. That is the objective of Montenegrin association *Krstač* whose newly-founded Vojvodina committee in a locality Lovćenac has launched a money-collecting action for the construction of the first Montenegrin Orthodox Church in Serbia. Similar committees shall be set up in all major towns of Serbia, for, as it was said, Montenegro has embarked upon its own road, while Serbia is set on the path of its own and "we should live here and must protect our rights."<sup>29</sup>

### **Role of the Serb Orthodox Church**

Although Montenegro is a civil and secular state, the Serb Orthodox Church has openly engaged in an anti-referendum campaign and in aggressive, anti-independence political activities. At rallies of the *Movement for the Common State* high church dignitaries demonstrate their negative position on the Montenegrin independence. *Council of National Assemblies*, set up under the SOC auspices, adopted the *Declaration on the Common State*, identical to the one passed by the Movement at its founding assembly. By dint of the Movement, the SOC coalesced all the Serb nationalistic forces in Montenegro. On the eve of formation of the *Movement for the Common State*, the SOC has repeatedly held meetings with leaders of the Serb opposition parties in Montenegro in order to lay the political groundwork for activities of that organization.

Mitropolit Amfilohije Radović takes part in meetings of the Belgrade branch of the *Movement for the Common State*, bent on denying the Montenegrin nation, and in other political and party meetings. His lawyer disclosed that the Montenegrin Mitropolit has filed a request to the court in Strasbourg for restitution of the church land, nationalized in the post-WW2 period, and that is, "one third of Montenegro." Government of Montenegro rejected the SOC demand to introduce religion classes in the school syllabus. That prompted the church circles and pro-Serb parties to state that the Montenegrin Education Minister was worse than "Ustashi Pavelić".

Most militant activity of the SOC is the one aimed at fanning inter-confessional and inter-ethnic tensions in Montenegro, by erecting a metal church atop Rumija mountain, a symbol of multi-confessional tolerance of the Montenegrin society. That metal church was transported and placed atop Rumija by a military chopper. The foregoing indicates close ties between the SOC and the most militant faction of the Serb-Montenegrin Army.

The SOC has never condemned war crimes. On the contrary it extolls their perpetrators as heroes. The church is the mainstay of so-called anti-Hague lobby, which is also active in Montenegro. Mitropolit Amfilohije shows his ambitions to rule Montenegro by highlighting the fact that the top Montenegrin church dignitaries-vladikas-always wielded both spiritual and secular power.

<sup>29</sup> Report broadcast on TV CG, 5 December 2005

He says: "What would remain of Montenegrin Mitroplites if they were banned from political activities." He also admits that his political engagement aims at preserving sovereignty of Serbhood in Montenegro.

In May 2005 the SOC canonized as martyrs 9 Plevlje priests, including Slobodan Šiljak and Milorad Vukojčić, who according to testimonies of many Plevlje locals, during WW2 committed grave crimes. That move prompted protests by former Partisans, the ruling Montenegrin parties, and frontmen of the largest opposition party, the Socialist Popular Party. Momčilo Vučetić, President of Plevlje committee of that party, stated: "I respect the Church, but the decision to proclaim criminals for saints is impermissible." The backlash against the SOC militancy is already visible: a number of faithfuls of the Montenegrin Orthodox Church is on the steady rise.

Montenegrin historian Šerbo Rastoder thinks that the SOC has a hefty ambition to arbitrate both in spiritual and secular matters, in order to "establish value judgements stemming from recent past. Then the Church would become a focal point for rallying its ideological followers. Consequently, by acting so the Church consciously reduces its mission and causes divisions among its faithfuls."

### *Serb Orthodox Church and the Army*

By using a military chopper to erect a metal church atop Rumija mountain, the SOC demonstrated not only its militancy, but also its collusion with the army. According to the Montenegrin press coverage, donator of the church is *Dunav Insurance*, whose director Mirko Petrović is a high official of Democratic Party of Serbia. That donation was agreed upon in Belgrade, during celebration of the Orthodox New Year, 2005. Later, that is, on 28 February, under contract 741, Belgrade office of Dunav Insurance made 125,000 EY worth donation to the eparchy management board of Coastal-Montenegrin Mitropolite. Part of the donation was used to procure material for the church, while the end-destination of the rest of the sum is not known. Those in the know assert that it was not the only donation of Company *Dunav*. Unfortunately Montenegrin financial bodies are not able to control dealings of Amfilohije-run Mitropolite.<sup>30</sup>

Montenegrin authorities have repeatedly protested against the church erection, in view of the purpose of the whole move: to sow discord among the Catholic church faithfuls and Muslims who together with the Orthodox church faithfuls consider the top of that mountain as sacred and make pilgrimages to it.

Prvoslav Davinić, the Serb-Montenegrin Minister stated that: "the whole event is being turned into a sensationalistic scandal." Dragan Kujović, Vice President of Montenegrin parliament, retorted: "We are not dealing with

<sup>30</sup> *Monitor*, 9 December 2005

any sensation, but rather with a direct and open interference of church into state affairs, and siding of the army with the SOC activities in Montenegro."<sup>31</sup> President of Montenegro Filip Vujanović then stated that the gesture of the army of Serbia and Montenegro should be re-appraised "for without the consent of the Supreme Defence Council the army gave its chopper to the SOC to erect a metal church atop Rumija."

Mitropolite Amfilohije thus responded to the decision of the Ministry for Territorial Planning that the church be removed: in his letter to the Montenegrin Prime Minister he wrote that he would not respect the said decision, and went as far as to say that "tearing down of the church would gravely affect peace and order in Montenegro." Pro-Serb parties sided with Amfilohije and even stated that they would "defend that and any other church with all means at our disposal." Bishop of Budimlje-Niksic, Joanikije, stated that "Montenegro, in sheer emulation of Macedonia, is mounting a media campaign against the SOC." He added that Montenegrin authorities were priming their public for the lynch of church dignitaries and destruction of the shrine.<sup>32</sup> Patriarch Pavle also asked President of Serbia and Montenegro, Svetozar Marović, "not to destroy the church, for it would be a shameful and criminal act."

NGO *Serb Corps* in a letter to leaders of Albanian parties, Mehmet Bardi and Ferhad Dinoši, criticized in a threatening vein, the whole Montenegrin leadership and intellectuals urging Montenegrin independence: "The price to be exacted for the Kosovo land is-blood, and that applies to Rumija too." Mehmet Bardi publicly condemned placing of that church and demanded a prompt governmental reaction, that is, removal of that object. Speaking in Montenegrin parliament he warned that "Rumija belongs to all nations and confessions", and that the act of the SOC is aimed at "provoking Albanians".<sup>33</sup>

Nenad Čanak, leader of the Social-Democrats of Vojvodina, warned that "Koštunica and Amfilohije, assisted by the army, are laying the groundwork for a civil war between Serbia and Montenegro in the post-referendum period." He maintained that the latest Amfilohije's activities are indicative of those preparations: "Those who saw the images of a military chopper carrying a church to Rumiju, know that the next image shall be the one of Amfilohije on a tank trampling on all those who are against his ideas. Amfilohije is not acting single-handedly or in a chaotic way. In fact in his latest undertaking he was supported by Kostunica and the army. Montenegro is facing a Bosnian scenario. Once the referendum on independence succeeds, in north of Montenegro shall be formed a kind of a Serb Autonomous Area, similar to the one in Bosnia. I see a new Dayton in Montenegro, the only

<sup>31</sup> *Danas*, 27-28 August 2005

<sup>32</sup> *Blic*, 27 July 2005

<sup>33</sup> *Danas*, 23-24 July 2005

difference being in the signatory, for that this time around the peace accord would be signed by Kostunica and not by Milosevic."<sup>34</sup>

A multi-media, artistic procession, "Rumija Rosary" held in Bar, rallied a large number of Montenegrin artists, scientists, and public workers. It was organized in sign of protests over "devastation of cultural-historica monuments which make up the cultural heritage of Montenegro." An appeal was made to UNESCO to "protect, in its capacity of unbiased guardian of spiritual and cultural heritage of all peoples, Rumija, as a symbol of a distinct tradition, tolerance and cohabitation."

Director of the Montenegrin *Institute for Protection of Cultural Monuments*, Slobodan Mitrović, stated that over 200 churches in Montenegro were built or re-vamped without building permissions. He warned that the SOC is not in the possession of a permit for re-building or building in Ostrog monastery, or for other works carried out in sacred and historical monuments.<sup>35</sup>

## The State Union

Although EU, by acting as a "god-father" to the state union, thought that with the passage of time the loose union between Serbia and Montenegro would evolve into a functional state, those expectations did not come true. Objectively speaking such a prospect was not feasible, for the very agreement on the union establishment, the Belgrade Agreement, spelled out only a three-year time-frame for the union's existence, while the Constitutional Charter of Serbia and Montenegro passed in February 2003, a year on from the union's formation, strengthened the right to the referendum on independence, the right which Montenegro is currently preparing to exercise.

Serbia and Montenegro has joint diplomacy, but Montenegro has its own Foreign Affairs Ministry. Head of Montenegrin diplomacy, Miodrag Vlahović, repeatedly said that the position of Montenegro was that something that was not previously agreed with Montenegro cannot be considered the joint stand of Serbia and Montenegro.

Aside from some unclarified scandals (unlawful purchase of military hardware because of which the Defence Secretary Prvoslav Davinić was forced to resign, or purchase of a satellite for surveilling South Serbia, that is, Montenegro and Kosovo), the union is shaken up by the common poverty-related strife. Svetozar Marović, President of Serbia and Montenegro, accused Serbia that contrary to the Constitutional Charter and without agreement with the Montenegrin authorities and Council of Ministers it tried to establish control over the media and financial institutions of the state union.

The Serb Finance Minister, Mladjan Dinkić, stated that Serbia was the owner of property on its territory, and can use, but not alienate it or make deals

<sup>34</sup> *Blic*, 15 August 2005

<sup>35</sup> *Politika*, 21 August 2005

without a previous consent of the Serb government. Boris Tadic, President of Serbia thinks that Serbia and Montenegro should control property on their respective territories, but without obstructing development of institutions. There is a major polemic about the division of the military property too. In case of independence of Montenegro, under the Constitutional Charter, Serbia is a successor of the state union.

Milo Djukanović told the members of the US Chamber of Commerce, during their visit to Serbia and Montenegro, that Montenegro was bent on preserving the best possible ties with Serbia, but "we also want to manage our own future." He underscored that the fate of Montenegro was to be a member of EU and participant in Euro-Atlantic integrations, though the pace of process was still an imponderable. Djukanovic went on to note: "We have a disproportional state union. It is dominated by Serbia, while Montenegro keeps striving to attain equality. Therefore the best solution for Montenegro would be to accelerate its independent accession to Euro-Atlantic integrations, after settlement of its state status at the referendum."<sup>36</sup>

## Amendment to Constitutional Charter

On the eve of the second anniversary of adoption of the Constitutional Charter (5 February 2005), Serbia piled pressure on Montenegro to hold direct elections for parliament of Serbia and Montenegro whose mandate was about to expire. The Serb Prime Minister stressed that elections had to be held, in view of the pertinent provision of the Constitutional Charter, and accused the Montenegrin side of breaching the Charter. Montenegrin Parliament however refused direct elections for they would lead to centralization and unitarization, and also because "it is not rational to call elections in the period preceding the referendum."

On the occasion of the second anniversary of the Constitutional Charter, official Podgorica underscored that the state union "failed to meet its expectations" and "slowed down Montenegrin accession to EU." Ranko Krivokapic, President of Montenegrin Parliament, then said that "Montenegro must quickly, at the latest by February 2006, opt for an independent road to EU" and disclosed that the state union was at the bottom of the list of countries aspiring to join EU integrations. He also assessed that Montenegro was ready for the WTO and Partnership for Peace membership.

On the same occasion, the Serb Prime Minister, Vojislav Koštunica expressed his conviction that "inclusion of Serbia and Montenegro into EU is the best solution", and that continuation of integration "was a much better and rational solution than separation and disintegration of the state, for the latter would only generate new problems." According to his assessment, EU-assisted adoption of the Constitutional Charter, stopped the internal rifts in Montenegro

<sup>36</sup> *Danas*, 30 June 2005

and further disintegration of the country. Kostunica added that "Serbia had no serious political, economic or security reasons to sever state ties with Montenegro."<sup>37</sup>

The dispute about direct elections for the Serb-Montenegrin parliament was ultimately resolved, by signing of amendment to the Constitutional Charter in the presence of Xavier Solana. Under that amendment those elections are postponed until parliamentary elections in member-states. And thus the mandate of the old Serb-Montenegrin parliament was extended.

### *Army*

Since Montenegro set out on its own path, the army was an instrument by which Slobodan Milošević tried to "discipline" Montenegro. That military pressure from Belgrade was open and brutal, notably on the eve of NATO intervention. Such pressures are no longer employed, but the highest, military structures are rife with Milosevic era holdovers, advocates of the doctrine, that "the country should be defended from an internal enemy," and Montenegrins were deemed as such during Milosevic rule. As the prime movers of the Montenegrin political scene are still the same, namely Djukanovic Vujanovic and others, they are being publicly taken to task for destroying the state union of Serbia and Montenegro.

Montenegrin officials stress that neither the Constitutional Charter nor the Belgrade Agreement call into question the Montenegrin Defence Ministry, but that after the referendum they will discuss the formation of their own army. Experts of the Montenegrin government have already drawn up a project on formation of the professional Montenegrin army. According to that project, the Montenegrin army would have 400 high-ranking officers in peacetime, 900 lower-ranking officers, 200 civilian employees, 1,200 soldiers under contract, and 400 recruits serving the military service. As announced the Montenegrin authorities would soon ponder the national security strategy on the basis of which they would make profiles of the future Defence Ministry and an independent army of Montenegro. The Serb parties in Montenegro assessed that founding of the defense ministry "was tantamount to a breach of Constitution and to an attempt to effect a creeping separation and secession."<sup>38</sup>

In Serbia only the Serb-Montenegrin Army is mentioned. There are no official projections as to the set-up of the future Serb army. Zoran Stanković, the Serb-Montenegrin Defence Secretary, thus stated: "At a meeting with Djukanović and Vujanović I have decidedly said that the army would not interfere into implementation of referendum, for it is an internal matter of Montenegro. We shall respect any outcome of their referendum. In case of confrontation between the two sides, the army may act as the constitutional

<sup>37</sup> *Danas*, 5 June 2005

<sup>38</sup> *Danas*, 26 September 2005

procedure specifies, and I said that we would stick to our constitutional prerogatives, in the sense, that the identity of the army commander is well specified in such situations."<sup>39</sup>

### **Relations with Neighbours**

In contrast to Serbia, which has recently soured relations with its neighbours, Montenegro has been increasingly promoting regional relations. By its wide array of foreign policy activities Montenegrin diplomacy on the international scene has also promoted its relations with Vatican during the visit of the Montenegrin Foreign Secretary, Miodrag Vlahovic to the Holy Seat. Relations with the US are constantly improving, as are those with numerous EU member-states, notably with Austria which has assumed EU Presidency since January 2006.

As regards the region, Montenegro has developed particularly good relations with Croatia as confirmed by the July 2005 visit of the Croat President Stjepan Mesic to Podgorica. Montenegrin President Filip Vujanović then said that Montenegro would effect damage compensation to Croatia, for the siege of Dubrovnik and plunder of Konavle. Presentation of the Movement for an Independent and European Montenegro in Zagreb, attended by representatives of the Croat authorities and of the Montenegrin minority in Croatia, received extensive media coverage.

Added to an increasingly successful economic co-operation, Montenegro and Slovenia have also improved their political relations, as certified by the late November 2005 visit of the Slovenian President Janez Drnovšek to Podgorica. That visit to Montenegro was staged after Belgrade had called off Drnovšek's visit because of his statement that Kosovo would become independent. Drnovšek told his host Vujanović that the best solution for relations between Serbia and Montenegro would be an alliance of sovereign, internationally recognized states. That was the first-time, positive assessment of the pertinent Montenegrin proposal-rejected by the Serb side-by an EU member-state.

As regards Bosnia and Herzegovina with which Montenegro has also good relations, the official Podgorica backs efforts of the central authorities in Sarajevu aimed at amending the Dayton Constitution of Bosnia and Herzegovina. By setting up the *Montenegrin -Macedonian Society* and opening of the Macedonian consulate in Podgorica, Montenegro has confirmed its high-quality diplomatic relations with Macedonia.

As regards negotiations on the status of Kosovo, Milo Djukanović stated that "the resolve of the domestic elites and relevant international factors to start up talks on settlement of the complex problem of Kosovo, as the only pending security problem, is an encouraging sign." He added that "definition of

<sup>39</sup> *Blic*, 13 November 2005

a functional state framework for EU and NATO integrations would positively impact the resolution of Kosovo problem and a make all political elites in Serbia take a more pronounced pro-European course."<sup>40</sup> The fact that the Serb parliament and not the one of the state union of Serbia and Montenegro passed *Declaration on Kosovo*, as well as absence of representatives of the state union in the Serb negotiating team is a confirmation of the stand of Montenegrin authorities that Montenegro is not in any way involved in a negotiating process on Kosovo.

## European Union

Policy of shilly-shallying and non-perception of reality, processes, and relations on the ground, in Montenegro, led to delay in EU assessments and decisions. Brussels needed much time to show its respect for that reality, namely to acknowledge that Montenegro is much more ahead of Serbia in the process of implementation of reforms and completion of its own institutional, state framework on the road to independence. Initially EU did not count on the resolve of Montenegrin government and parliamentary majority to organize and call a referendum.

Since signing of the Belgrade Agreement, Xavier Solana, refused any talks on the referendum conditions. In that way EU indirectly encouraged Montenegrin opposition to boycott the referendum.

In view of refusal of Montenegrin authorities to postpone the referendum and the greenlighting of domestic referendum-related legislation by the Venice Commission experts, EU was compelled to offer its good services in starting up talks between the authorities and opposition on the referendum conditions. High EU Representative appointed the Slovak diplomat, Miroslav Lajčák, as his envoy.

But all those EU moves made Podgorica much more cautious. For an EU mediating mission may lead to elimination of all the Montenegrin state institutions, notably of Montenegrin parliament. Under the Montenegrin Constitution, parliament is the only relevant venue in which the authorities and opposition may make and verify agreements. If Xavier Solana or any other European diplomat were allowed to lead and steer intra-Montenegrin negotiations, that would be tantamount to undermining of domestic constitutional and parliamentary order, and Podgorica would lose a possibility to impact domestic political developments. That is why representative of authorities insist that talks take place in Montenegrin state institutions, and that referendum would be held even in case of its boycott by the opposition.

According to James Lyons, head of the Belgrade office of International Crisis Group," the international community, notably EU, has long been toing a wrong Balkans line, notably as regards security issues." He underscores the

<sup>40</sup> *Danas*, 9 November 2005

following: "As early as in 2000 we should have started negotiations on status of Kosovo, but, because of that unresolved issue the international community lacked the will to tackle the issue of state status of Montenegro." Lyons adds: "International Crisis Group has repeatedly suggested to EU to treat the Montenegrin referendum as an intra-Montenegrin issue, because many pending economic issues objectively cannot be tackled until it is clarified once and for all whether Montenegro is an independent state or part of the state union with Serbia. Montenegro should hold a referendum and once for all resolve that issue. "

Lyons says: "So many years have been lost mainly because of EU shilly-shallying, due to lack of harmonization between foreign policies of European countries." He goes on to note: "But that is only a partial truth. Though the EU representatives are chief negotiators, the US are running the whole show. The US Administration has insisted on putting in place the pertinent strategy and planned it together with Europe. The US Administration rendered unreserved, maximum support to EU in that regard. American diplomats sometimes were even more aggressive than the EU ones in implementation of the pertinent EU policy. The Balkans problems are not resolved independently and exclusively by EU. For example, America has realized that Europeans refuse to face the Kosovo problem. That is why Washington focuses on the issue of Kosovo and the US assisted EU in shaping the Kosovo policy. The US diplomacy sometimes acts as a vanguard and sometimes as a rearguard support. Montenegro does not represent an international problem. A new, independent state would not destabilize the Balkans. Even Bosnia and Herzegovina is not a real problem. The real, complex problem is Kosovo." Lyons concludes: "Let us call a spade a spade: Kosovo has been independent from Serbia since July 1999. The crux of the matter is whether that independence shall be internationally recognized or it shall be conditional, and which conditions are envisaged and in which time-frame. "<sup>41</sup>

James Lyons thinks that EU is still mildly inclined towards the idea of Montenegrin statehood, and that the majority of member-states do not think that Montenegro should be anyone's compensation. Lyons mentions that a large number of EU countries have opened their office in Podgorica and underscores: "Were Montenegro to proclaim independence tomorrow, in a month time about 15 embassies would be opened there in view of a swift international recognition of Montenegro.

## Conclusion

European opposition to the Montenegrin state independence was greatly reduced at the end of 2005. EU is no longer calling into question the forthcoming Montenegrin referendum or demanding its postponement.

<sup>41</sup> *Monitor*, 2 December 2005

Montenegrin authorities and parliamentary majority are firm in their decision to hold the referendum by the end of April. The Venice Commission assessed that the Montenegrin Law on Referendum was fine-tuned to European standards. If the EU mission on mediating referendum conditions-related talks fails, citizens of Montenegro shall decide on the state status of Montenegro regardless of a possible boycott of referendum by the Montenegrin opposition.

Montenegrin authorities and parliamentary majority, as well as most citizens of Montenegro have sustained and successfully countered all pressures by the pro-Serb opposition, the Serb Orthodox Church, Belgrade and Brussels.

OSCE has positively assessed all Montenegrin elections held so far, and that by itself constitutes a guarantee that the forthcoming referendum shall be held in a peaceful and democratic atmosphere.

Montenegrin independence shall mark the end of process of dissolution of former SFRY, the latter being a necessary pre-condition for re-integration of the region on a new basis.

## *ANNEX*

# HELSINKI COMMITTEE'S ACTIVITY IN 2005

## PROJECTS IN 2005

### *"Building up Democracy and Good Governance in Multiethnic Communities"*

Throughout 2005 the Helsinki Committee was pursuing the activities planned for the 2<sup>nd</sup> year of the complex, three-year project launched in 2004 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.

Designed as an attractive and interactive endeavor, the project is aimed at capacitating young people for a life in multiethnic communities – particularly mortgaged by the recent past, interethnic distrust and stereotypes – but also for a life under conditions that are imperative to a modern democracy and its norms. In today's Serbia, such objectives imply, inter alia, rational perception of notions, developments and phenomena that are still blurred, marginalized, seen as relative or differently and even misguidedly interpreted. The project plans to include annually 560 direct beneficiaries, i.e. 1,680 young people in just two segments of its overall three-year activity.

Like in 2004, the project's educational outreaches took place at four locations – in Belgrade, Novi Sad, Kragujevac and Novi Pazar.

The activities carried out in 2005 were as follows:

- "Schools of Democracy" – twelve 5-day courses organized in Kragujevac (starting October 21, October 26 and November 2), Novi Sad (starting May 27, September 26 and October 31), Novi Pazar (starting June 10, September 12 and October 13) and Belgrade (starting June 10, November 7 and November 14);
- Seminars "Life and Living in Multiethnic Environments" – eight 3-day seminars organized in Kragujevac (starting June 10 and November 11), Novi Sad (starting May 6 and June 24), Novi Pazar (starting May 28 and October 13) and Belgrade (starting September 19 and September 22);
- The planned essay-writing competition resulted in the bilingual edition titled "Selected Essays by Young Authors - Vol. II." Awards were bestowed upon 20 short-listed candidates in late December 2005;



- The books that came out of print in 2005 were "Women and Children: Serbia in the Modernization Processes in 19<sup>th</sup> and 20<sup>th</sup> Centuries" by a group of authors, "Ethnology of Everyday Life" by Aleksandar Boskovic (planned for 2004), "Repression and Denial of Anti-Semitism: the Memory of Bishop Nikolaj Velimirovic /1880/1956/ in Contemporary Serbian Orthodox Culture" by Jovan Byford, "Serbia Between Constitution and Constitutionality" by Marijana Pajvancic and "Testimony" (Vladimir Popovic's testimony before the Special Court in the trial of the accused of Premier Zoran Djindjic's assassination);

- Two analytical studies - "Serbia in the Thrall of Dogmatic Thought: the Outcome of a Failed Project" and "Nation vs. Individual" were written and circulated as referential literature to courses/seminars curricula.

In 2005, the number of direct beneficiaries in only two segments of the project's overall activities totaled 565 young people ages 16-25.

### ***Belgrade-Prishtina: Steps to Build Confidence and Understanding***

In 2005, the Helsinki Committee finalized the one-year project under the title "Belgrade-Prishtina: Steps to Build Confidence and Understanding." The project was realized thanks to the assistance of the United States Institute of Peace (USIP).

Apart from a panel organized in Prishtina in November 2004 (Kosovo and Regional Security), it was in Prishtina too that the Helsinki Committee held three successive panels in January, March and April 2005. These panels broached the issues of decentralization, Kosovo minorities and international standards, as well as transitional justice.

The project culminated in the two-day conference "The Future Status of Kosovo" organized in Prishtina on June 13-14, 2005. The conference that ended by adopting a joint declaration and rounded off, in a way, the Helsinki Committee's longstanding endeavor to establish a dialogue between the Serbs and the Albanians.

Not only the fact that the conference assembled over 100 participants - Serbs, Albanians and representatives of the international community - its constructive debate and adopted declaration, but also the echo it found in the Kosovo public in particular, testified of its having been a step in the right direction. All media in Kosovo regularly covered it as breaking news, while the main Kosovo broadcaster, the Radio & Television of Kosovo, telecast live its proceedings.

Addresses of all participants clearly demonstrated that Kosovo's independence was unquestionable. Representatives of the Serbian alternative

indicated that a historical agreement between the Serbs and the Albanians would be viable on the condition that the recent past was fully scrutinized, the Greater Serbia project denounced, Serbia's actual position realistically perceived - implying renouncement of leadership claims - the crime acknowledged and the issue of state borders resolved. Only thus Serbia and the entire Western Balkan region may activate their potential for European integration. The historical agreement would not only contribute to the normalization of mutual relations, but would also considerably strengthen the position of Kosovo Serbs.

The very fact that, at the conference, representatives of the Albanian side met for the first time the people ready to face up both the Kosovo reality and the recent past galvanized a positive and constructive atmosphere, unprecedented over the past 25 years at no matter what level of Serb-Albanian meeting.

The project also produced two books - "*Untying of the Kosovo Knot: A Two-sided View*" by Fahri Musliu and Dragan Banjac (published in Serbian, Albanian and English) and the book carrying the transcript of the conference's proceedings and other relevant documents, and titled "*Serb-Albanian Dialogue 2005: The Future Status of Kosovo*".

#### **Participants in the conference "Future Status of Kosovo," assembled in Prishtina on June 13-14, 2005 by the Helsinki Committee for Human Rights in Serbia**

- Aware of the fact that the maintenance of status quo in Kosovo is not only impossible, but also counterproductive both for Serbia and Kosovo, as well as for the entire region,
- Bearing in mind that all relevant international factors, the Contact Group in the first place, deem the resolution of the status of Kosovo a priority issue of the international agenda and have consequently designated 2005 the year of Kosovo,
- Taking into account that the Contact Group has already defined the framework for negotiations that should ensure regional security and stability, and open the door to Western Balkans' association with and ultimate membership of the European Union,
- Cognizant that such approach by the international community and favorable circumstance should not be allowed to pass by, and
- Confident that this provides a unique momentum for all regional leaders to prove their political wisdom, constructiveness and genuine commitment to true interests of peoples and citizens they represent

Adopt this

## DECLARATION

Whereby they

- Call on Belgrade and Prishtina, as two directly involved parties, to engage in a substantial dialogue with maximum good will and to fully cooperate with representatives of the international community;
- Request political actors on both sides to acknowledge Kosovo's reality as the starting point for negotiations, while constantly bearing in mind legitimate interests of Serbs, Albanians and other communities in Kosovo;
- Insist on the respect and full implementation of all international documents and standards dealing with human and minority rights;
- Appeal to Belgrade authorities not to hamper representatives of Kosovo Serbs to autonomously act in the best interest of the exercise of human and civil rights of the Serbian minority in Kosovo;
- Appeal to provisional institutions of self-government in Kosovo to recognize that the protection of all minority communities is the litmus test of their capability to build up a democratic, prosperous and European Kosovo;
- Welcome the settlement of Kosovo's status that is based on multi-ethnicity and full respect of human rights, including the right of all refugees and displaced persons to return to their homes in safety; offers effective constitutional guarantees to ensure the protection of minorities, including mechanisms for their participation in governance; establishes a central government and structures of local government through the decentralization process that encourages coexistence of different communities; includes specific safeguards for the protection of cultural and religious heritage; and promotes effective mechanisms for fighting organized crime.

Prishtina, June 14, 2005

### *Prevention of Torture in the Closed Institutions of Central and Eastern Europe*

The year 2005 was the third year of the implementation of this 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.

At regional level, the project aims at preventing torture, inhuman or degrading treatment or punishment in detention facilities (police stations, prisons, psychiatric institutions, etc.), encouraging non-governmental

organizations to monitor overall conditions in these institutions and at exerting pressure on national governments to make it possible for the non-governmental sector to conduct these fact-finding missions.

The project's objectives, at national level, are as follows:

- To encourage a change in the adverse practice of ill-treatment of persons deprived of their liberty by the police, law-enforcement and prison officers;
- To support legislative reforms in terms of adjusting national legislations to relevant international standards and ratified conventions;
- To raise public awareness about torture and inhuman treatment by the police or other law-enforcement officers, as well as about the situation of persons deprived of their liberty.

In the period April 2005 – March 2006, the Helsinki Committee's team paid fact-finding missions to Serbia's three closed penitentiaries-reformatories (Nis, Pozarevac and Sremska Mitrovica), the women prison in Pozarevac, the juvenile prison in Valjevo, the juvenile reformatory in Krusevac and the Special Prison Hospital in Belgrade.

In the same period, the team paid visits to pre-trial and closed wards of seven district prisons in Serbia.

Once all information related to a specific institution was systematized and compiled in a report, the Helsinki Committee, in letters to the Central Prison Administration and a relevant prison administration, highlighted its basic findings and recommendations.

Quarterly reports – including overall findings and recommendations – were drawn up after several fact-finding missions and distributed to the above-mentioned authorities.

Having visited all institutions planned under the project, and then systematized and analyzed all information it gathered, the team drew up the summarized report brought to the public eye in the third publication of the type.

### *South Serbia: Building Grassroots, Intercommunal Ties*

In the period April-December 2005, the Helsinki Committee realized this program with the assistance of the Democracy Commission, US Embassy, Belgrade.

The project's purpose was to break the ice between Serbian and Albanian youngsters separated by deep-rooted ethnic stereotypes in South Serbia, get them know one another and understand one another's problems and worries, and eventually realize that their shared goals and aspirations were closely connected with the establishment of a civil society and highly

dependent on their capacity to join hands in the effort to chart a better future for themselves.

The Helsinki Committee organized 4 three-day workshops assembling 20 trainees from Albanian, Serbian and Roma communities each (July 20-22, 2005, Presevo; August 8-10, 2005, Presevo; August 11-13, 2005, Bujanovac; and December 23-25, 2005, Presevo).

Every workshop in the series included role-playing wherein the trainees themselves formed mixed groups in terms of ethnicity and gender. This segment was aimed at bringing them closer together and helping them to identify shared aspirations and fears, and then put heads together so as to present a project they deemed important for the group as a whole or an idea they would all, without exception, stand up for.

Given that young Serbs and Albanians hardly ever make friends or go to the same places (in both towns there are so-called Serbian and Albanian cafeterias), having them sit together in local coffee shops can be taken as a real success. This is the more so since those were their first outings together during which they chatted and laughed regardless of the fact that other customers were looking at them askance. Moreover, young Serbs accepted their peers' suggestion and went to an "Albanian" coffee shop, while young Albanians were doing their best to keep conversation going in Serbian.

Another illustrative example of the project's success is that, after a workshop's first day, the trainees from the two ethnic communities began to greet each other in street and even engage in lively conversation.

### ***Overcoming Anti-Semitism and Nationalistic Bias***

As of September 2005 the Helsinki Committee has been implementing the one-year project titled "Overcoming Anti-Semitism and Nationalistic Bias" thanks to the support of the Council of Europe. The project addresses the root causes of racism, anti-Semitism, xenophobia and intolerance in today's Serbia, and pinpoints underlying threats to future decision-makers, transition processes, the country's modernization and its integration into the mainstream of today's world. The project activities include one round table, four public debates throughout Serbia and one pertinent study.

On November 2, 2005, the Helsinki Committee organized the round table under the title "The New Serbian Right and Anti-Semitism" in the Belgrade Media Center. The round table concluded that anti-Semitism in Serbia was to be ascribed to the overall radicalization of Serbian politics and society, rather than perceived as an isolated phenomenon. In this context, anti-Semitism and its manifestations perfectly fit in the predominant exclusionist politics and conservative thought that negate any dissimilarity be it ethnic, religious or other. The persistence of anti-Semitism is thus even more dangerous as it goes for the small Jewish community of no great weight in Serbia's finances or

politics. Major promoters of such anti-Jewish climate are to be traced down in a number of formal groups ranging from those that follow in the footsteps of a part of the Serbian Orthodox Church's tradition leaning on the teachings of the recently canonized Bishop Nikolaj Velimirovic and his overt anti-Semitism, through those in the limelight of pop culture to today's authorities unwilling to come to grips with growing intolerance.

The first public debate planned under the project was organized in Novi Sad on December 22, 2005, under the title "Racism, Fascism, Xenophobia..." All keynote speakers highlighted the fact that Serbia's overall political and social climate provided the background in which racism, fascism and xenophobia were mushrooming. As of recently, they agreed, general perception of such intolerable trends has been misguided by the discourse some political, intellectual and clerical circles use whenever state politics and "the issue of nation" are on the agenda.

### ***Capacitating Future Decision-Makers***

The purpose of this one-year project, realized thanks to the assistance of the Balkan Trust for Democracy as of July 2005, is to encourage young people's active approach to decision-making processes at all levels of governance, particularly in the matters affecting human and civil rights and interethnic relations, as well as to imbue them with the set of values acceptable in the modern world and to raise their awareness about disastrous effects of the policies grounded on hegemonism, ethnic bias and conservative notions. The entire project is implemented in the multiethnic province of Vojvodina and includes three 3-day "conflict-prevention" workshops assembling trainees from Vojvodina's diverse ethnic communities, and a visit to Srebrenica of a group of young people recruited from the ranks of the Committee's earlier trainees.

The first out of the three planned three-day seminars (workshops) was organized on December 2 - 4, 2005, in Novi Sad. The trainees were captured by what they heard from the members of the Helsinki Committee's Youth Group that had attended the 10<sup>th</sup> anniversary of the Srebrenica massacre in this Bosnian town. Young activists' accounts were brimming with strong emotions, but the topic itself once again proved to be "a point of discord." A couple of trainees argued that the Srebrenica massacre was being instrumentalized for political purposes and that the fact that Serbs were victims too was being swept under the carpet. In their view, only emphasizing of the victims coming from the ranks of "one's own people" leads to unbiased perception of accountability. The trainees who thought differently, on the other hand, pointed out over the discussion that speaking of Serb victims alone was usually meant to avoid the issue of guilt and responsibility, while a matureness of a community implied not solidarity with criminals but their punishment and solidarity with victims. At the end of the seminar the trainees themselves identified three major problems plaguing today's Vojvodina - concentration camps in its territory

during ex-Yugoslav wars, the "high price" of those wars Vojvodina had to pay and brain drain. In the organizers' view, the first seminar in the series made the trainees aware of the significance of raising questions about the recent past and actual situation, triggered their interest in active citizenship and capacitated them in taking the steps aimed at ensuring greater accountability and transparency of governmental institutions. The second seminar in the series was held on February 24-26, 2006, in Novi Sad.

### ***Religion and Human Rights***

Through this one-year program financially assisted by the Heinrich Böll Foundation, the Helsinki Committee attempted to factually illustrate the manner in which the predominant Serbian Orthodox Church plays its significant role in a country such as Serbia where nationalistic and conservative thought dramatically threatens to overpower the anyway small potential for radical reform. The project activities included two studies and their presentation at two panels, as well as a 50-minute documentary broaching the issue of church-society relationship.

The study titled "What the Church Can (not) Be Asked About?" by Prof. Milan Vukomanovic posits, among other things, that particularly in the wake of October 5, 2000 the highly politicized and politically instrumentalized Church begun to impose itself as a major arbiter in all social and political issues, and fill in the value vacuum left after the collapse of communism with its conservative, anti-Western and anti-European stances. The first panel centered on this study and held under the same name was organized on January 18, 2006, in Novi Sad. Prof. Milan Vukomanovic, sociologist, sociologist of religion Mirko Djordjevic, philosopher Tomislav Zigmanov and philosopher of religion Miroslav Kevezdi acted as keynote speakers.

Journalist Radovan Kupres bylined the second study "The Serbian Orthodox Church and the New Serbian Identity" that was discussed at the panel in the Belgrade Media Center on January 30, 2006. Apart from Mr. Kupres, the study was introduced by sociology professor Milan Vukomanovic, sociologist of religion Mirko Djordjevic and philosopher Obrad Savic.

The documentary the Helsinki Committee produced under the title "The Serbian Orthodox Church and ex-Yugoslavia's Disintegration" provides a valuable insight into the Serbian Orthodox Church's role in late 1980s when warring propaganda was in full swing, in the period of the wars in the ex-Yugoslav territory and, in particular, after October 5, 2000 supposed to make a clear break with the Greater Serbia project. The documentary also tries to clarify the ideology that imbues the Church's present-day activity, particularly the ideology based on the writings of the newly canonized bishop, Nikolaj Velimirovic, the notions such as "St. Sava's teachings" and their misuse for purposes other than religions, the role any predominant religious organization

should play in a secular society, etc. The documentary has not been brought before the public eye so far.

### ***Coming to Grips with Serbia's Prevalent Ideological Matrix***

As of September 2005, the Helsinki Committee has been pursuing this publishing program supported by the Federal Ministry for Foreign Affairs of the Federal Republic of Germany via the Embassy of the Federal Republic of Germany to Serbia-Montenegro. The project is aimed at combating Serbia's predominant matrix of denial of the past through providing factual information about major landmarks of atrocities and crimes committed in ex-Yugoslav wars. So far the project's outcomes have been as follows:

"Srebrenica: From Denial To Confession" – the reprint of the book, prepared and edited by Sonja Biserko, and firstly published with the assistance of the US Department of State. The book provides an in-depth insight into the context of the Srebrenica massacre, the biggest atrocity and the most monstrous crime committed over the 1991-99 wars in the territory of ex-Yugoslavia. From the moral point of view, the Srebrenica massacre was not only a watershed in the Bosnian war, but also a symbol of the West's indifference. The Srebrenica massacre was a crucial point that made the Western civilization remember its fundamental values based on anti-fascism.

"Dubrovnik: 'The War for Peace'" – prepared and edited by Sonja Biserko. Even fifteen years after the months' long siege of Dubrovnik, Serbia would not accept the truth that Serbian troops, particularly the former YPA, have had anything to do with it. The scope of Dubrovnik's destruction is taken with reserve, while many voice their suspicion that this was all about a "Croatian complot" the purpose of which was to have Croatia recognized as an independent state. This is why this book of original documents and commentaries is primarily aimed at Serbian and Montenegrin readerships.

"Milosevic vs. Yugoslavia, Vol. III" and books on Vukovar and Sarajevo have not come out of print so far.

### ***Strategy for Serbia's Modernization at the Crossroads Between the 20<sup>th</sup> and 21<sup>st</sup> Centuries***

This one-year publishing project – realized with the assistance of the Fund for an Open Society, Belgrade – aims at encouraging the society's democratic consolidation through a scientific, multidisciplinary assessment of the modernization strategy pursued by Dr. Zoran Djindjic, in his capacity as an opposition leader and the first democratically elected Premier of Serbia. The project's purpose fully corresponds with the need to identify "a new cultural model" at this crucial stage of the Serbian society's development.

"Among the authors of scores of the books on Zoran Djindjic there are some who take that it was his tragic end – the fact that he was murdered in his prime and unique capacity – that made him a favorite of the history. ' A murdered leader goes down the history and become a legend. Djindjic's murderers themselves have secured him a place among immortals.' However, this is not to be taken for granted," says historian Latinka Perovic, the project coordinator, in her introductory study.

The project that assembled a multidisciplinary group of scientists – historians and other experts, most of whom have been studying Serbia's modernization processes of 19<sup>th</sup> and 20<sup>th</sup> centuries – will soon result in the collection of papers under the title "Zoran Djindjic: the Ethics of Responsibility."

### ***Helsinki Charter***

*The Helsinki Charter* stands for the Helsinki Committee's longstanding project – the magazine published ever since 1995. In 2005, the same as in 2004, the magazine was supported by the Norwegian Helsinki Committee and issued as a bimonthly.

Many perceive the *Helsinki Charter* as the only domestic paper the policy of which provides the best investigative journalists and columnists the opportunity to speak their mind. Most outstanding figures coming from the ranks of liberal intelligentsia and human rights activists, the same as scores of open-minded people – regular or occasional readers – consider the *Helsinki Charter* the best and most straightforward magazine in the region, tackling to the point delicate subjects that no other paper copes with in such manner. This mostly refers to non-impunity for war crimes committed in the territory of ex-Yugoslavia, nationalism, xenophobia, racism, anti-Semitism, hate speech, neo-fascism, marginalization of fascist conceptions or ethnically motivated war crimes, clericalism, gender discrimination, etc. – in a nutshell, to the stumbling blocks in the way of building a truly democratic, civil society. Last but not least, researchers and experts from home and abroad often turn to the magazine – also available at the Helsinki Committee's website along with seven selected articles in English – for valuable source of information and referential literature.

### ***The Training Program for Human Rights Lawyers and NGOs from Serbia and Montenegro on Application of Precedents and Standards of ECHR at the European Court of Human Rights in Strasbourg***

In tandem with the Netherlands Helsinki Committee (NHC) and Interights, London, the Helsinki Committee for Human Rights in Serbia launched in July 1, 2005, the three-year project titled "The Training Program for Human Rights Lawyers and NGOs from Serbia and Montenegro on

Application of Precedents and Standards of ECHR at the European Court of Human Rights in Strasbourg." The Royal Netherlands Ministry of Foreign Affairs (MATRA) and Open Society Institute, Budapest, financially support the program.

Following an application call, twenty candidates from the ranks of younger human rights lawyers, attorneys at law and practitioners from NGOs from all over the territory of Serbia-Montenegro have been short-listed after careful consideration of their qualifications and interviews conducted in cooperation with the representatives of the Netherlands Helsinki Committee and Interights. They will be trained through four 5-day and one 7-day seminar to be held in 2006 (two seminars were organized in January and March 2006). Each seminar combines lectures and workshops, and is conducted by two renowned national and international experts. Four seminars deal with the rights guaranteed under the ECHR and include workshops with simulations and moot courts. The fifth and the last seminar in the series stands for an intensive workshop in major steps in the application procedure before the European Court of Human Rights in Strasbourg. The first seminar held on January 18-22, 2006, at Mt. Fruska Gora, Vojvodina, addressed the topics such as the nature of the rules and decisions of the European Court of Human Rights in Strasbourg; difference in interpreting, approach, and understanding of concepts; territorial and material jurisdiction; summarized procedure of the European Court of Human Rights; criteria for acceptance of applications to the European Court of Human Rights; the right to life; and prohibition of torture, degrading and inhumane treatment and punishment.

## **The Helsinki Committee's Youth Groups**

In 2005, the youth groups working under the auspices of the Helsinki Committee's branch offices in Novi Sad and Kragujevac were focused on the following projects:

### **Monitoring of the Broadcast Media: The Impact on the Youth**

Activists of the Novi Sad Youth Group monitored two popular talk shows aired by Most and BK televisions. The two shows were selected for their high ratings and underlying messages. The purpose of the project was to gauge their impact on general audience and, in particular, on young people in particular.

### **Do Something for Your Conscience: Not Words Only**

The project was aimed at presenting the activities of the Novi Sad Youth Group to the peer population at the two-day EXIT festival. Apart from distributing promo brochures and leaflets, young activists stage an "interactive" campaign in the memory of the 10<sup>th</sup> anniversary of the Srebrenica massacre.

### **Right To Rights: Peer Education**

The project, implemented in tandem with Vojvodina's Ombudsman, implies "peer-to-peer" education – the activists of the Novi Sad Youth Group organize workshops on human and children's rights for students of secondary and elementary schools throughout Vojvodina. So far, the project has included 117 schools. In 2005, young activists started to plan the third stage of the same project that has become most popular among Vojvodina's students.

### **National and European Identities in Domestic Educational System**

The Kragujevac Youth Group conducted a survey aimed at gauging the impact of history textbooks on elementary and secondary school students. Relevant findings were publicized in a brochure that also included authorial pieces on critical history, the role of myths, collective memory and misuse of history and history textbooks. Copies of the brochure are presently circulated to relevant authorities, students and their teachers, while activists make plans for the project's follow-up in other towns throughout Serbia.

### **Hello Europe!**

Activists of the Kragujevac Youth Group were distributing a brochure on Europe "in a nutshell" and preconditions for joining the EU, as well as balloons, balls and flags with the EU's insignia to students and citizens. The project also included an artistic and literary competition, inspired by Europe, for elementary school students. Awards were bestowed on winners.

### **Xenophobia in Kragujevac**

Given that many Chinese nationals live in Kragujevac, the Youth Group decided to conduct an opinion poll so as to assess their townspeople's attitude towards them and see what problems plague the Chinese colony in Kragujevac. A number of Serbia's media carried the relevant findings.

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In 2005, activists of the Helsinki Committee's youth groups attended three regional schools of human rights for the young people in the Western Balkans, financed by the Norwegian Helsinki Committee. Together with their peers from all over the region, they staged a campaign to mark November 9, the International Day Against Fascism and Anti-Semitism. Besides, on the same day activists from Novi Sad, Kragujevac and Zrenjanin, in tandem with the Jagodina Center for Democratic Initiative, circulated to their townspeople pertinent leaflets and the press release issues by the Helsinki Committee for Human Rights in Serbia.

In early 2006, the Helsinki Committee's Youth Group was formally established in Zrenjanin. The group is composed of the young people who have attended some of the Committee's earlier workshops or seminars. Young people from Zajecar, Kikinda, Prijepolje, Novi Pazar, Jagodina, etc., are now following in their footsteps.

A DOCUMENTARY SERIAL PRODUCED BY THE  
HELSINKI COMMITTEE  
FOR HUMAN RIGHTS IN SERBIA

## *A Look into the Past* **Serbia 1965-1991**

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**Izabela Kisic**

SCRIPT CONSULTANT:  
**Sonja Biserko**

CAMERAMEN:  
**M. Radivojsa, R. Radivojsa and H. Topic**

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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"*



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*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.

A DOCUMENTARY PRODUCED BY  
HELSINKI COMMITTEE  
FOR HUMAN RIGHTS IN SERBIA

## ***Serbian Orthodox Church and Disintegration of ex-Yugoslavia***

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***The documentary was produced with the assistance of the Heinrich  
Böll Foundation***



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### **"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

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 Serbian and English)	Vladimir Ilic	2001

	Human Rights in Serbia 2000 (in Serbian and English)	Annual Report	2001
	Human Rights in Transition - Serbia 2001 (in Serbian and English)	Annual Report	2002
	Human Rights in the Shadow of Nationalism - Serbia 2002 (in Serbian and English)	Annual Report	2003
	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
	Selected Essays (1) (in Serbian and English)	Young authors	2004
	In Quest for Civic Identity - Published to mark the 10th Anniversary 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
	Human Rights and Collective Identity - Serbia 2004 (in Serbian and English)	Annual Report	2005
	Selected Essays (2) (in Serbian and English)	Young authors	2005
<i>Documents</i>	"Testimony" (Vladimir Popovic's testimony before the Special Court in the trial of the accused of Premier Zoran Djindjic's assassination)	Vladimir Popovic	2006

Edition	Title	Author(is)	Year
<i>Helsinki Files 1</i>	Serbian Elite (in Serbian and English)	Group of authors	2000
<i>Helsinki Files 1</i>	Serbian Elite, 2 <sup>nd</sup> edition (in Serbian and English)	Group of authors	2001
<i>Helsinki Files 2</i>	Potential for Changes (in Serbian and English)	Group of authors	2000
<i>Helsinki Files 3</i>	Russia, Serbia, Montenegro (in Serbian and English)	Group of authors	2000
<i>Helsinki Files 4</i>	Individual and Collective Rights of National Minorities (in Serbian and English)	Collection of papers	2001
<i>Helsinki Files 5</i>	"Otpor" - in or beyond Politics (in Serbian and English)	V. Ilic	2001
<i>Helsinki Files 6</i>	The Case of Ivan Stambolic (in Serbian and English)	Documents	2001
<i>Helsinki Files 7</i>	The Hague Tribunal: Discord between Us and the World (in Serbian and English)	M. Despot, V. Ilic	2001
<i>Helsinki Files 8</i>	Minorities and Refugees in Vojvodina (in Serbian and English)	V. Ilic	2001
<i>Helsinki Files 9</i>	In the Triangle of State Power (in Serbian and English)	Group of authors	2001

<i>Helsinki Files 10</i>	Unlearnt Lesson: Central European Idea and Serb National Program (in Serbian and English)	C. Ingrao, L. Vrkatc	2001
<i>Helsinki Files 11</i>	The Balkans Rachomon - Historiography and Literature on Dissolution of SFRY (in Serbian and English)	Kuljic, Milosavljevic, Manojlovic	2002
<i>Helsinki Files 12</i>	Transition and Minorities (in Serbian and English)	Collection of papers	2002
<i>Helsinki Files 13</i>	The Past as Challenge to the Law (in Serbian and English)	Vladimir Vodinelic	2002
<i>Helsinki Files 14</i>	Wallachians or Rumanians in Eastern Serbia: the Wallachian Issue / Rumanii sau Romanii din Serbia de rasarit (in Serbian and Wallachian-Rumanian)	Dragomir Dragic	2002
<i>Helsinki Files 15</i>	National Minorities and Law (in Serbian and English)	Group of authors	2002
<i>Helsinki Files 16</i>	The Point of Discord (the polemic launched by the Vreme weekly and publicized from Aug. 1 to Nov. 21, 2002) (in Serbian only)	Collection of articles and commentaries	2002
<i>Helsinki Files 17</i>	How to Attain European Standards: the Situation of Serbian Prisons - 2002-2003 (in Serbian and English)	Findings of the prison monitoring project	2003
<i>Helsinki Files 18</i>	Altar and Crown (in Serbian only)	Bojan Aleksov, Dragoljub Jovanovic	2004
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<i>Helsinki Files 20</i>	Untying the Kosovo Knot - a two-sided view (in Serbian, English and Albanian)	Fahri Musliu and Dragan Banjac	2005
<i>Helsinki Files 21</i>	Serbo-Albanian Dialogue 2005 - The Future Status of Kosovo	Collection of papers	2005
<i>Helsinki Files 22</i>	Serbia between Constitution and Constitutionality	Marijana Pajvančić	2005
<i>Helsinki Files 23</i>	Women and Children: Modernization Processes in Serbia in 19th and 20th Centuries	Group of Authors	2006

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<i>Testimonies 1</i>	People, Developments and Books	Latinka Perovic	2000
<i>Testimonies 1</i>	People, Developments and Books (2 <sup>nd</sup> ed.)	Latinka Perovic	2000
<i>Testimonies 2</i>	Is There Any Resonance?	Novak Pribicevic	2000
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<i>Testimonies 15</i>	Serbian Fragile Vertical	Marko Nikezic	2003
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<i>Testimonies 17</i>	The Last Instance (Vol. I, II & III)	Srdja Popovic	2003
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<i>Testimonies 19</i>	Between Arrogance and Humility	Zivorad Kovacevic	2004
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<i>Testimonies 21</i>	Refugees: Victims of Ethnic Engineering	Group of authors	2004
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<i>Testimonies 24</i>	Dubrovnik: "A War for Peace"	Collect. of documents	2006

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<i>Studies 1</i>	In the Tradition of Nationalism	Olivera Milosavljevic	2002
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<i>Studies 3</i>	Overcoming the Past	Todor Kuljic	2003
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<i>Studies 6</i>	Repression and Denial of Anti-Semitism: the Memory of Bishop Nikolaj Velimirovic (1880-1956) in Contemporary Serbian Orthodox Culture	Jovan Byford	2005

