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*HUMAN RIGHTS IN THE SHADOW OF NATIONALISM*  
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## Introduction

The year 2002 is regarded by many as a year lost because nearly all of the political capital gained on 5 October 2000 was squandered: the coalition which had brought about the downfall of Slobodan Milošević bogged down in futile infighting and was becoming its own chief obstacle. Having been established for the specific purpose of ousting Milošević, the Democratic Opposition of Serbia (DOS) nevertheless went on to shoulder the formidable task of transition, a burden its heterogeneous political makeup proved ill-equipped to bear. For all the enthusiasm which characterized the political situation in 2001, it became clear that the prevailing concept of democracy as a multi-party system devoid of proper institutions and the rule of law alone could not change the general political atmosphere in the country weighed down by the Milošević legacy, institutions mired in old attitudes and methods, and resistance to reform. The Federal Republic of Yugoslavia – now Serbia and Montenegro – was not admitted to the Council of Europe, nor did the DOS leaders' promises of an association agreement with the EU materialize. Consequently, there was no appreciable headway in the domain of human rights.

The intrinsic limitations of the DOS surfaced in 2002, and the general credibility and influence of political parties suffered as a result of numerous affairs, scandals and indiscretions. The political parties' aversion to transparency was adopted as a model of behaviour in other spheres. The failure of two rounds of presidential elections through voter abstention indicated a determination on the part of the citizens to punish the politicians for their conduct, as well as that a political pattern which had dominated the whole of the last century had come to an end. At the same time, it was disturbing to see no alternative political model to re-formulate the interests of the citizens and generate reforms accordingly.

The political environment was unfavourable and discouraging, particularly for private enterprise for want of political encouragement. The region's long isolation, high unemployment,

and absence of economic progress were conducive to a resurgence of populism hostile to reforms. The forces behind this, which could easily prevail at the next elections, were spearheaded by the Socialist Party of Serbia (SPS), the Serbian Radical Party (SRS), the Democratic Party of Serbia (DSS), and some smaller political parties. With regard to the direction and speed of reforms, a 'pro-reform' and a 'legalist' bloc became firmly entrenched in 2002. The differences of the two blocs personified by Zoran Đinđić and Vojislav Koštunica first came to public notice through the media and then divided society as a whole.

The republican parliament went through a stormy period marked by numerous scandals, a chronic absence of quorum (notably during the 2003 budget vote at the end of the year), and obstruction by deputies and especially political parties such as the DSS, SRS, and SPS, all of which made it necessary to amend the rules of procedure in the first half of the year. In spite of the obstruction, the parliament succeeded in adopting 47 news laws and 17 decisions and other enactments; this, however, was only a small quota of legislation required for accession to the Council of Europe.

In the first half of the parliamentary year two laws were adopted: an 'omnibus' law which restored certain powers to the Vojvodina provincial parliament and a law on local self-government under which municipalities too were given back some powers. The two laws are designed to facilitate the decentralization of Serbia and certainly the harmonization of domestic legislation with that of the EU. The law on local self-government, passed on 14 February, is intended to promote democracy at 'lower levels of government' and forms part of a project to reform local self-government. The programme is to be implemented in 50 municipalities in Serbia over four years with the assistance of experts from East Europe and the USA, i.e. the international consulting firm Development Alternatives Incorporated (DAI) and the US Agency for International Development. Under the Law on the Security-Informative Agency, another law adopted by the parliament, the state security department was detached from the Serbian Ministry of Internal Affairs (MUP) to allow better control of police and state security work. Another step towards European standards was the amendment of the Penal Code abolishing the death penalty.

In February, the DSS first walked out of the republican government and then left the DOS. In May, the DOS presidency decided to remove from the republican parliament 50 deputies

(including 23 from the DSS) who had been obstructing the adoption of major laws by 'jeopardizing the work of the Assembly of Serbia by their irresponsible absence'. The frequent clashes between the two blocs met with strong public disapproval and further damaged their legitimacy, which was later borne out by the election results.

Serbia and Montenegro signed their agreement on the initial steps for establishing their state-union in Belgrade on 14 March. Already the first reactions to the 'Belgrade agreement' bore out the fundamentally different visions of the new state-union: while Belgrade strove to project it as a modern federation, Podgorica saw it as two sovereign states. These differences inevitably slowed work on the Constitutional Charter and affected its content. In spite of enormous pressure from many European governments, members of the Venice Commission and Xavier Solana himself, who acted as mediator, Montenegro managed to defend its case. The victory of Milo Đukanović at the October 2002 extraordinary parliamentary elections strengthened his hand vis-à-vis Belgrade and the international community; it amounted to a referendum at which the citizens of Montenegro manifested their maturity and deprived Serbia of yet another illusion that it could keep Montenegro under its patronage. However, the talks on the Prevlaka peninsula dragged on until the year's end, their uncertain outcome being a major obstacle to reform. Amid all-consuming negotiations on the Constitutional Charter, and in spite of clear signals from Montenegro, and even from Serbia, that the future entity stood slight chance of survival, the nationalistic forces insisted on treating Prevlaka as a priority. This was hardly an atmosphere conducive to economic activity and it certainly threw doubt on some initial transition successes.

The DSS insisted on, among things, constitutional reform although the conditions for such an undertaking were not ripe considering the uncertain status of Kosovo and Vojvodina. Given the position of the DSS and similar parties on regionalization as a state framework, the insistence on constitutional reform as a key precondition of overall reform is fraught with pitfalls. The object of regionalization (whereby Vojvodina itself would consist of three regions) is to modernize a centralist concept and, basically, to prevent the question of Vojvodina's autonomy from being raised. A constitutional reform would, in the absence of a social consensus, create a constitutional crisis and thus fuel tension between Belgrade and Novi Sad and, of course, between Belgrade and

Priština. The Constitutional Charter for Serbia and Montenegro had already shown that such a process was unstoppable. The debate on constitutional reform forced in this way, i.e. without a proper explication, confused the public and made it possible to manipulate the potentials for reform. The fact that the question of the state was being kept open indicated that the project which had *de facto* been defeated was still regarded as an option, as well as that the two principal holders of power, the DSS and the Democratic Party (DS), were at a deadlock. To break this deadlock and gain supremacy, something the election failed to provide, they were moving towards another poll by espousing 'elementary constitutionalism'.<sup>1</sup> The provisorium in which the state existed and the permanent political crisis were creating the conditions for deeper commitment by the international community determined to both stabilize and integrate the region. The question of constitutional reform is imperative for political as well as legal reasons.

Cooperation with the Hague Tribunal had become a key issue of Serbia's relations with the international community. It was also crucial for the crystallization of the political scene in Serbia. Except for extraditing Slobodan Milošević, Serbia made no substantial headway in its cooperation with the Hague Tribunal in spite of numerous pressures including visits by Carla del Ponte and UN Secretary-General Kofi Annan. Those who went 'voluntarily' to The Hague in 2002 were Dragoljub Ojdanić, the former chief of the General Staff, Nikola Šainović, the former federal deputy prime minister, and Milan Martić, a leader of the so-called Republic of Serb Krajina (RSK) who had been hiding in Serbia for many years. Another indictee, former interior minister Vlado Stojiljković, shot himself on the steps of the federal parliament building on 11 April 2002. No doubt under great pressure from his SPS party, he accused in his farewell letter the DOS of breaking up the FRY 'with the participation of the greatest enemy of our people, Xavier Solana', and of 'ruthlessly trampling on the Constitution and the law, pursuing a policy of treason and capitulation, betraying the national dignity, destroying the economy and driving millions of citizens into penury'. He blamed his death on 'Zoran Đinđić, Vojislav Koštunica, Dušan Mihajlović, Vladan Batić, Miroslav Labus' and others.

<sup>1</sup> *Republika*, No. 300-301, 1-31 January 2003.

The federal law on cooperation with the Hague Tribunal, passed after much wrangling, was more a sign of political impotence than proof that the matter was now legally regulated, because the FRY and/or Serbia is bound to cooperate on other accounts, i.e. by virtue of its membership of the UN. The law reflects the balance of forces within the political elite because, by virtue of its Article 39, it relates only to persons already indicted, which is at variance with the Hague Tribunal Statute. The law was strongly criticized by the Serbian academic law community: as many as 51 professors and lecturers of the Belgrade Faculty of Law urged the Federal Constitutional Court not only to declare the law unconstitutional but to stay the execution of all individual acts under the law pending the Court's final ruling.

Throughout 2002 the trial of Slobodan Milošević was a major source of controversy in the country, the reactions showing that Serbia had not broken with his policy and was not ready to confront the warlike policy and war crimes. For instance, the Serbian media portrayed Milošević's exchanges with witnesses in connection with the Kosovo indictment as a TV duel which he invariably won. Nearly all of them omitted to give the wider context in which the crimes had been committed and chose to present the facts highly selectively. The prevailing impression was that Milošević was master of the situation who had debunked the Tribunal by his defence. However, the initial stages of the Croatia war crimes trial brought about a substantial change of attitude towards the Tribunal because the witnesses were much better prepared and proved a match for Milošević. In particular, testimony by Milan Babić, the Serb leader from the RSK, and Slobodan Lazarević, a member of the Counter-Intelligence Service (KOS) – both active participants in the Greater Serbia project – threw clear light on Belgrade's prime responsibility, the chief protagonists, and the strategy. The establishment of a chronology of events and of the context in which the war started greatly expedited the proceedings and underlined the Tribunal's indisputable relevance for the region.

Biljana Plavšić's guilty plea on count 3 of the indictment (incorporating all the elements of genocide) was received with consternation by the Serbian public and viewed mostly as treason. Kosta Čavoški said that by pleading as she did, Plavšić had 'betrayed her own personality' and turned herself into a 'doormat'. He also said that whereas Babić and Plavšić 'deliberately sent their

people to their death' they themselves were 'unable to look death in the face'.<sup>2</sup>

As the layers of the Serb project were laid bare in The Hague one after another, its ideologues were increasing their efforts to disprove or depreciate witness evidence while awaiting each new witness with considerable apprehension. The Serbian Academy of Sciences and Arts (SANU) organized an international conference on the topic 'Greater Serbia – Truth, Fallacy, Abuse' with the object of minimizing the significance of the *Memorandum*, which was being increasingly referred to in The Hague as the programme Slobodan Milošević. On the other hand, those who had acknowledged that crimes had been committed, sought to rationalize them by blaming them on the Communists. They and the services behind the war project, especially the State Security Service to which the *Memorandum* was being increasingly attributed, disowned Slobodan Milošević and his aggressive policy.

It was no coincidence that a report on Srebrenica was made public in Republika Srpska at a time when Milošević was confronted by charges of genocide in Croatia and Bosnia. If the Serb nationalists were to succeed in relativizing the Srebrenica tragedy and divesting it of its ethnic background, they would both prevent the 'collection of war dues' and help Belgrade's strategic objective of swapping Kosovo for Republika Srpska. The statement by President Vojislav Koštunica that 'the Drina only temporarily separates our family' was a trial balloon to test the reaction of the international community. It was to cost him dearly as an indiscretion widely condemned by the international community, especially the United States.

The pressure of the international community to place the Yugoslav Army (VJ) under civil control, and to remove General Nebojša Pavković from the post of chief of the General Staff, led to a rift in the state leadership. The gap widened particularly after Pavković sided with Prime Minister Đinđić and accused Koštunica and his office of engineering a VJ raid on the Serbian government's Communications Bureau over alleged bugging on his office. Koštunica next sacked Pavković by decree and installed General Branko Krga, the chief of KOS, as his successor. The scandal over arms sales to Iraq brought Serbia back into international focus as a collaborator of Saddam Hussein. However, in Serbia the numerous details disclosed by the International Crisis Group were

<sup>2</sup> *Glas javnosti*, 23 December 2002.

publicly minimized or presented as something normal. President Koštunica declared that the arms sales to Iraq were a matter of legacy and a product of 10 years of sanctions, a manufactured affair, and that he found it 'base and hypocritical that anyone should now feign surprise that, in all likelihood, someone somewhere – in this case Jugoimport – has violated UN sanctions and sticks to his old ways'. Such a response to grave US warnings betrayed lack of recognition that the accusations over the latest scandal were based on facts that would be used against Serbia to make it toe the line and sever its links with Iraq. This was the first scandal to moot the responsibility of the 'untouchables' and their part in the wholesale plunder and corruption.

The arrest on 15 March of the Serbian Deputy Prime Minister, Miodrag Perišić, in a secret operation by military security forces over his alleged collaboration with the CIA attracted much public attention at home and abroad. Perišić was having dinner with a US embassy secretary in a motel on the Ibar highway when he was apprehended allegedly in the act 'taking out video tapes from under his tracksuit' to hand them over. Perišić was forced to resign and the affair is yet to be officially resolved before a court of law. So far as could be made out from the vague media statements, the chief actors in this scandal were Koštunica's security adviser, Rade Bulatović, and General Aco Tomić, both of whose names had figured in connection with every single affair over the previous two years. This incident, as well as others, was a clear signal that the VJ was not under civil control and wished to arbitrate in key political developments.

The efforts to establish the rule of law and an independent judiciary bore the stamp of a confrontation between Prime Minister Zoran Đinđić and Minister of Justice Vladan Batić on one hand and representatives of the judiciary on the other. The clash bore out the fact that the principle of the separation of powers continued to be violated; also, as the Law on the Judiciary showed, that the executive strove to control the judiciary. In practice no judge was relieved of office during 2002 and some who stood up against the executive were 'kicked upstairs'. The judiciary lacked the strength – apparently due to the absence of political will – to try war crimes in a professional manner; a case in point was the trial of Cvjetan Demirović of Prokuplje, which had to be transferred to Belgrade owing to lack of evidence and witnesses, and because of the hostile atmosphere in Prokuplje.

The killing of the Assistant Chief of the Department of Public Security, Boško Buha, bore the hallmarks of the relationship between the mafia and the authorities. Many attributed the murder to the fact that Buha had for some time been publicly referring to five well-organized mafia groups in Serbia and warning that new close links were being forged between them and some people in government. Corruption was the chief problem of Serbia (and of the whole region); it had taken deep roots over the previous 10 years because it was 'systemically and systematically projected by the key power centres'.<sup>3</sup> The accomplishments of the Anti-corruption Board set up by the government were negligible. The two draft laws it submitted to the Serbian government – the law on preventing the clash of public and private interests in the exercise of public functions and the law on the financing political organizations – have not reached parliament yet.

The crisis of identity, a problem facing all transition countries, was augmented in Serbia by the need to confront the warlike policy and war crimes. The reluctance of the Serb elite to come to terms with these problems gave rise to a spate of recriminations in an atmosphere of intolerance, anti-communism, xenophobia, and anti-Semitism. In the aftermath of 5 October, the Serb elite put a rehashed version of Serb nationalism across to the world in the form of a 'civil or liberal nationalism', something the West temporarily swallowed as a moderate nationalism. However, two years later the West too began to call the thing by its real name, increasingly referring to the October revolution as 'so-called' or 'nationalistic'. The book by the journalist Tim Marshall, *Shadowplay*, was the first to raise the question of the character of the October 5 changes; unfortunately, in Serbia the questions posed by Marshall were simply ignored.

The absence of any modern vision of Serbia was fertile ground for the resurgence of the Chetnik movement and Serb conservative thought and renewed emphasis on their common dominator: insistence on the territories defined by the Serb national project and propagation of the Serb organic thought as the determinant of the values of Serb society. The revival of the Chetnik idea negated the anti-fascist tradition of the partisan

<sup>3</sup> Čedo Čupić, 'O korupciji – dominirajućoj ili marginalnoj pojavi' (Corruption – a dominant or marginal phenomenon), *Republika*, No. 300-301, 1-31 January 2003.

movement which brought the Communists to power and, consequently, all the decisions of the Anti-fascist Council of the National Liberation of Yugoslavia (AVNOJ), notably those laying down the republican borders. Literature of all kinds popularizing the Chetnik idea and movement abounded.

Although the pressing minority question remained a key issue of Serbia's internal organization, its solution was nowhere in sight. Serbia does not accept its minorities as equals; its Law on Minorities, a requirement for accession to the Council of Europe, was more a result of international pressure than of sincere belief. The fact remains that a number of newly-adopted regulations were in operation although they were incompatible with this law. The radicalization of the minorities was a response to a strategy pursued at their expense for over a decade. The putting forth of maximum demands was in anticipation of the final agreement on Serbia's internal organization. Disappointed with the results of the last population census in March 2002, the nationalists were increasingly demanding that persons belonging to minorities ought to designate themselves Serbian citizens with full individual rights. Because the minorities, disconcerted by the absence of a proper state and by what the authorities had to offer them, began searching for an identity on other accounts, the pursuit of an abortive strategy may rebound on Serbia. This had already happened in relation to the Albanian minority in southern Serbia, where the international community had to intervene through its mechanisms. The tensions subsided also thanks to a great many confidence-building projects and investment in that very underdeveloped region.

Sandžak was another tense region because of all that had happened during the preceding 10 years, notably the unclarified murders and disappearances of Bosniaks in incidents such as those at Štrpci and Sjeverin. The information gathered so far leaves no doubt that the murders were organized with the knowledge of the state as part of a wider project connected with the war in Bosnia. The areas adjacent to Bosnia were 'completely cleansed of Muslims-Bosniaks' with the inhabitants of the bordering villages still prohibited from going back. The incident which occurred after Yugoslavia had won the world basketball championship threatened to deteriorate into an open conflict and alerted the public to the possibility of a serious confrontation as a result of marginalizing the region for many years.

Population censuses in countries like Serbia (and all others in the region) have exceptional political implications especially in view of the fact that nation states in the Balkans are experienced as ethnic states. A population census is an important state undertaking and an instrument of politics particularly following war and large-scale population displacement, something all the newly established states of the former Yugoslavia have gone through. Considering that ethnic cleansing was a tool in the creation and consolidation of ethnic states, a census is of great political importance in that it has to confirm the success of demographic engineering. In addition, the minority question carries much weight because such states strive to render minorities as small as possible in order not to grant them special status. Considering that Serbia now has its first law on minorities that guarantees their collective rights, the question of numbers has become important also for the minorities themselves.

The last population census in Serbia, whose integral results have not been made public yet, paints a terribly disappointing demographic picture as far as the nationalists are concerned for all the irregularities registered at the time. According to the preliminary results, the population of Serbia is among the 'ten oldest populations in the world'. The report notes that the 'biological decay is far advanced indeed: the average age in Serbia is 40 years; underage persons make up 19.7 per cent of the population; there are more people over 60 years of age than young people under 15'.<sup>4</sup> The data on the national or ethnic structure of the population show a significant increase in the number of Vlachs and Roma, which the Statistical Office sees as a result of choice not natural increase. Minorities accounted for over 20 per cent of the population.

Vojvodina was the battleground of two opposite kinds of rhetoric – nationalist and autonomist. There are, of course, deeper conceptual differences behind such avowals of 'affection' for the province: the nationalists, who regard Vojvodina as an exclusive Serb domain although they grant that it is specific in terms of its ethnic heterogeneity, view the autonomy demands as a desire to insulate the province from the rest of Serbia; the autonomists, on the other hand, argue that greater autonomy would enhance Vojvodina's transition potentials and that its greater openness vis-

<sup>4</sup> *Danas*, 31 December 2002.

à-vis neighbours would benefit not only Vojvodina's citizens but all in Serbia.

The political life of Vojvodina played out between these two extremes: Belgrade's efforts to keep its monopoly of the province's economic and financial resources, and Vojvodina's endeavours to move towards Europe through participation in regional initiatives. In addition, Vojvodina's minorities were increasingly aware of the need to improve their own position and that of Vojvodina as a region. The international regional initiatives operating on a broader plane helped the crystallization of Vojvodina autonomy.

Throughout the preceding decade, the question of refugees in the former Yugoslavia was manipulated solely for the purpose of establishing ethnic states, this being particularly evident as regards their repatriation. As it turned out, the enormous funds set aside by the international community for humanitarian aid to ensure the survival of this most vulnerable group of population in all the parts of the former state gave the authorities of the new states an opportunity for endless manipulation. Throughout the decade, the Belgrade government abused the refugees in two ways: on the one hand, it paraded them before the world as Serb victims; on the other, it encouraged their integration into Serbia and discouraged their repatriation. This policy proved disastrous primarily for the refugees themselves because it merely added to their confusion as to whether they should stay or go back. Aware of the constant abuse to which they are subjected, the refugees have developed a hypocritical attitude towards the present government as their only chance of survival and adaptation.

Other than somewhat expediting the granting of citizenship to those who apply, the DOS continued the policy of the previous government. Its strategy of heavy reliance on foreign donations from one year to the next proved unrealistic. Rather than seek a viable and comprehensive solution to the problems of the refugees, the present authorities were merely interested in their permanent integration in Serbia. They made no serious effort to arrange for their repatriation with their countries of origin because this was the least of their worries.

In view of Serbia's transition potentials, the prospect of an adequate solution of the refugee problem is slight. The issue is further complicated by the fact that the status of Serbia as a state is still uncertain; therefore the vague messages addressed to the refugee population merely add to its already deep confusion as to the choices left to it. Their status as 'innocent victims' having been

refuted by numerous witness accounts at the Hague Tribunal, the refugees are now resented both in their countries of origin and in Serbia, whose population wishes to shuffle off the blame for the wars in Croatia and Bosnia onto them.

The problems manifested in the sphere of the media in 2002 sharpened and became much more transparent. There was no legal framework to ensure the unhindered operation of the media and to enhance the standing of the profession. The Law on Broadcasting passed in July 2002 was not applied even after six months. Furthermore, the sharp polarization within the DOS into two groups clustered around the DS and the DSS had its effect on the media, which backed one or the other as their editorial policies were more or less influenced by the two largest parties. The variegated media scene became a battleground on which feuding political parties crossed their swords.

The conflict overshadowed a host of vital topics such as the character of economic reforms, privatization, corruption, the economic crimes perpetrated under Milošević which enormously enriched some of its members, the necessity of cooperating with the Hague Tribunal, the war crimes, Kosovo, the relations with Montenegro.

The relations with neighbours were maintained and improved mostly under pressure from the international community and the conditions it imposed. The region continued to be distrustful of Belgrade over its 'vague national policy', that is, the fact that the Milošević policy had not been repudiated. The presumptuous utterances about Republika Srpska, Kosovo, and Montenegro, the refusal of the Serbian Orthodox Church to recognize the Macedonian Orthodox Church as autocephalous, fuelled doubts about Belgrade's long-term policy goals. The attitude towards the Hague Tribunal and to the International Court of Justice in The Hague, as well as the refusal of the DOS government to confront the recent past, was another obstacle to genuine normalization in the region. At the same time, because of all this, the international community kept the whole of the Western Balkans at a distance and showed no desire to commit itself deeply on account of crime which permeated all pores of society, lack of political will to come to terms with the past, trafficking in people, narcotics, and arms.

For all the changes made, human rights were insufficiently respected because the prerequisites for improvement were lacking. The state of affairs was particularly disturbing in the judiciary

because no reforms were launched during 2002 to ensure its independent professional operation. In the sphere of human rights, the rights of both national minorities and other minority groups such as religious, gender, and other groups suffered from the radicalization of society. The atmosphere of intolerance (racism) was most drastically manifested in the attitude towards the Roma population.

## PART ONE

### Character of "New" Serbian Nationalism

#### Identity Crisis and Renewal of Conservative Nationalism

The defeat and absence of a balanced account of what has happened, persistence on the project of Greater Serbia despite clear signals from the international community, an identity crisis and overall confusion, all these are blurring the political and social scene in Serbia. In a nutshell, the new political elite is incapable of creating a crystallization point by facing with the crime and thus releasing a fresh source of energy. In its unwillingness and insincerity when recent past is concerned and by reviving the Kosovo question on utterly illusory foundations, the elite set the course for a retrograde process which isolates Serbia from the rest of the world and at the same time enthroned a new system of values: Serbdom and Orthodoxy. The incapability of facing the truth led to a specific "rationalization": from a denial of crime and the very existence of a Serbian national project to a shift of all responsibility on the communist regime.<sup>1</sup> The regime of Slobodan Milošević is being treated as a mere continuation of the communist regime, whilst ignoring the fact that at the point when Milošević obtained a plebiscitary support for the execution of the Serbian national project, anti-communists stood side by side with the communists.

In the absence of a modern vision of Serbia, the Chetnik movement and the Serbian conservative thought were revitalized, with two main features: persistence on territorial claims articulated by the Serbian national project and a promotion of a

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<sup>1</sup>Radoslav Stojanovic, professor of Law School in Belgrade, said over a TV Studio B talk-show (January 2003) that he had nothing against The Hague Tribunal given that "communist crimes are for the first time prosecuted".

system of values based on anti-Western feelings. While the Chetnik movement is being rehabilitated, the anti-fascist tradition of the partisans which led to the raise to power of the communist regime is being annulled, and in the same milieu, all decisions made by the AVNOJ, borders of the republics in particular. All of this is accompanied by an abundant production of appropriate literature and a wide media campaign. A TV series "The Ravna Gora Reader" ("Ravnogorska čitanka"), filmed by the RTS, promoted the movement of Ravna Gora (Chetnik), with the idea to present it as an anti-fascist movement (ignoring the fact that anti-fascism is in its nature anti-nationalistic). New high school textbooks are also trying to marginalize and disparage the importance of the partisan movement, and to provoke sympathy for the Chetnik movement, always with an understanding for all its flaws. The essence of this approach lies in the explanation that the wars of 1991-1999 were a sequel of World War Two, namely that the "unfinished war continued after precisely fifty years".

Through confusion and deep frustration, Serbian nationalism only acquired a new face and turned to fresh ideological sources, in the first place to the organic i.e. conservative thought – Nikolaj Velimirović,<sup>2</sup> Justin Popović,<sup>3</sup>

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<sup>2</sup> Formed in the tradition of Saint Sava, Nikolaj Velimirović articulated himself as an organicist faithful to the spirit of Slovenophile tradition. He believed that to get in touch with cultures outside the Serbian and Slovene cultural circle would be harmful for the national organism. In recent Serbian history he saw a conspiracy of the West aimed at "turning the just liberated Serbian folk (raja) into the folk of the rotten West". His ideas were, and still are, the foundation of an extreme nationalistic ideology. He does not believe in individual human rights and he stresses – "No one is going to have a more reserved and skeptical attitude towards some 'empty phrase' declarations of human rights as the new young Balkan man".

He was a passionate anti-Semite. Jews present a danger not only to Serbs but also to Europe as a whole, as the Jews "and their father the Devil, through their slow and long-term poisoning of the soul and heart of the European people, managed to deter it from genuine worship of God and make it bow in front of the idol of culture". He believed that all "modern mottos were created by Jews, who crucified Christ: democracy and strikes, socialism and atheism, tolerance of all faiths, pacifism and overall revolution and capitalism and communism".

<sup>3</sup> Saint Justin Popović did not make a sufficient distinction between the church and the state. He believed that all members of other Christian religions formed a "heretical-schismatic legion". In one of his



Dimitrije Ljotić,<sup>4</sup> and to the collaborationist regime of Milan Nedić, a quisling who embraced the above ideology as his system of values.

It is often being stressed that the organic thought is “our national thought” and hence the most valuable one in the national heritage. The formulae it uses in its interpretation of the society are very simple, this simplicity being their main strength. In principle, this line of thought discards the rationalistic and analytical tradition of the Century of Enlightenment and turns back to the society as an organism. Ideas of both the new and the old Slovenophile intellectual elite became the matrix of the nationalistic myth. One of their key arguments is the inevitable “fall” of the West and the Western civilization. In the beliefs of Russian organicists there is a sort of common place about the nation “which in its gigantic, continental soul” keeps the greatest and ultimate truth. These formulae are especially attractive for the young generations, which in absence of any alternative easily accept all simplified solutions.

The actualization of the stereotypes and clichés of organic thought and their instrumental use in politics in a populist-nationalistic “key” has been initiated on the Serbian political scene in the 80’s, and is recently getting an ever growing impetus.

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well-known essays printed in 1928 he adopted the traditional Russian Slovenophile dogma on culture which “made the man himself become a thing”. He also viewed the church as a model the most admirable human association, that is the state, had to be shaped after.

<sup>4</sup> D. Ljotić expressed his ideas most vividly in the *Laws of Life* (*Zakoni života*). Starting from the triad God-king-host and echoing the common belief that “there is no deed without a host”, he characterizes the Serbian people as the “host” people functioning as an organism. In one of his texts from 1994 he stated: “Fascism is the deification of a state, and Hitlerism the deification of a race. For Slovenes the importance of the race parallels the one of the state. We are against the parliamentary regime, but not the parliament itself”. He was an anti-Semite, in correspondence with A. Hitler. However, Ljotić was wary of using a tone of pogrom against Jews, although he supported “crushing, breaking and breaching of Jewish plans”. He was obsessed by the typically organic idea of a “national conservative revolution” and derived everything from the nation as an organism following the principles of biological determinism. In his writings the idea of a social state has been raised to the ideology of salvational paternalism and corporativism, and “national values” were perceived as absolute, the use of violence understood in their defense, because it is necessary, as is the militarization of public life.

Dobrica Ćosić sees the disruptions in the contemporary society as a consequence of the chaos created by the French revolution born from the spirit of Enlightenment, which is a variation of the classical organic thought, but also induced by ideological-political motives. Ćosić’s statement that “the state and the church must unite in their concern for the Serbian nation” is the old formula Nikolaj Velimirović uses for the relation between the church and the state. In his book *Srpsko pitanje* (*The Serbian Question*) (1992), Ćosić states that “the advantages of backwardness must be optimally used” because they are “our initial intellectual asset”. He believes that “the advantages of backwardness in civilization development have to be realized and named, since they do exist, especially in the area of economy and urbanization. Our development policy to date did not realize this fact.” Putting organic thought in such a function in an atmosphere of closed community, ends in disastrous consequences on the modernization and transition of the society.

Metropolitan Amfilohije Radović offers yet another formula: “Since ancient times Serbs have solved all questions in conventions... and this is why it would be good to renew the ‘convention’ consciousness of the nation. Political parties are something of a more recent date and they have been imported among Serbs from the West, which can be perilous for us who approach everything from a metaphysical position. Decisions have to be made from the head of the whole nation – only these decisions are farsighted and far-reaching”. This “convention spirit” (*sabornost*) is an ideological cover for modern collectivism, be it of the leftist or the rightist origin. Serbian populism and nationalism in the 80’s have been amply nourished from similar sources.

Various protagonists of conservative politics, such as *Patriotic Movement Obraz* (*Otačastveni pokret Obraz*) and *Saint Justin the Philosopher* (*Sveti Justin Filozof*), *Patriotic Party of Serbian Youth Skinheads* (*Patriotski deo srpske omladine Skinheds*), *Gathering* (*Zbor*) (a name picked up from an organization by D. Ljotić), have been working on the rehabilitation of bishop Nikolaj Velimirović, Dimitrije Ljotić and Milan Nedić. Serbian “geopoliticians” are gathered around the journals “New ideas” (“Nove ideje”), “Serbian organic studies” (“Srpske organske studije”) and “Reality” (“Zbilja”). The journal “Spark” (“Iskra”) is busy with emigrant ideology, and they all are radical critics of the new world order, capitalism as the “undertaker of tradition” and

the cause for “westernization of the society”.<sup>5</sup> Prominent on the orthodox scene are Momir Lazić, editor of “Reality” (“Zbilja”), Predrag Dragić Kijuk, Veselin Đuretić, professor Kosta Čavoški, Miroslav Toholj, Radovan Karadžić, the “Voice of the Right” (“Glas desnice”), a journal were the ideology of the new Serbian Right is being built, as well as a series of books, among them Milovan Danojlić’s “Liberators and traitors” (“Oslobodioci i izdajnici”) as well as the “Protocols of Zion sages” “Protokoli sionskih mudraca” and others.

In view of such an ideological background various racist, anti-Semite, anticommunist and anti-West campaigns, intensively led during 2002, do not come as a surprise. It is fair to say that the past year was marked by offensive and aggressive nationalism, which has set the tone for the overall public social life in Serbia. The historical defeat followed by the transfer of Milošević to the Hague and a chronological reconstruction of events in the Hague courtroom exposed the strategy of war and the war politics led by Belgrade in full light.

The identity crisis, which is a general problem of all countries undergoing transition, is additionally burdened in Serbia by the question of facing the war politics and war crimes. The unreadiness of Serbian elite to face the responsibility inevitably led to a shift of this responsibility to others, and in such a context, the public discourse became abundant with intolerance, anti-communism, xenophobia and anti-Semitism. After October 5 the Serbian elite offered a “recycled” version of Serbian nationalism in the form of “bourgeois and liberal nationalism”, which has been treated by the West for some time as moderate nationalism. However, two years later the West started calling things by their own names, and thus the “October revolution” became more and more qualified as “so called” or “nationalistic”. Tim Marshal’s book “The Shadow Game” (“Igra senki”) was the first one to open the question of the character of changes on October 5, but was unfortunately not accepted in Serbia as the grounds for a debate on this topic.

In addition to this, the views of Ljotic and Velimirovic are being relativized by placing their activity in the context of their anticommunism. Thus, for example, Desimir Tosic, a publicist explains that in the case of Ljotic one has to bear in mind the “enormous fear the middle class had after the Bolshevik revolution

<sup>5</sup> *Blic News*, November 6, 2002.

and the intention to suppress Bolshevism by force”. Bojan Dimitrijević, a historian specialized in the Chetnik movement states that the “circumstances after the occupation of 1941 were perhaps the harshest period in Serbian history. The moves made by Dimitrije Ljotic and Milan Nedić cannot be viewed outside the historical context.”<sup>6</sup>

The Commission for monuments and names of places and streets of the Belgrade city council is another expression of the atmosphere in which the unscientific revision of history is done. A propos the suggestion of the Commission for an attribution of street names to prominent members of the Serbian pro-Fascist right, the former president of this Commission said that she had “no intention of altering the history, but is rather trying to rectify something which has been imposed in a grotesque way after World War Two”<sup>7</sup>.

This orientation in the society is also accompanied by political radicalism. Far from being marginal, conservative and extremist political forces are becoming a power supported by established national institutions such as the Army, Serbian Academy of Sciences (SANU), Serbian Orthodox Church (SPC). The negation of democratic values extends to the concept of human rights, which often turns into violent acts against minority groups, especially Romas (Gypsies), homosexuals and the like. The incident that happened on Christmas Eve when a group of followers of the Anglican church lead by the English ambassador Charles Crawford was deterred from carrying out the Christmas service in the Patriarchate<sup>8</sup> (which, by the way, has a long tradition), attracted for the first time genuine attention of the international community on the ever more frequent incidents characterized mostly by anti-western feelings.

The Serbian Orthodox Church holds a very important place in the promotion of Serbian nationalism, which is definitely gaining strength as the new dominant ideology. The central place within is taken by ideas and system of values of Nikolaj Velimirovic, Dimitrije Ljotic and Justin Popovic. This ideology and system of values have already found their place in textbooks. Promoters can be found even amongst university professors and some of them advocate these ideas in their lectures. For example,

<sup>6</sup> *NIN*, November 28, 2002.

<sup>7</sup> *Vreme*, January 24, 2002.

<sup>8</sup> *Blic*, December 25, 2002.

a professor at the Faculty of Political Sciences who often contributes to the SPC's journal *Orthodoxy (Pravoslavlje)* teaches his students that: "The ongoing goal of every nationalist is to obtain more power and respect, not for himself, but for the nation or some other entity he decided to submerge his individuality in".<sup>9</sup>

The Church is supported by highest state officials and the Army. Instead of the pastoral activity of the church – says the letter by the group of intellectuals – the influence of the "para-clerical formations" (this phrase was used by bishop Atanasije Rakita) is more present in public, and it is being supported through activities of organizations like *Obraz*, groups of followers of Miletic, Velimirovic and alike, which seriously endanger the best traditions in Serbian culture. In a very short period of time, the Church conquered schools, the army, hospitals and other institutions. Religious education entered into the state schools through the backdoor, contrary to existing constitutional barriers, without any serious preparations, either of textbooks or personnel. Not even the faintest attempt has been made by the authorities to evaluate religious education in schools.

Representatives of the Church themselves gave unbecoming statements which may be qualified as hate speech. The priest (protojerej) Zarko Gavrilovic<sup>10</sup> is probably the most striking example, and Patriarch Pavle's Christmas epistle will also be remembered by the offensive criticism of parents who did not send their children to religious education classes as well as of human rights activists. SPC also raises its voice against the visit of Jovan Pavle to Serbia, and the bishop Irinej did not allow the president of the Assembly of Vojvodina, Nenad Canak, to speak on the commemoration to the victims of the Novi Sad raid. The Serbian Monarchist Movement, expressing its anti-Hague stand, decided to "endorse and proclaim Dr. Radovan Karadzic as the regent of Serbia on its behalf". No wonder that in these spiritual circumstances the Federal Ministry for ethnical minorities and ethnical communities initiated a campaign named "Tolerance". The campaign was obviously in the function of a return of the FRY in

<sup>9</sup> From the notes of a student of the Faculty of Political Sciences.

<sup>10</sup> In an interview related to assaults of skinheads on Roma people he said that "Roma people to a certain extent provoke the reactions of skinheads, because they started to ask for their national rights in an overemphasized manner saying that they are neglected in Serbia." (*Svedok*, January 7, 2003).

the membership of the Council of Europe. One of the key criteria of this organization is a non-discriminative attitude towards minorities.<sup>11</sup>

Many research results point out that high school students accept religiousness "relying on their own culture and tradition, as the only genuine and good thing that will not fail us". This tradition, patriarchal in its essence, presupposes the inequality of sexes, which gradually leads to a degradation of women's position in the society.<sup>12</sup> This tendency is supported by official education, and due to a lack of an appropriate response from the parents this tendency passes almost unnoticed. The church, which leads in the promotion of this attitude towards women, often relies on the teaching of Bishop Nikolaj Velimirovic. On a meeting that discussed the question of women's position in the society the priest (protojerej) Dejan Dejanovic said that the most important mission for the Serbs was to "turn to God, concur and reproduce". He explicitly warned that "any relationship between man and woman outside marriage is fornication". At the same time, there are numerous cases of debauchery and sexual delicts, especially pedophilia, amongst the clergy.<sup>13</sup> In spite of the proclamations by the Church of the honorable and high place of the women in the society the message it sends in practice are quite the opposite, as for example in the book "What every orthodox girl should know" published by "Svetigora" ("Holy Mountain"). The book was translated from Russian and gained great popularity amongst Orthodox youth. The book, among other things, states that the TV "has a devastating and fatal impact on health" and hence should not be in the household. Computer games "result addiction and obsession" the player "becoming a slave of the powers of darkness".

The new Serbian Right penetrated the Belgrade University (BU) as well, where it appeared in an organized form for the first time through the initiation of a national student publication "*Dveri*" at the Faculty of Philology in 1999. From the very beginning the "Dverists" characterize themselves by Orthodox and

<sup>11</sup> *Danas*, January 26-27, 2002.

<sup>12</sup> *Nin*, May 2, 2002.

<sup>13</sup> *Vreme*, January 16, 2002. The most recent case, that of the bishop of Vranje Pahomije, caused a turbulence in the Serbian public but also in the SPC. Pahomije has been charged by his fellow citizens for criminal act of pedophilia, exerted on a number of victims.

national activism. They open cultural taboo themes (from the history of Serbian language, literature, and politics). They confront the penetration of “anti-Serbian” NGOs. They are the first critics of “Resistance” (“Otpor”) as the American SKOJ (communist youth). They call themselves Christian nationalist. They have printed 15 issues of magazines and bulletins, held over 30 panels on BU and throughout the country, and they have their own web-site (www.dverisrpske.com). At the end of 2001 the “First convention of Orthodox-national Serbian youth on BU since the 1944” was organized on the Faculty of Philosophy by “Saint Justin the Philosopher” and the Serbian Convention Dveri, where conservative ideas of “convention” and patriarchal spirit were promoted. The main topics were Orthodoxy, nationalism, monarchism, anticommunism and anti-globalism.

One of the most striking representatives of the new Serbian Right is the Patriotic movement *Obraz* (*Otačanstveni pokret Obraz*). The founding convention of the movement was held on the January 16, 1999 in Leposavic. The movement was registered in 1999. *Obraz* first appeared back in 1993, when a national-patriotic magazine with the same name was first published. The majority of its members students of history on the Faculty of Philosophy in Belgrade. The ideological “Bible” of this organization are the works of representatives of the Serbian Right- from Nikolaj Velimirovic and Justin Popovic to Dimitrije Ljotic, who long before became cultic personalities of the organicist understanding of the Serbian “national thinking”. Even the acting ambassador in Athens, historian Dusan Batakovic, expressed his admiration for Velimirovic<sup>14</sup>

According to the philosophy outlined in its program, *Obraz* is not a party but rather a political organization which sustains the ideal of “a rich host-ruled Serbia”. The members of *Obraz* perceive democracy as an evil. They don’t “believe in the pluralism of interests of the Serbian people, but in it’s spirit of convention, uniform system of values and one collective destiny for all Serbs”. This is a summary of the understanding of society advocated by Velimirovic, Justin and Ljotic.

The magazine “explored the terrain for its political infrastructure”. One of the magazine’s contributors was Vojislav Kostunica, who published in this same magazine his stance

<sup>14</sup> TV Studio B in the broadcast “Impression of the Week” (“Utisak nedelje”), January 5, 2003.

regarding the Dayton Agreement with a plea for the revision and unification of RS with Serbia.<sup>15</sup> One of *Obraz*’s promotive meetings was held in Arandjelovac, in the party offices of DSS. *Obraz* is close to individuals, organizations and magazines of similar orientation, like Momir Lazic’s magazine *Reality* (*Zbilja*), the Internet magazine “Comment” (“Komentar”), and several monks and priests. Its attitude towards political parties is best seen in the comment that “its members have more sympathies for the Party of Serbian Unity (Arkan) or The Serbian Radical Party (Seselj) then for the coalition Sandzak”.<sup>16</sup>

The activities of *Obraz* take place at two levels: through panels and street actions. One of the well-known actions of this organization was the prevention of the Gay parade, when around a thousand people gathered showing readiness to confront even the police. Another well-known action is the poster with the image of Radovan Karadzic with “Every Serb is Radovan” written on it, which was posted throughout Serbia.<sup>17</sup> The action was condemned only by a few nongovernmental organization, but not by the authorities.

The growing nationalism had its reflection on the attitude towards others. The wave of hate speech and intolerance marked the whole year, not only towards minority groups within Serbia, but also towards its neighbors. In the begging of 2002 the minister of Foreign Affairs, Goran Svilanovic found it appropriate to address the domestic public through the media and warn that “reconciliation with the Croats Bosnians and Albanians is necessary”, and that the minorities have to be respected and the hate speech finally stopped. Likewise, he directed his appeal to his colleagues in DOS, expressing his surprise that “one of the TV stations financed by the Federal Government allows an entire tirade of hate towards Jews”. He specifically addressed the president of the FRY and the Prime Minister of Serbia, characterizing their silence as louder than all the incidents with

<sup>15</sup> *Serbian People at the Crossroad* (*Srpski narod na raskršću*), *Obraz* No. 3-4/1996.

<sup>16</sup> *Vreme*, April 25, 2002.

<sup>17</sup> *Nacional*, April 16, 2002. *Obraz* stated that the campaign “resulted from our wish to witness that Karadzic is not alone in his noble endeavor... While we were placarding our posters the response and reactions of the citizens were favorable, and as for the police, we had no problems there”.

outbursts of hate speech, and warning them that “this silence has to be stopped”.<sup>18</sup>

In the beginning of the year *Obraz* went public with “Basic Directives” where the “enemies of the Serbs” were marked. In an exclusive proclamation they state: “We hear different individuals and groups – all these howlers offer their own ‘way out’ and aggressively propagandize their version of ‘love’. We hear the voices of Zionists, communists, partisans, masons, Croat nationalists (Ustashis), Turkish converts (poturice), Moslem nationalists (Balists), cult members, perverts, criminals, junkies, anarchists, false nationalists, Satanists. All of them we hear loud and clear, but we do not hear the voice of Serbian sacred (zavetne) and state-preserving (drzavovtorne) community- the voice of the Serbian nation”.<sup>19</sup>

Excesses of this sort were not made only by organizations like *Obraz*, but the hate speech has become the practice of certain politicians in DOS, Velimir Ilic being one of the leading ones among them. He often used hate speech for political confrontations, especially with Djindjic. The most striking was his statement that Djindjic “brought some thugs, one Vlahovic, or one Djelic, who disperse illusions. Imagine, the minister of enegetics Goran Novakovic – a Croat in the Serbian Government. Imagine, Milos Minic’s daughter being deputy of the Federal minister of Foreign Affairs. The mayor of Belgrade, Mrs. Hrustanovic – her husband a Muslim”.

The media themselves were not immune to hate speech, and some of them such as *Serbian word (Srpska rec)* and *Views (Pogledi)* joined the campaign primarily along the lines of anticommunism. Thus *Srpska rec* responded to the election of Radmila Hrustanovic for the Mayor of Belgrade with a commentary that she is “a born Belgrader from Plasko in Lika. Her father is Tito’s general Stevan Dokmanovic and she graduated at Belgrade law faculty in Sarajevo. Married to Serif Hrustanovic from Herzegovina, more precisely Kula Fazlagica, municipality of Gacko. During World War Two Kula Fazlagića was the epicenter of Ustashi genocide of Serbs in East Herzegovina. Criminals from Kula Fazlagica slaughtered more than 200 Serbs and threw them into pits«. And *Pogledi* from Kragujevac sharply attacked children of communists: »Indeed, could someone as Nenad Čanak become the

<sup>18</sup> *Danas*, January 26-27, 2002.

<sup>19</sup> *Ibid.*

master of the most civilized part of our country had the unit of his father, the notorious Sixth Lika division, not crippled Serbia in 1944-45? Isn’t Čanak’s rival a descendant of the best-known communist family in Vojvodina – Veselinov? Isn’t Žarko Korać a descendant of the leading Marxist theorist in the country? Don’t Koštunica and Đindjić, and Svilanović also come from communist families? In DOS even the proverbial exception that confirms the rule does not exist; they all are children of communists<sup>20</sup>.

The extremism in hate speech was characterized by sociologist Ratko Bozovic as the failure of the political elite. He states that with us “mainly the terms confirmed by war are used, the old story continues and the language only reveals the context... There is a lot of cloudy, affective sediment, misunderstanding, all stories, and it is all visible in the language.”<sup>21</sup>

Ron Haviv’s exhibition of photographs “Blood and Honey: The Balkan War Journal” took place in Belgrade (with a stormy round table held in Rex) but it has been banned in three Serbian cities: Čačak, Kragujevac and Kraljevo. In Noi Sad the exhibition provoked stormy reactions from various nationalistic circles who prevented its display through aggressive actions. The president of the Vojvodina assembly Nenad Čanak organized security measures, but the visitors nevertheless managed to express their wrath. Special posters were prepared fort this occasion. The exhibition is a photo essay on the dissolution of Yugoslavia by one of the most esteemed documentary and war photographers from New York.

The number of people who participated in happenings of nationalistic Right amounts to several thousand. Ravna Gora assembled at least ten thousand people whose consciousness is nourished by “Draža, the knife and ‘gibanica’”. Organizations swearing to Orthodoxy and Monarchy cannot be numbered, especially since many of them are informal. One of the Internet based right wing media ([www.komentar.net](http://www.komentar.net)) gives links to 200 different sites that sympathizers of the Right should take into account. On those sites, among other things, it can be read that “nothing genial cannot be created, nor can it be lived properly, if it is not in the bosom of Serbdom, Orthodoxy and homeland”; that the family emerges out of a “social need for the regulation of sexual

<sup>20</sup> *Danas*, January 26-27, 2002.

<sup>21</sup> *Glas javnosti*, January 29, 2002.

intercourse between opposite sexes and for the legitimacy of the offspring”, but that the family in Serbia is in the first place the “guardian of nationality, homeland, faith and culture” and in the last place a union which satisfies the “developmental needs” of an individual.

Voices raised by individuals and groups against the ever more frequent outbursts of racism are generally rebuffed by Serbian nationalists with the argument that “fascism can not be associated with the Serbian spirit and Orthodoxy” and thus it is hard to find “someone belonging to the Serbian people who does, or would follow an ideology such as fascism”.<sup>22</sup> Nonetheless, the skinheads don’t hide the fact that one of their goals is “the fight for the survival of the white race and the restitution of the racial pride, the unity of Serbian countries and the recovery of territories that were taken away as well as the establishment of order, labor and discipline”.<sup>23</sup>

Some international organizations responded to the frequent outbursts of racism, as for example, the Human Rights Watch who made an appeal in one of its statement to Serbian Government to take measures against extreme nationalists. HRW also criticized the Government for the “passivity” in confronting extreme nationalists.<sup>24</sup>

The return of the monarchy presents an important point in the program of Serbian nationalistic Right. In the aftermath of October changes this issue has also been brought up. On February 16, 2001 the Federal parliament revoked the Decree on deprivation of citizenship and property of the Karadjordjevic family. FRY government’s explanation points out that the Decree was illegal even from the viewpoint of the legal system and the law on citizenship that was in power at that time. Soon afterwards, prince Aleksandar moved into the palace complex of the Karadjordjevic family, the White Palace in the Dedinje area.

The Serbian Renewal Movement is the most important political party in Serbia which has always supported monarchy. It envisages a referendum on the question of monarchy or republic in its program. Velimir Ilic’s New Serbia is also a monarchist party. However, according to the polls, only a quarter of the Serbian population supports the idea of a monarchy, whereas the political

<sup>22</sup> *Revija 92*, April 9, 2002.

<sup>23</sup> *Nacional*, April 9 2002.

<sup>24</sup> [http://www. B92.net/news](http://www.B92.net/news), 28.8.2002.

parties, in general, perceive it as a symbol of State continuity and the proof of another, noncommunist Serbia as well as a possible mediator within the opposition ranks. In spite of the opposition’s recurring proposal for a referendum on monarchy/republic during the last few years the referendum never took place.

Prince Aleksandar, who openly shows monarchist pretensions, is constantly present on the political scene, not only in Serbia but Republika Srpska as well. He also organized three gatherings of opposition parties: first in Budapest by the end of 1999, second in Athens in 2000, and the third in the same year in Banjaluka. Besides direct contacts with parties, prince Aleksandar acts through the Crown Council, whose members are well-known individuals from the so called nationalistic block such as Dusan Batakovic, Predrag Palavestra, Matija Beckovic, Svetlana Velmar Jankovic, Pavle Nikolic and many others. The royal family has taken an important place in the public social life of Serbia, and gained support among others from the diplomatic community in Belgrade for it. Supporters of monarchy believe that the monarchy is a symbol of stability and continuity, the viewpoint of its opponents being that it leads straight to a genuine political chaos. In any case the actual role of the monarchial campaign in Serbia is to strengthen the nationalism and keep the project of a greater state alive.

A part of the Serbian elite still does not accept the failure of realization of the project of a greater state which is explained by a specific conspiracy of the West against the Serbian people. The NGO “Svetozar Miletic” (formed at the end of 2001) stands out among those who are saving the “endangered Serbian state”. Members of this group especially preach against decentralization of Serbia, since they see there a mere attempt to further fragmentize Serbia. The special role of this movement is to oppose the moves by proponents of autonomy in Vojvodina who allegedly intend “to separate Vojvodina from Serbia by passing a special constitution for Vojvodina and internationalizing the question of Vojvodina”.<sup>25</sup>

Srdja Trifkovic, a historian from the US, elaborates that Serbs should wait for a better international moment to “reclaim their” territories. He says that “the outcome of that war is not final and irreversible” that the conditions will be met for “a new reshuffling of cards when the US loses its interest in maintaining

<sup>25</sup> *Revija 92*, June 21, 2002.

the new order in the Balkans, which has no real connections with US strategic interests, when Russia starts the process of rejoining the circle of significant powers, and when Western Europe loses its current missionary appetite for constructing hybrid nations... when all of that happens, Serbs should be ready for a revision of their defeat. All injustices they have suffered, will be subject to that revision, from the recognition of Broz's territorial borders, cleansing of Krajina and the imposition of Hague's "collective guilt" to the absurd Dayton Bosnia, NATO bombing and the occupation of Kosovo... The fundamental and indivisible Serbian national interest is the territorial, political, spiritual and cultural unification of the Serbian people, on all the territories that Serbs inhabit for centuries, within the boundaries of their own national state.<sup>26</sup>

Nikola Popovic, another historian and director of the Institute for contemporary history, in an interview given to "Politika", publicly advocates a recomposition of the Balkans along ethnical borders, with the application of land property rights as the criterion for setting the borders, as well as an exchange of population, following the example set by Greece and Turkey after World War One. He openly says that Serbia has led "a war for a Serbian state", but that the Serbs had the misfortune "that, up to now, the West was against the establishment of a Serbian state" and thus "the realization of the Serbian national project is a matter of the future".<sup>27</sup>

These views are not supported only by informal circles of intellectuals and professional historians, but also by the highest federal and Serbian authorities. In his presidential campaign, Vojislav Kostunica declared that "the RS is a part of our family, dear and close to us, only temporarily separated, but forever ours and in our hearts", which was, in order to remove any shadow of doubt, immediately confirmed Dragan Marsicanin: "That is a wish of the Serbian people, a historical interest and a goal to be reached".<sup>28</sup> Recently, in *Der Spiegel*, Zoran Djindjic suggested a solution for Albanians and Serbs similar to the one shared by Muslims and Croats in BIH Federation (each community would have its own institutions). However, if Albanians would persist in their demands for independence, Djindjic suggested a new Dayton

<sup>26</sup> *Nedeljni telegraf*, November 6, 2002.

<sup>27</sup> *Otadžbina* no.1., September 30, 2002.

<sup>28</sup> *Nacional*, September 12, 2002.

conference that would include "a complete redefining of the territorial borders in the region".<sup>29</sup>

The Diaspora has taken a special place in the promotion of the right with its conservative views. Generally, they show a total lack of understanding for the essential problems of Serbia today. It is more the case of a perception based on the myth about Serbia. A well known organization is the "Serbian national defense" ("Srpska narodna odbrana")<sup>30</sup> that has been active in the US for almost a century. The president of this organization, Slavko Panovic, says that he remained "a Serb because he has been attached to SPC through orthodoxy and the tradition of Saint Sava (svetosavlje), as well as to SNO and other organizations that dealt or are dealing with Serbian matters".<sup>31</sup> The federal government formed a Diaspora Council and appointed 22 members of the Council on a parity basis. For the first time a government body was established to deal with all the important questions pertaining to this segment of the population. It is a completely new model for arranging the relations with the Diaspora, founded mostly on the experience of Greece. In a discussion about the role and importance of Diaspora, Goran Svilanovic, the minister of foreign affairs, said that "the Diaspora did nothing for its homeland (matica)", which caused a sharp reaction of Michael Djordjevic, president of the *Congress of Serbian Unity* (Kongres srpskog ujedinjenja), who believes that the Diaspora's "orientation is anticommunist, mostly anti-Yugoslav and that it backs up private property whereas a large number of individuals in the Government do not qualify for these categories".<sup>32</sup>

The radical nationalism reflects itself also on the question of language that has again been actualized. It goes as far as negating the equality of the Latin alphabet, although it has always been one of the two alphabets with equal rights of use in the Serbian language. Debates on the Cyrillic alphabet are especially revived in Vojvodina. On the February 12, 2002, the association for the protection of the Cyrillic alphabet ("Ćirilica") held its first

<sup>29</sup> *Der Spiegel*, January 2003.

<sup>30</sup> The organization was founded by Mihajlo Pupin in 1914. at the time when Austro-Hungarian army started its march towards Serbia. The goal was to organize twenty thousand Serbs from the US to help in breaking through the Thessaloniki frontline.

<sup>31</sup> *Politika*, June 22, 2002.

<sup>32</sup> *Vreme*, January 24, 2002.

annual assembly in Novi Sad, and amongst other things, it has been stated that “the Cyrillic alphabet is our only alphabet, which has, for 175 years, given shelter to our oldest cultural institution – the Matica in its spiritual efforts and creativeness”, and that it has always been “the basic instrument for the intellectual and civilization development of our society”. During the same assembly it could be heard that “everything worthy in the long history of Serbian people (has been written) in our first and basic alphabet”, the Cyrillic. Concern has been expressed that in spite of all “the suppressing of the Cyrillic is a constant process”, which the Serbs themselves are guilty for, since “the state institutions, state services and state officials, who are the only ones who have an adequate possibility to reverse the course of reality in this case, still do not do what they are obliged to”. Dragoljub Zbiljic, the president of the executive board of “Ćirilica” goes as far as declaring that in “our circumstances the Cyrillic is, before all, a question of the state”. Protectors of the Cyrillic perceive the Latin alphabet as exclusively Croatian, and Cyrillic as the Serbian alphabet. Tiodor Ristic says that the Serbian people were “left without the name for their language. What has happened to the Serbs has not happened to any other nation in the world in recent history. Through religion and language, the Serbian people have been assimilated by other nations, those who were conceived on its national ruins, which is a unique case. From Vuk’s Serbs of three religions – Orthodox, Catholic and Islamic and one language, three nations were formed, as well as three languages, with the intention of create a fourth, phantom Montenegrin language, besides the so called Bosniak or Bosnian.”<sup>33</sup>

The Hague tribunal is the biggest thorn in the flesh of the Serb right, as they understand it as “the prolongation of the war against Serbs, only by other means”, thus “those in Hague prisons are nothing but prisoners of war”. Radovan Karadzic is perceived as the symbol of new Serbian nationalism and it is said that: “as long as he is in the mountains and caves, Karadzic stays a thin glimmer of hope that one day that country will be a better place for the Serbs”.<sup>34</sup> The committee for the truth about Karadzic claims that Dr. Karadzic “will not surrender alive” and that “his persecutors are looking for him with such perseverance” because he had “become a part of a myth and a legend, and every new

<sup>33</sup> *Politika*, February 11, 2002.

<sup>34</sup> *Borba*, December 7, 2001.

failure of the Atlantic pact to get hold of him, makes this legend stronger and sturdier”; that was also on the mind “of the folk poet (guslar) when he introduced him as the only Serb into the national poem.”<sup>35</sup> A great part of the Serbian right, despite proclaimed anticommunist beliefs, perceives the Milosevic trial in much the same way, placing it in the context of a denial of the Hague tribunal on the whole, as a manifestation of the conspiracy of the International community against the Serbian people.

The absence of a critical approach by the broader public to the new rise of the nationalist right urged a group of intellectuals to address the wider Serbian cultural public with a letter of warning.<sup>36</sup> This letter warns of “a rebirth of the radical nationalism and new populism, which can be recognized by a matrix of a noticeably political-ideological sort, as well as the notorious cliché, communist as much as nationalist, about the ‘bright future’ and ‘brilliant past’. It seems that Serbia is dragging its feet towards the future, determinedly looking back and sunk into the past. Differences between the communist left and nazi right on the political scene are lost”. The letter also points at “intermingling of the power structures within SANU, the Army headquarters and the Church, with the participation of powerful party representatives” which creates an atmosphere in which “the public, after continuously loosing four wars under the rule of Milosevic, is being pushed, in the name of resentment, towards a new single-mindedness that differs from the communist one by altered symbols but can be more vicious than the former. This new single-mindedness is marked by the totalitarian and undemocratic ideology of Milan Nedic, Dimitrije Ljotic as well as by a triumph of “the provincial philosophy” of Nikolaj Velimirovic. The group of intellectuals warns that there must not be “any hesitation in the choice of the road between modernization and retardation, between Nazism and democracy, the province and Europe”. Further on, the letter says that it does not suffice to remove Milosevic from power, but rather a “change the whole system” is needed.<sup>37</sup>

<sup>35</sup> *Glas javnosti*, March 11, 2002.

<sup>36</sup> The letter was signed by: *Mirko Đorđević, Milan Đorđević, Filip David, Dragan Velikić, Predrag Čudić, Vladimir Arsenijević, Bogdan Bogdanović, Radmila Lazić, Laslo Vogel.*

<sup>37</sup> *Danas*, October 29, 2002.



This letter provoked intense reactions and other intellectuals joined the appeal soon after, as for example Sima Cirkovic, a historian, who pointed out that “the events the letter draws attention to are rooted and nourished by some common traits of the present mentality, which only a few struggle against: arrogance, intolerance, lack of objectivity and realism. In an effort to restore the lost national self-respect, faltered by the defeat and disgrace caused by a fatally erroneous politics, messages of encouragement are aired that support and strengthen this mentality”.<sup>38</sup>

The Serbian Orthodox Church refuted allegations of this group of intellectuals, and in issued a declaration accusing them for a brutal attack and putting forth “absurd statements” about a conspiracy of the Church, Academy of Sciences, the Army and political leaders against their own people. They are accused of “asking for a change of the cultural model, failing to set names like Saint Sava, Mihailo Pupin, Mokranjac, Hajduk Veljko, Stefan Milenkovic and Dejan Bodiroga” as examples, but rather “offer themselves and those who they consider to be the intellectual elite of Serbia”.

SPC puts emphasis on the fact that, besides a transformation of the economical and judicial system, Serbia needs a change of the cultural model, one that would stem from the Orthodox religion and the all-encompassing experience of the people. When the Serbian people return to such a cultural model “the establishment of a modern economic and judicial system will also bear the right fruits. Only then will our country be ready to join the European Union as an equal partner and spiritually enrich it with our authentic values”.

The SANU also expressed its view of the appeal and qualified it as a “mere pamphlet”, which has been promoted by all o media, even those owned by the state. Its statement declares that “the logic of the state media requires that space be provided for an institution such as SANU to express its own views”.<sup>39</sup>

<sup>38</sup> Danas, November 6, 2002.

<sup>39</sup> Danas, November 8, 2002.

## Conclusions and Recommendations:

- In the aftermath of the October changes a reinforcement of new radical nationalism and new populism expressed itself through anti-Semitism, anticommunism xenophobia, xenomisia and increased intolerance. The appropriate ideological matrix is more and more based on the conservative Serbian thought put forward by: Nikolaj Velimirović, Justin Popović, Dimitrije Ljotić. The essence of their ideas can be summed up as anti-individualism, an understanding of the nation as an organic community and anti-western feelings. Due to its simplified perception of the society and the world this type of nationalism is very attractive for young generations which, in their pursuit of identity, accept the readily available system of values without criticism.

- By refusing to accept the defeat and by nourishing the illusion of the “return of lost territories” Serbian nationalism deepens the frustrations of the society and creates preconditions for revanchism towards neighbors. The recent statement of prime minister Djindjic about the “new Dayton” with reference to the same principle in the cases of both BiH and Kosovo discloses the fact that the new authorities have not abandoned the idea of redefining the borders on the Balkans.

- Serbia has neither the strength nor the potential to prevail over the new wave of populism and nationalism on her own, and as a consequence may be lastingly isolated and impeded in its transition as well as the restitution of links with its neighborhood and Europe in a wider sense. Hence the international community needs to assert the character of Serbian nationalism and position itself accordingly from both the ethical and the political point of view, since by perceiving it as “liberal nationalism” it only makes it legitimate and thus adds to confusion.

- Right now anti-western feelings and a denial of the Hague tribunal are the main features of Serbian nationalism, resulting in an obstruction of transition and the fulfillment of accepted international obligations. Due to the lack of a liberal vision of the Serbian society and its future the international community needs to make a strategic decision aimed at the creation of a new elite which is going to correspond with the European system of values through supporting the radical changes in education, especially in elementary and secondary schools.

## The Army of Yugoslavia

At a meeting in Belgrade on 27 December 2002, the Supreme Defence Council, presided over by Vojislav Koštunica, adopted a Defence Inspectorate report on 'the inspection and appraisal of units and institutions of the Army of Yugoslavia carried out in 2002'.<sup>1</sup>

The report, submitted to the Council by General Ninoslav Krstić, was not available for public scrutiny. The public was also kept in the dark about many other problems concerning military affairs in spite of frequent references made throughout the year by both military and civil authorities to transparency and democratic civil control.

The Army of Yugoslavia (VJ) was said officially to have functioned in 2002 in the best possible manner in spite of 'very complex conditions' including chronic shortage of finance. Early in 2003 the weekly *Vojska* wrote, among other things, that '...it was generally concluded that the set objectives were fully achieved in spite of the fact that combat training during 2002 was organized and realized in exceptionally complex conditions, above all in view of the restrictive financing and the resulting difficulties...'<sup>2</sup> Such general statements about the VJ are nothing new. However, references to combat training alone are no indicator of the true military strength of the VJ because all the 'more severe tests' of its combat readiness boiled down to several minor exercises involving special forces.

The VJ kept searching for an identity throughout 2002, being as much confused and disinclined to concede defeat as the society as a whole. The Orthodox and Serb military traditions it invoked and cherished were hardly the right setting in which to solve the dilemma about participation in the new security architecture for the region and Europe. The VJ tried to move towards Euro-Atlantic integration but its efforts were hindered by

socio-political, psychological and professional factors which could be analyzed at three levels: VJ reorganization, Serb Orthodoxy and military traditions as a determinant of morale, and barriers along the road to Europe.

### I REORGANIZATION

In domestic official military-political parlance the terms 'reorganization', 'transformation' and 'reform' with reference to the VJ always have the same meaning, i.e. the transfiguration of the VJ into a new quality!<sup>3</sup>

#### 1. Tactical-Level Reductions

Reform of the VJ started with the creation of the Federal Republic of Yugoslavia (FRY) in 1992, when the former Yugoslav People's Army (JNA) was renamed the Army of Yugoslavia. Discussion of the matter was expedited during 2001 and especially 2002 as the time for establishing the new state-union of Serbia and Montenegro drew near. VJ reforms were first announced by General Nebojša Pavković as chief operative in the 'heroic resistance to the NATO aggressor' in 1999. The new 'supreme commander' Koštunica took no back seat to his 'glorious' predecessor Milošević in inordinately praising this leading general.<sup>4</sup> Pavković was thus to become the chief designer and executive of the 'transformation', i.e. of reducing the VJ first at a tactical and then at a strategic level.

The first stage of 'transformation' or 'tactical-level reorganization' was carried out between October 2001 and the end of February 2002. In this period some ten regiment- and brigade-level units and institutions and some twenty battalion-level units were disbanded while about fifty units ranging from company to regiment were either re-formed or relocated.<sup>5</sup> The number of VJ members affected by the cuts is not known. While the General

<sup>3</sup> This is borne out by, among other things, the headline which appeared in *Vojska* on 25 October 2001 and which ran 'Transfiguration into a new Quality'.

<sup>4</sup> *Politika*, 10 October 2001; 'Defence Under the New Constitutional Project', *The Helsinki Charter* No. 59, December 2002.

<sup>5</sup> *Vojska*, 25 October 2001, pp. 8-10; 'An Army Proportionate to the Potentials of the State', *Vojska*, 13 June 2002.

<sup>1</sup> The weekly *Vojska* (Army), 9 January 2003, p. 4.

<sup>2</sup> *Ibid*, p. 5.

Staff and the political circles around President Vojislav Koštunica hailed the operation, which was carried out according to Pavković's 'Project for the VJ's tactical-level rationalization and partial reorganization', as an extraordinary achievement, prominent analysts were of the opinion that it ought to have been effected soon after the signing of the 1995 Dayton Accords.

No one asked publicly why it had taken the VJ so much time to reduce its regular troops given the high cost of their maintenance and the grave economic situation in the country. However, since the VJ and the Serbian Orthodox Church (SPC) are the two most trusted institutions in Serbia, the absence of public pressure for the VJ's rationalization and transformation was hardly surprising.

## 2. Reorganization and Strategic-Level 'Reorganization'

Most 'rationalization' having been effected by the end of 2001, the Supreme Defence Council met on 26 December and decided that the VJ should move on to a 'higher stage' of self-organization entailing the abolition of the army commands.<sup>6</sup> The public was informed of the decision by the office of President Koštunica. Contrary to expectations, Pavković did not go into his 'well-earned retirement'. On 27 December 2001 Koštunica spoke up for 'his general', stressing that 'General Nebojša Pavković suggested that he should go, but I asked him to stay for the sake of the reforms being carried out in the Army of Yugoslavia'. Koštunica also said that 'in the course of last year the Army embarked upon substantial structural changes, the most sweeping to have been undertaken by any of our institutions'.<sup>7</sup>

27 February 2002 was the last day of the existence of the strategic-level commands (the First Command in Belgrade, the Second Command in Podgorica, the Third Command in Niš, the Air Force and Air Defence Command, and the Navy Command).<sup>8</sup> However, at the same time no fewer than nine corps were formed – six Army corps, an Air Force Corps, an Air Defence Corps, and a

<sup>6</sup> *Vojska*, 31 December 2002 and 3 January 2003, p. 4.

<sup>7</sup> *Blic*, 28 December 2001, p. 3.

<sup>8</sup> *Vojska*, 28 February 2002, p. 5 and 7 March 2002, pp. 6-8.

Navy Corps. This was twice the number of corps in possession of any of the former Yugoslav republics.

The reaction of the circle around Koštunica to the abolition of the army commands was of two kinds: while some grieved for Serbia's 'long, rich and glorious army tradition', others addressed congratulations to the VJ leaders. On the eve of VJ Day, 16 June 2002, Koštunica gave an interview to *Vojska* in which he said, among other things, 'That complex and extensive task was carried out in an extremely short time and the VJ changed over to a corps-brigade form of organization without experiencing a disruption of or any major difficulties in command. The second stage, involving a large number of organizational-mobilizational changes, is about to be completed. It seems to me that the third stage, due to be completed at the year's end, will be the hardest and most painful because of the projected reduction of the VJ's numerical strength to between 60,000 and 65,000'.<sup>9</sup>

Overdue for nearly a decade and involving the mere elimination of a step in the strategic-level chain of command of the VJ, the operation was objectively not a simple affair because it was resented by the military establishment. By that time armies had already been phased out elsewhere in Europe as too cumbersome, unwieldy, inefficient and expensive strategic formations. Their survival in the FRY was an anachronism reflecting a conservative tradition and the isolationism of Slobodan Milošević.

The changes carried out in the VJ so far – not only those made in 2002 but those effected before<sup>10</sup> – have not brought about substantial transformation because such a goal cannot be achieved without political will and enormous financial resources. One also wonders whether genuine transformation is possible at all without taking stock of the armed forces' role in the recent wars and making the findings public, and without making a clear break with the Milošević legacy in the spheres of defence and security. So far the Supreme Defence Council and the Federal Government, including the Ministry of Defence, have not exhibited a readiness to move in the right direction. There is much obstruction on the part of the VJ itself: its members, who are no doubt aware that

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

<sup>10</sup> General Branko Krga insists that 'over 900 various organizational changes have been made in the VJ over the last few years', *Vojska*, 19 December 2002, p. 7.

their professional interests are at stake, keep warning that the organization is perilously close to penury.<sup>11</sup>

The numerical strength of the FRY peacetime armed forces is still unknown. General Branko Krga said that as a result of the 'first and second phases of change' the VJ had been reduced to '80,000 formation posts';<sup>12</sup> Vojislav Koštunica predicted that the VJ's numerical strength would be reduced to 60,000 to 65,000 during the 'third stage of reform' at the end of 2002; and General Krga said again, in his capacity as the new Chief of the General Staff, that the 'numerical strength of the VJ stands at 77,000, with plans to reduce it to 60,000-65,000'.<sup>13</sup> The conclusion to be drawn from the above is that the 'third stage of reorganization' provided for by the 'dynamic plan' of Nebojša Pavković and referred to by Vojislav Koštunica has not even begun. The FRY or rather the state-union of Serbia and Montenegro still has a massive peacetime army whose numerical strength is out of proportion with the country's objective needs as well as its material and demographic potentials.

## II SERB ORTHODOXY AND MILITARY TRADITIONS AS INSPIRATION FOR MORALE

For all its talk that the VJ is ready for change and that its numerical strength must reflect the 'needs and potentials of the state', the officer corps is largely of the opinion that Serbia and Montenegro ought to possess the most respectable and most numerous armed force in the region. This aspiration permeates not only the 'officer caste' but nearly every level of social and political life of the state-union<sup>14</sup> because it is firmly entrenched in a set of beliefs deeply implanted in the Serb nation. The Serb political elite continues to believe that the FRY (i.e. Serbia and Montenegro) and its army are the 'key factor of peace and stability in the Balkans'. Domestic military analysts are convinced that more or less all the countries in the immediate neighbourhood should attach themselves voluntarily or otherwise to this 'geostrategic' and 'geopolitical' 'backbone' of the Balkans on their road to regional

<sup>11</sup> 'Reform of the FRY's security sector prevented or postponed', a round-table meeting, *Danas*, 13 February 2002.

<sup>12</sup> *Vojska*, 7 March 2002, p. 7.

<sup>13</sup> *Vojska*, 19 December 2002, p. 6.

<sup>14</sup> *The Helsinki Charter* No. 59, December 2002, pp. 12-14.

and wider collective security. This implies that any collective security arrangement not including Serbia, and consequently Montenegro, will be flawed because it would not enjoy Serbia's political backing.<sup>15</sup>

The newspaper publishing enterprise *Vojska* has published jointly with the publishing house *Idea* a book of 'capital value' for the Serb nation: Jovan Janićijević's *Srbija između istoka i zapada* (Serbia Between East and West). The chief message of the book is that 'actually, strategically, geopolitically or otherwise, Serbia is the manor on the highway, the centre of the Balkans, a boundary between cultures and religions – a space between East and West...'<sup>16</sup> The book voices the predominant attitude and enjoys the endorsement of the General Staff (the Directorate for Morale).

### 1. The Refusal to Assume Responsibility

The overemphasis on morale in general and on its 'crucial segments' in particular, especially within the professional component of the VJ, is proportional to the demoralization and overall confusion of society and the military. The VJ's persistent refusal to assume any responsibility for the warlike policy and war crimes is encouraged by its leadership and clearly condoned by certain segments of society because the VJ is still the most popular institution. A leading article in *Vojska* says among other things: 'The military personnel quite naturally resent and are hurt by the numerous insinuations of all kinds because, if for no other reason, they still feel the smell of gunpowder from the recent war operations in which, true to their tradition and their glorious predecessors, they performed the duty of their profession honestly yet again, even placing sacrifices at the altar of their people's freedom-loving. They thus defended their honour, reputation, showing once again that the Army is the chief guarantor of the survival of this state, which is the will and the wish of the people whose confidence – if public opinion polls are to be trusted – it enjoys more than anybody else...'<sup>17</sup>

The conviction that Serbia has a special role to play in the Balkans is widely held although numerous statements leave no doubt that the VJ still has no clear picture about which territory

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

<sup>16</sup> *Vojska*, 4 April 2002, p. 32.

<sup>17</sup> *Vojska*, 15 August 2002, p. 5.

belongs to whom. This is borne out by, among other things, the same leading article in *Vojska*: ‘...the current socio-political and economic situation in the country has a bearing on morale, which is all the more reason to defend the dignity and reputation of the members of the Army of Yugoslavia at every step and at all costs. All who wear or wore its uniform must place this before their personal needs and interests, as much in the name of their tradition and their glorious forbears as in the name of their meritorious contemporaries, who during war on our soil over the past decade exhibited considerable professionalism and patriotism...’<sup>18</sup>

As the organ of the VJ, *Vojska* exerts considerable influence on the officer corps and plays an important part in shaping and boosting their morale. The ‘majestic resistance to the aggressor in 1999’, a subject to which the General Staff devoted a comprehensive multi-disciplinary study the same year, figured prominently in the weekly’s morale-building activities.<sup>19</sup> The study of the FRY’s defence during the NATO aggression, occupying over 2,000 pages, has thus become a part of the spiritual inheritance of the Serb and Montenegrin people who, as on countless occasions before throughout the century, shouldered the burden of its freedom-loving traditions at the century’s very end...<sup>20</sup>

## 2. The VJ and the Church

On 28 November 2000, the VJ Directorate for Morale organized a round-table discussion on ‘Regulation of religious issues in the Army of Yugoslavia’.<sup>21</sup> The title was craftily worded so as to help the Church, above all the SPC, to establish itself and divine service in the barracks. The introductory speech was delivered by General Milen Saimić, then head of the Directorate. Since both generals and SPC leaders had ‘anticipated with certainty’ that in the aftermath of the 5 October changes there would be ‘even fiercer onslaughts on the spiritual being of the Serb people...it is imperative to erect a strong bulwark against any

<sup>18</sup> *Ibid.*

<sup>19</sup> Under the headline ‘A War Spring’, *Vojska* reported on the completion of a scientific-research project entitled ‘FRY Defence Against NATO Aggression’, 18 July 2002, p. 7.

<sup>20</sup> *Ibid.*

<sup>21</sup> *The Helsinki Charter* No. 37, February 2001.

spiritual colonization by means of all kinds of sects, cults and occult practices, which would be the only safe way to preserve our spiritual and national identity...’<sup>22</sup> It might be said that it was after that that Orthodox shrines began to be visited on a massive scale.

On Ascension Day in Belgrade last year, Military Academy cadets from all three services marched meekly in the procession right behind the cross, the flags and the icons, ‘carrying the *slava* icon of the City Assembly and the icon Virgin with Three Hands, a gift by Chilandar Monastery’.<sup>23</sup> This first joint appearance of military and religious personnel (‘ideologues’ and ‘politicians’) was incompatible with the secular character of the state; what is more, not all of Serbia’s citizens are Orthodox Christians or even religious.

On 6 February 2002, the newspaper publishing enterprise *Vojska* promoted Colonel Borislav Grozdić’s book *Pravoslavlje i rat* (Orthodoxy and War) in the VJ’s Central Club in Belgrade.<sup>24</sup> The work was published by the VJ General Staff organ in feuilleton form in some ten instalments. Dr Miodrag Petrović, a scientific adviser of the Institute of History of the Serbian Academy of Sciences and Arts (SANU) who was among the reviewers of the book, wrote: ‘As the Orthodox faith is deeply woven into the ethnic consciousness of the Serbs, their identity is inconceivable without it. The book should be perused as a work deeply devoted to Serb patriotism and imbued with love of God and man. It stresses that one should love even one’s enemies as long as they do not harm one’s nearest and dearest...’<sup>25</sup>

When the remains of Prince Lazar were moved from Ravanica Monastery to Lazarica Church on St Vitus’ Day last year, the procession of pilgrims included a large group of officers who had turned out to pay homage to the martyred prince.<sup>26</sup> For the second year running, on 27 January, St Sava’s Day, the Directorate for Morale organized a concert in the VJ Central Club.<sup>27</sup> On this day, which happens to be the patron-saint’s day or *slava* of the 72nd Brigade, an elite unit of the VJ, the brigade and other units were treated to a reading of Bishop Nikolaj

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

<sup>23</sup> *Magazin News*, 19 June 2002, p. 30.

<sup>24</sup> *Vojska*, 14 February 2002, p. 34.

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

<sup>26</sup> *Vojska*, 4 July 2002, p. 27.

<sup>27</sup> *Vojska*, 31 January 2002, p. 4.

Velimirović's 'philosophical thoughts' on war and the army.<sup>28</sup> At the same time, a group of commissioned and non-commissioned officers went on a pilgrimage to Chilandar Monastery on Mount Athos.<sup>29</sup> A group of cadets and officers attended a memorial service for the defenders of Belgrade held in Ružica Church in Belgrade's Kalemegdan fortress, after which they posed for a group photograph with Patriarch Pavle.<sup>30</sup> And the governor of the Military Academy Hospital (VMA), General Zoran Stanković, played host to the Patriarch at a function commemorating the Hospital's 158th anniversary.<sup>31</sup>

Summing up the performance of the VJ's engineer corps, Lieutenant-Colonel Marko Lonić from the Engineer Corps Directorate said, 'True to the tradition of their forbears, the members of the engineer corps rendered their assistance to the Serbian Orthodox Church by repairing and reconstructing roads leading to the monasteries of Ostrog, Šišatovac, Mužiči, Sukovo, Soko-grad, Prohor Pčinjski, Slanci, Dubrava, thus helping to establish spiritual and physical contact between the people and Orthodox shrines, as well as making it possible for both the people and the Army of Yugoslavia to expand their knowledge of their roots'.<sup>32</sup>

The joint editing and printing by the newspaper publishing enterprise *Vojska* and the publishing house *Pravoslavna reč* (Orthodox word) of Novi Sad of a 'capital work' from the standpoint of the Serb nation – the Grand Encyclopaedia *Monasteries of Serbia* – was probably the ultimate proof of the VJ's reverence for Serb Orthodox shrines. Although the prestigious 'publishing achievement of the year' award eluded this lavishly designed book by Slobodan Mileusnić at last year's Book Fair in Belgrade, the head of the VJ newspaper publishing enterprise, Colonel Stanoje Jovanović, received 'plaudits' from the FRY President.<sup>33</sup>

In spite of its financial problems, the VJ managed to publish another book with the rather provocative title of *Crnogorsko srpstvo zbiljskih Srba* (The Montenegrin Serbness of True Serbs). The book was serialized by *Vojska* at a time when

<sup>28</sup> *Vojska*, 21 January 2002, p. 38.

<sup>29</sup> *Vojska*, 25 April and 2 May 2002, p. 18.

<sup>30</sup> *Vojska*, 21 February 2002, p. 7.

<sup>31</sup> *Vojska*, 7 March 2002, p. 9.

<sup>32</sup> *Vojska*, 7 November 2002, p. 9.

<sup>33</sup> *Vojska*, 31 October 2002, p. 4.

Serbian and Montenegrin officials haggled over the fine points of a constitutional charter drawn up to define the new state-union of Serbia and Montenegro.<sup>34</sup> Yet another book to be published, running to nearly 1,000 pages, was *Vojskovođa sa oreolom mučenika* (Army Leader With a Martyr's Halo). Its author Ivan Matović, who earned a notoriety as editor-in-chief of the army organs *Vojska* and *Narodna Armija* (People's Army) during the early 1990s, not only tries to rehabilitate the highly controversial World War Two 'army leader', Arso Jovanović, but to put him on a pedestal as a popular 'hero-martyr' and victim of Josip Broz Tito's disreputable character and ineptitude as commander!<sup>35</sup>

In May the VJ financed a festival of much-publicized martial songs and marches with the mawkish title 'My Soldier!'<sup>36</sup> The new ambitious head of the Directorate for Morale, Colonel Slobodan Stojanović, said (and others concurred) that the event would help boost morale in the VJ! Also, the generals headed by the new Chief of the General Staff, Branko Krga, felt it was their honour and patriotic duty to help transfer the remains of the controversial Chetnik General Svetomir Đurić from Germany to the *fatherland* with full military honours.<sup>37</sup>

In the profuse publishing output of the VJ there was hardly a title dealing with the anti-fascist struggle of the Serb and Montenegrin peoples during the Second World War. There was certainly not a title devoted to any aspect of human rights and liberties and democracy, nothing to show that the VJ's attitude towards the values of civilization and humanistic processes goes beyond the obsessive cocoon of its (Serb) nation.

### III BARRIERS TO THE PARTNERSHIP FOR PEACE

The question of Yugoslavia's participation in the programme Partnership for Peace figured prominently on the military-political scene in Serbia and Yugoslavia last year, and several important discussions were held on the subject with the participation of foreign experts. On the other hand, however, the

<sup>34</sup> *Vojska*, 7 March 2002, p. 36.

<sup>35</sup> *Vojska*, 27 December 2001 and 3 January 2002; *Vojska*, 31 October 2002, p. 51.

<sup>36</sup> *Vojska*, 6 June 2002, a supplement.

<sup>37</sup> *Vojska*, 24 October 2002, p. 13.

prospect of the VJ's affiliation to regional and wider European security associations ran up against all kinds of obstacles of which mental and psychological barriers proved more formidable than people thought.

Oppressed by the recent war past which they would be happiest to forget, the VJ colonels and generals would like to see the VJ affiliated with a regional security system on condition that it call the shots. Their arguments range from their conviction that the VJ is the chief power in the region and that the international community tacitly regards it as such, to the merits of the country's geo-strategic position. Viewed in this context, last summer's shooting on the Danube island near Šarengrad was not a mere incident whatever the official interpretation.<sup>38</sup> Likewise, the agreement in principle reached by Croatia and the FRY regarding the status of the Prevlaka peninsula is not viewed in Serbia and Montenegro merely as a step towards establishing good-neighbourly relations between Croatia and Montenegro.<sup>39</sup>

## 1. Scandals Involving Generals

The numerous scandals involving generals which shook the VJ could be viewed as an obstacle to integration into European processes. The chief protagonists were three generals all of whom are now retired: Momčilo Perišić, allegedly caught in an act of espionage; Nebojša Pavković, the only chief of the General Staff to have been sacked so far, though the circumstances of his dismissal remain controversial; and Jovan Čeković, a key figure in illicit arms deals with Iraq.

The first two affairs have several points in common: all signs are that they were engineered and provoked by the people close to President Koštunica; the people who manufactured them obviously regard such drastic strikes against the sensitive military structure as an appropriate tool in the power struggle waged primarily on Serbia's military-political stage between the political camps led by Koštunica and Serbian Prime Minister Zoran Đinđić;

<sup>38</sup> *Vreme*, 1 August 2002, p. 6.

<sup>39</sup> *Monitor*, 20 December 2002, pp. 36-37. Speaking on the Belgrade TV channel Studio B on 22 December 2002, the former Chief of the JNA General Staff, Stevan Mirković, rebuked Foreign Minister Goran Svilanović for having allowed the Croats to dupe him into signing an agreement that 'boxed in our fleet' (Some fleet indeed!).

the scandals indicate that the VJ is still as much manipulated and abused for political ends as it was by Slobodan Milošević; the affairs also show that although the VJ was under civil control that control was by no means democratic, which is especially true of its secret services – the Intelligence Service and the Security Service better known as KOS. The third scandal is only formally linked to the first two.

### A) PERIŠIĆ<sup>40</sup>

On the evening of 14 March 2002, VJ police arrested Momčilo Perišić and US diplomat John David Neighbor in the Knin Restaurant of the Šarić Motel on the Ibar Highway. In short, Perišić, President of the Movement for Democratic Serbia and then Serbian Deputy Prime Minister, and the member of the US embassy in Belgrade were accused of espionage; the first of taking confidential and highly classified documents out of the General Staff with the assistance of Colonel Miodrag Sekulović, who was then in active service, the second of receiving those documents from Perišić. The military prosecuting authorities took immediate action but Perišić was protected by his parliamentary immunity and remains at large to this day.

The VJ Security Service had been preparing the trap for Perišić for a long time, most probably on someone's instructions. As time went by the initial suspicions that the 'operation' was planned by Koštunica's office turned out to be well-founded. This was yet another disastrous move by Koštunica, who had hoped to seriously undermine the position of his chief rival, Serbian Prime Minister Zoran Đinđić, as well as to shore up his own declining popularity by dropping a bombshell in the form of an espionage scandal with Đinđić's deputy as the chief culprit.

The outcome was probably not what the VJ Security Service and its chief, General Tomić, wanted and anticipated. Whatever the true objective of this fumble, the signals picked up by various quarters were quite clear: first, Koštunica's rivals no longer doubted whom the VJ backed in the political power struggle in Serbia and Yugoslavia; second, the Chief Prosecutor at the Hague Tribunal, Carla del Ponte, must have realized that she could not count on any serious cooperation on the part of the VJ;

<sup>40</sup> *The Helsinki Charter* No. 50, March 2002, pp. 1, 10-12; *Vreme*, 21 March 2002, pp. 18-23.

third, those who had been demanding that the VJ secret services be placed under democratic control by state and civil institutions knew that the move would be seriously resisted.

B) PAVKOVIĆ<sup>41</sup>

On the surface, the 'Pavković affair' was linked to the 'Perišić affair' in at least two ways: first, the VJ Security Service was involved in both; second, the reason formally given for Pavković's dismissal was his refusal to confirm Perišić's 'treachery'. Before that, Koštunica (and the circle of his seen and unseen advisers) had long (and quite unreasonably) been resisting the demands of the ruling DOS coalition to dismiss Pavković from his post as Chief of the General Staff. Even after this demand was explicitly repeated at the fifth session of the Supreme Defence Council – the first sitting starting on 24 March and the second ending a week later – Pavković came out unscathed. Then, quite unexpectedly, at the sixth session of the Council on 24 June, the 'supreme commander' surprised everybody by exercising his 'constitutional power' and dismissing Pavković. The shock was all the greater in view of the fact that Koštunica acted against the opposition of the two other members of the Council, Milan Milutinović and Milo Đukanović, and did not permit their objections to be discussed at any length. After the session, Koštunica's Military Office drafted a statement saying that the 'supreme commander' had decided to take the step because Pavković had failed to help General Tomić to 'clarify the Perišić espionage affair'. It was also stated, with quite a bit of cynicism, that Pavković also had to go 'in the name of democracy and civil control of the Army'.

The subsequent spate of grave recriminations between Koštunica and Pavković brought to the surface many other things and laid bare the VJ's part in the political games. When Koštunica installed General Branko Krga in Pavković's place everything seemed to be in order again, at least to the uninitiated.

<sup>41</sup> *The Helsinki Charter* No. 53, June 2002, pp. 1, 7-9; *Vojska*, 26 June 2002, pp. 4-5; *Danas*, 16 July 2002, p. 4.

C) ČEKOVIĆ<sup>42</sup>

When in October 2002 a scandal broke out involving the foreign trade firm Jugoimport – SDPR over alleged exports of weapons and military equipment to Iraq and the servicing of Saddam Hussein's war machine,<sup>43</sup> the first questions were raised about corruption in the very top echelons of the VJ. Nevertheless, the domestic media refrained from treating it as a major scandal, nor did they present its true proportions and possible consequences for the country's international position. The 'patriotic front' reacted immediately and angrily, accusing the 'West of engineering yet another ploy against the Serb people'. On 12 October 2002 SFOR raided the Orao aircraft works in Bijeljina<sup>44</sup> and found irrefutable evidence that took the wind out of Belgrade's sails. The evidence left no doubt that for a very long time weapons and military equipment had been exported from the FRY (and Republika Srpska) to Iraq (and some other prohibited destinations). The Federal Government convened in an extraordinary session after Richard Boucher, the State Department spokesman, sharply warned the Belgrade (and Banjaluka) ruling elites that it was time they stopped servicing Saddam Hussein's armed forces. The session brought about the dismissal of Jovan Čeković, Slobodan Milošević's hand-picked general who acted as the company's director-general, and of General Ivan Đokić as the 'person in the Federal Ministry of Defence objectively responsible for trade and military equipment'. The Government also closed down Jugoimport's representative office in Baghdad headed by Colonel Krsto Grujić.

The sacking of these three generals was the *de facto* extent of the 'purge of responsible persons'.<sup>45</sup> There were no further resignations or dismissals in the Ministry of Defence, the Ministry of Foreign Affairs, the Federal Government, and the General Staff in spite of warnings that the practice amounted to a breach of a

<sup>42</sup> *Blic*, 20-23 October 2002; *The Helsinki Charter* No. 57, October 2002, pp. 1, 5-7; *NIN*, 13 December 2002, p. 19; *Vreme*, 12 December 2002, pp. 28-29.

<sup>43</sup> *Danas*, 5 October 2002; *Politika*, 5 October 2002.

<sup>44</sup> *The Helsinki Charter* No. 57, October 2002.

<sup>45</sup> Indicatively, all three were professional soldiers at the time. Although Čeković was formally retired he performed the same work he did before.



UN Security Council resolution and could lead to severe consequences for the FRY. The affair petered out after two months with the United States, determined to dismantle Saddam Hussein's war machine at all costs, apparently deciding to treat the FRY leniently at least in public. One wonders whether all arms trade between Belgrade and Baghdad has stopped because some of the numerous roundabout channels built over the years may still be in operation.

The state organs reacted to the disclosure of the Baghdad link irresponsibly, not indicating that they were aware of the seriousness of the problem. By playing down the problem, washing their hands of it, and dismissing the services rendered as mere 'repair of obsolete aircraft', some DOS leaders proved not only that they were ignorant and amateurs but that they were also involved in and tolerated every malpractice of the former regime.

Although the servicing of Saddam Hussein's military hardware could not have been possible without the involvement of military experts of all kinds, the VJ General Staff and the Ministry of Defence insisted to the very end that the VJ had nothing to do with 'this business'.

The general military arrangements between Belgrade and Baghdad are of long standing. The military industry of the former SFRY exported everything including manufactured and intermediary goods, technology, scientific projects, experts, and projects for educating Iraqi officers. Though a good many of these arrangements were severed following Operation Desert Storm and war in the former Yugoslavia, 'military cooperation' between Belgrade and Baghdad was never discontinued. On the contrary, continuing exports of arms and military equipment to Iraq, complemented with transfer of appropriate military technology and highly-skilled labour, testify that the policy and practice of Slobodan Milošević are still alive.

By reacting as and when it did, the US Administration made clear that although it had been aware of the Belgrade-Baghdad connection all the time, it decided to intervene only after US interests had been crossed. However, the affair was soon shunted to the sidelines after the State Department addressed a number of objections to the International Crisis Group over its report on the Yugoslav connection in the arming of Saddam Hussein.

## 2. Civil Control of the VJ

Establishing civil control over the armed forces was a prime topic regarding the VJ throughout last year.<sup>46</sup> The publicly promoted view was that Yugoslavia must put the civil-military relations on a new footing so that all parts of the armed forces could be subjected to democratic control by civilian authorities. A special impetus was given by some international associations and institutions which insisted that civil control of the VJ was a necessary condition for FRY and VJ participation in Euro-Atlantic integrations.

The professionals in the VJ themselves graduated from outright rejection or mockery – 'We won't let ourselves be controlled by some civilians' and 'An innocent view of...'<sup>47</sup> – to almost buttonholing parliamentarians and other politicians to come and control the army. Needless to say, their idea of such control envisaged formal, almost perfunctory inspection of ancillary structures, services, etc. Thus, at the end of August 2002, the President of the Security and Defence Committee of the federal parliament, Boris Tadić, led a parliamentary delegation on 'quick check' of the Priština Corps.<sup>48</sup> Serbian Minister of Internal Affairs Dušan Mihajlović visited the Niš and Priština corps on a similar errand in mid-September, and the Speaker of the Chamber of Citizens of the federal parliament, Dragoljub Mićunović, lead a team of assistants to VJ forward positions on the administrative border with Kosovo in October.

Of course, such visits too can give one an insight into the state of affairs in the VJ. However, in such cases the professionals quite naturally choose to show the 'controllers' only that which can help improve their public image while keeping everything else out of their sight. Deliberately and effectively, the VJ projects a public image of itself as someone willing to submit to civil control while carefully keeping its dark secrets from public scrutiny. An example of this practice was the persistent refusal of Nebojša Pavković to permit the KOS and the Intelligence Service to be moved from the General Staff to the Ministry of Defence. Likewise, General Krga refused to permit General Aleksandar Tomić or anyone from the

<sup>46</sup> *Danas*, 14-15 December 2002, p. IV.

<sup>47</sup> *Vojska*, 25 April and 2 May 2002, p. 38.

<sup>48</sup> *Vojska*, 5 September 2002, p. 7.

Security Service to testify before a committee of inquiry of the Serbian Government in connection with the Pavković affair!

The first steps towards establishing civil control of the VJ according to democratic principles and procedure were nevertheless taken during the course of last year, and the Federal Assembly on 20 June 2002 adopted a Law on the Security Services.<sup>49</sup> All that, however, was insufficient because civil-military relations must first be regulated by law laying down the rights and obligations of the civil and military structures in dealing with each other. These initial steps appear unconvincing because while the political establishment wants to control the military it does not know what and how to control. For example, it is still unknown who draws up the military budget, let alone how the funds are spent. Parliament also does not know the full extent of the VJ's publishing activities although these are paid for from the budget, or how come the SPC has become so firmly entrenched in the VJ without anyone bothering to ask parliament what its position on the matter was. Only in-depth democratic control would disclose the true nature of the VJ 'in whom our people have almost unlimited confidence', as the officer corps likes to point out frequently.

### 3. The Partnership for Peace

On 25 March 2002, at its fifth session chaired by Koštunica, the Supreme Defence Council 'launched an initiative for the FR Yugoslavia to accede to the Partnership for Peace programme'.<sup>50</sup> In this connection, 'it was recommended that the Federal Government obtain the opinion of the Federal Assembly on the initiative at the earliest opportunity so that negotiations could be commenced in a timely fashion'. This was the start of the formal procedure for the accession of Yugoslavia and its armed forces to the Partnership for Peace.

Had Belgrade offered the international community more credible evidence that the Republika Srpska Army no longer received any financial (and other logistic) support from this side of the Drina river; had civil control been established over the VJ on the model of Western democracies; had the remaining two from the 'Vukovar three', i.e. Šljivančanin and Radić, been extradited to the

<sup>49</sup> *Danas*, 21 June 2002, pp. 1, 4.

<sup>50</sup> *Vojska*, 28 March 2002, p. 4.

Hague Tribunal along with Ratko Mladić, who had been strutting through Belgrade under the protection of military special forces (a fact which came to public notice especially during the Pavković affair) – had all this happened, Yugoslavia would probably have been admitted to the Partnership for Peace before the Constitutional Charter of the state-union was even adopted!

Last year was marked by the eager efforts of the European Union, NATO, and even the US Administration – all of whom placed their trust in those politicians and economists in Belgrade who, in the wake of Milošević's political downfall, had come to international notice in the spheres of diplomacy, economy, and finance – to see Yugoslavia in the Council of Europe and the Partnership for Peace.<sup>51</sup> This encouragement was based on various motives. International Balkans experts made clear in their numerous statements that they saw a disorganized and unstable Serbia and Yugoslavia as a potential source of instability for the whole region. Some of them clearly thought that the sickest man of the Balkans and Europe stood greater chance of a democratic recovery if he joined in Euro-Atlantic integration processes, including the Partnership for Peace, even if he did not meet the admission criteria.<sup>52</sup> But Serbia and Montenegro did next to nothing on their part to justify such confidence.

On the other hand, quite a few domestic analysts, politicians, and generals on whom the benevolent attitude of the international community was not lost predicted that Yugoslavia would join the Partnership for Peace if not in the first then in the second half of the year. However, the NATO summit in Prague on 21-22 November 2002 came and went without any such invitation being extended.<sup>53</sup> The FRY and Bosnia-Herzegovina remain the only two European states left in NATO's waiting-room.

In spite of the fact that membership of the Council of Europe and the Partnership for Peace has been delayed, domestic commentators, politicians, and generals remain optimistic. Thus Minister of Defence Velimir Radojević told the Royal Institute of Defence in Brussels at the end of the year that 'The professionalism and courage of the VJ is the reason why it is eagerly expected in security integration processes...'<sup>54</sup> More

<sup>51</sup> *Danas*, 16-17 December 2002, p. IV.

<sup>52</sup> *The Helsinki Charter* No. 52, May 2002, pp. 9-10.

<sup>53</sup> *Blic*, 23 November 2002, pp. 1, 4.

<sup>54</sup> *Danas*, 16-17 December 2002, p. IV.

incredibly still, General Radovan Radinović, the VJ's chief strategist (his influence still strong in spite of his retirement), alleged on RTS Channel One that Yugoslavia would agree to join the Partnership for Peace on condition that NATO let the VJ take the place of KFOR in Kosovo, as well as that the VJ be given considerably more freedom of action within the Partnership than other members.

During the last two months of the year, General Branko Krga often said publicly that the VJ was willing to volunteer troops for UN peace missions.<sup>55</sup> Though this offer is quite in line with the requirement that the VJ should conform to NATO standards in every way if it desires membership of collective security associations in the region and especially elsewhere in Europe, the VJ still faces enormous obstacles ranging from financial and technical-technological to mental and psychological.

The present state of affairs in the VJ as regards weapons and equipment, training and education, organization, system and manner of command, cannot be expected to change shortly. Since the VJ has only taken the first steps not towards transformation but towards simple reduction of personnel and materiel, one wonders whether the same cadres are capable of carrying out true transformation.

## The Police and Secret Services in Serbia

### Introduction

The process of reforms and stabilization of the Serbian Ministry of Internal Affairs (MUP) launched in February 2001 slowed down during 2002 primarily owing to lack of political will (which could also be interpreted as political caution) to transform the inherited internal affairs apparatus, the police forces, and the security services into infrastructural agencies to be controlled by parliament and other democratic mechanisms of civil society. By the end of the third year since the overthrow of 5 October 2000, the new government still had not succeeded in purging the internal affairs apparatus and imposing professional standards on it. The system of values had hardly changed: 'the interfusion of police and organized crime' (something even the Serbian Minister of Internal Affairs, Dušan Mihajlović, admitted) was being suppressed only very slowly; the attempts to solve the most sensitive criminal offences and crimes of the former regime were actively resisted from within as well as by the ruling political structures, as a result of which 'political opportunism in the top echelons of power induced and nurtured opportunism in lower police structures'.<sup>1</sup> A great many compromised people in the police force and especially in the secret services remained untouchable in spite of the existence of clear indications and well-founded suspicions as to their culpability (many of them will probably be indicted by the Hague Tribunal for organizing or participating in the pseudo-patriotic paramilitary formations suspected of involvement of the graves crimes committed by the Milošević regime).

The links between organized crime in Serbia and Republika Srpska and the involvement therein of persons indicted of war crimes by the Hague Tribunal were publicly 'unveiled' by

<sup>55</sup> *Vojska*, 21 November 2002, pp. 6-7.

<sup>1</sup> From an interview with the Helsinki Committee for Human Rights in Serbia.

Mihajlović.<sup>2</sup> This explicit disclosure of connections between hardened criminals and Serb ‘patriots’, which came as a hard slap in the face of a part of the Serb public, was occasioned by the assassination of Nenad Batočanin, a high-ranking member of the federal MUP, and Željko Škrba, former bodyguard and racketeer<sup>3</sup> of the controversial Belgrade businessman Momčilo Mandić who was identified by the media as the principal source of funds for both Radovan Karadžić and the Democratic Party of Serbia (DSS) of Vojislav Koštunica.<sup>4</sup> As on many previous occasions over the last ten years or so, the police failed to discover the assassins and the public speculated that Škrba had spoken about the financial ties between organized crime and persons indicted for war crimes (Karadžić and Ratko Mladić).<sup>5</sup>

‘We have information that the organized crime is part of the general criminal legacy including war crimes. The money provided by the organized crime (from trafficking in narcotics, oil, and cigarettes) went to finance terrorist groups, including protection of war crimes inductees,’ Mihajlović said.<sup>6</sup>

A crucial question often posed by journalists was why the present government had not yet cracked down on organized crime; the answer of Marko Nicović, the former head of the Secretariat for Internal Affairs (SUP) in Belgrade, is that the mafia was in possession of secret files on the ruling Democratic Opposition of Serbia (DOS) coalition leaders, that is, on their deals with Milošević and his secret police. (Nicović himself was close to the Yugoslav Left – JUL, an affiliation which brought him considerable wealth over the past ten years.)

Another hypothesis why the authorities did not wish to pounce on the mafia was that there was too much money at stake, as well as that organized crime was highly influential where it

<sup>2</sup> *Vreme*: ‘Smrt dolazi audijem’ (Death Arrives in an Audi), 5 December 2002.

<sup>3</sup> *BlicNews*: ‘Bosanci na udaru’ (Bosnians Come under Attack), 5 December 2002.

<sup>4</sup> *BlicNews*: ‘Bosanci na nišanu’ (Bosnians in the Cross-Sights), 5 December 2002.

<sup>5</sup> See footnote 2.

<sup>6</sup> *Nacional*: ‘Mihajlović: Pare od šverca koriste se za terorizam i čuvanje optuženih za ratne zločine’ (Mihajlović: Money from smuggling used for terrorism and protection of war crimes inductees), 27 November 2002.

mattered.<sup>7</sup> Opportunists, who subscribe to this view, say that Serbia’s leading mafiosi have so much money that laundering it is their chief and often only concern and that any talk of a fight against organized crime amuses rather than worries them.

This impotence or lack of political will on the part of the state to crack down on organized crime and to purge the institutions (above all the Serbian MUP) was why Mihajlović’s adviser Božo Prelević tendered his resignation.<sup>8</sup>

The government faced a very grave legacy in this domain: Slobodan Milošević left behind a total chaos manifested above all as a collapse of all values, his prime goal of completely ruining society having been accomplished with thoroughness. This legacy, the extent of which had gradually come to light since October 5, shows that whatever he touched was devastated so completely as to be irreparable and that it would be cheaper and safer to start from scratch.

## Public Security

Some progress was visible in this domain in 2002: the territorial structure was consolidated, the system of communications improved, and the material-technical base somewhat modernized (through the acquisition of new vehicles, etc). However, deficiencies in equipment and personnel remained the main problem. As it turned out, crime-investigation techniques had been neglected for years as something of secondary importance for the regime. According to statements by senior public security officers (contained in the minutes of the federal parliament’s committee of inquiry into the assassination of Pavle Bulatović and published in 2002), the police were denied any technical assistance by State Security, which had a monopoly of all listening systems and other most up-to-date technical, informational, and communicational resources. The Security Institute, the former federal institution of prime importance for scientific-technical and educational work whose expertise was sought in connection with the most complex cases, was selectively evacuated at the end of 1998 as part of preparations for war in

<sup>7</sup> *Politika*: ‘Vrlo profitni porazi’ (Highly Profitable Defeats), 25 October 2002.

<sup>8</sup> *NIN*: ‘Uniforme umesto reformi’ (Uniforms in Lieu of Reforms), 10 October 2002.

1999. The result was the destruction of many expensive modern pieces of equipment which did not interest State Security but were of great importance for criminological work. The Institute languished in a political and administrative limbo throughout 2002. For the first time in twelve years, State Security – now the government's special Security-Information Agency (BIA) – co-operated actively with the police in investigating the assassination of the assistant chief of the Department of Public Security, Boško Buha. Nonetheless the Department's technical problems remained acute: it lacked information technology and networking systems for its administrative sector; its telecommunications and radio equipment was hopelessly obsolete; and there was a shortage of crime-investigation equipment for everyday use.

Public Security's personnel structure was quite inadequate: there was a shortage of qualified staff to ensure the normal life of society such as patrolmen, crime-investigating inspectors and technicians, skilled operatives, and administrative officers. The former regime obviously did not attach too much importance to such professions because it envisaged the police above all in a paramilitary role. For instance, the Belgrade Police Department, which ought to be able to cope with the best organized and wealthiest gangs in the country, was not only understaffed by 40 per cent but also lacked educated personnel. The Criminal Police Directorate, which spearheads the fight against the most serious crimes, had only 31 per cent of the personnel it needed.<sup>9</sup>

The problems of personnel quality were discussed by Belgrade SUP chief Milan Obradović, who stressed that the police had more need of young, educated and civil police officers who speak foreign languages and are skilled in computer use than of special forces.<sup>10</sup> Such personnel was precisely what the police force needed to improve its public image and prestige lost during the 1990s.

According to Belgrade SUP data,<sup>11</sup> members of the department earned on average 13,431 dinars (between 220-230 euros) a month at the end of the year and could expect only a 5 per cent increase at most in 2003.

<sup>9</sup> *Večernje novosti*: 'Goloruki na mafiju' (Bare-Handed against the Mafia), 8 December 2002.

<sup>10</sup> *Politika*: 'Policija nisam ja' (I'm Not the Police), 8 January 2002.

<sup>11</sup> See footnote 9.

Political rather than professional criteria appear to have been more important as far as promotion was concerned: policemen with vocational qualifications such as secondary MUP diplomas, higher and university education degrees, etc., were not promoted as quickly as might have been expected. Policemen said that their resentment was fuelled by a policy of favouring 'civilians' (people from civil institutions employed by the Serbian MUP) at the expense of ordinary members of the force.<sup>12</sup> They also cited instances of nepotism in the force: for example, the present chief of the Valjevo SUP, Colonel Milan Janković, was formerly local secondary school principal and teacher of physical culture who closely collaborated with Minister Mihajlović while he was mayor of Valjevo; after the change of government Janković was appointed to the post and given his present rank although he had never worked for the Serbian MUP before.<sup>13</sup> According to internal MUP rules, the rank of colonel is only conferred on MUP personnel with more than twenty years service, among other things. With regard to the Serbian MUP's personnel policy, it remained unclear just what kind of personnel the Police Academy had been producing, considering that it had been conceived more as a counterpart of the Army Military Academy than as a police educational establishment. The Police Academy programme was somewhat modified as part of the MUP's 'demilitarization' drive.

In addition to lack of personnel, the police were severely hampered in their work by shortage of equipment. For instance, the Belgrade SUP had neither a DNK laboratory – now a standard tool of modern crime-investigation procedure – nor even modern microscopes, and was short of at least 4,000 computers. It was only at the end of 2002 that it received a narcotics incinerator thanks to a foreign donation. 'While we have one of the best organized and richest mafia organizations in this part of Europe, our police lack even the most elementary equipment,' said Nadežda Švalja, assistant chief of the Belgrade SUP.<sup>14</sup>

Some apparent progress was made in the fight against corruption within the police force. Although most complaints were filed against lower-ranking officers, the scope of the operation was considerable, with increasing use of more active methods such as

<sup>12</sup> *Blic*: 'Civili brže napreduju u MUP' (Civilians get Quicker Promotion in the MUP), 4 January 2002.

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

<sup>14</sup> See footnote 11.

provocations, 'sting' operations, etc. One hoped that the anti-corruption drive would not stop short of the big deals inevitably linked to politics and protected from above.

The general statistics published by the MUP in its annual reports looked good only quantitatively. According to data for 2002 presented by General Sreten Lukić, head of the MUP Public Security department,<sup>15</sup> general crime declined by 25 per cent and the economic crimes detection rate increased by 7 per cent; homicide was down by 16 per cent, rape by 21 per cent, infliction of grievous bodily harm by 7 per cent; robbery by 9 per cent; 17,191 weapons of various kinds were confiscated and 1.5 tonnes of narcotics and over 1,000,000 cigarette boxes impounded.

However, the problem was one of quality: until the gravest crimes with psychological, symbolic and political implications are solved, such as the assassination of Buha and the crimes committed by Spasojević and Luković, the public will not feel safe. There will be no mutual trust between the police (government) and the citizens as long as the murders of Slavko Ćuruvija and Ivan Stambolić, the mass graves of Albanian civilians, the assassination of the SPO leaders on the Ibar highway, remain unsolved or partially unsolved in spite of the existence of firm evidence and clear indications. The recriminations of the police, prosecuting authorities and courts of law were of no help here, let alone the admissions of some people in top executive positions that there existed a 'monopoly of power' shared with an uncontrolled faction of State Security and its allies and business partners from organized crime and pseudo-patriotic paramilitary formations.

As far as the efficiency of Public Security was concerned, March 2002 was full of promise, it having been leaked to the public that the Serbian MUP was writing a 'white book' on organized crime in the republic. Journalist circles soon obtained copies of the 123-page book entitled *Criminal Groups and Individuals Engaged in Organized Crime*. In the book, which persuaded even the better informed public that the end of organized crime in Serbia was at an end, the Criminal Police Directorate disclosed that fifty groups with 230 members and fifty-nine 'individual perpetrators of all kinds of criminal offences' operated in Serbia. Thirteen of the most dangerous groups

<sup>15</sup> *Nacional*: 'MUP: Dinkić će morati da odgovara za krivično delo' (The MUP: [National Bank governor Mladen] Dinkić will have to answer criminal charges), 27 December 2002.

operated in Belgrade, ten in Šabac, nine in Požarevac, and on average three in other towns.<sup>16</sup>

The public believed that all that was left for the police to do was the comparatively easy routine job of arresting the 'godfathers', 'soldiers', and 'free agents'. When nothing happened, an irate Prime Minister Zoran Đinđić wondered publicly why the police had arrested none of the fifty mafia 'godfathers' in Serbia if they knew their identity. Interior Minister Mihajlović, to whom the question had apparently been directed, replied that the police had operative information about the criminals but unfortunately no evidence yet that would stand in a court of law. This was another 'success' of the Serbian MUP without a sequel.

Disciplining members of Public Security and improving the public image of the police entailed tackling another phenomenon from the recent past: 'moonlighters' or 'self-employed men' in the force. When Nenad Batočanin, a high-ranking policeman, and Nenad Škrba, reputed as a 'dangerous man' from the Bosnian Serb underworld, were assassinated together in Belgrade at the end of 2002, speculation about links between policemen and criminals assumed a new topicality. Crime columnists repeatedly wondered why former or active policemen were frequently 'collateral damage' in assassinations of 'respectable businessmen'.<sup>17</sup> Many politicians, businessmen, pop stars, and even criminals hired former or active policemen as their bodyguards.<sup>18</sup> Not a few policemen ranking from patrolman to senior inspector worked for the MUP during the day and moonlighted in discotheques and restaurants owned by 'retired' or active criminals for the rest of the day. It was no secret in police circles that some police officers had turned their part-time work into lucrative businesses such as private firms providing 'physical and technical protection of people and facilities' and employing their retired and active colleagues. A number of analysts of military-police affairs had termed this (private) segment of the security sector the country's 'third armed force'.

Although speculation about private armies (armed with, among other things, long-barrelled weapons) which provided

<sup>16</sup> *Vreme*: 'Ministar policije na službenom odmoru' (Minister of Police on Official Leave), 14 March 2002.

<sup>17</sup> *Politika*: 'Pobeda nad nepoznatim' (Victory over the Unknown), 4 December 2002.

<sup>18</sup> From an interview with the Helsinki Committee for Human Rights in Serbia.

security to various political parties (e.g. Komet to the Yugoslav Left), businessmen and companies (e.g. the Brothers Karić) lost in topicality after 5 October 2000, the phenomenon carried considerable weight in terms of Serbian MUP work and the efforts of the authorities to restore the rule of law. Fenomen, a firm providing 'physical and technical protection of people and facilities', was notorious for its good connections with the police, public prosecutors, judges, political and business circles, and criminals of all ranks.

A draft new law on internal affairs was still in preparation amid speculation that a separate law on the police was also possible. The many problems in this domain, including the controversy over members' rights to organize into trade unions, left no doubt that resistance to inevitable change was considerable.

Despite some progress made in the sphere of public security (a number of suspects were arrested in connection with the shooting of the police General Boško Buha; however, they were not brought to trial owing to problems with evidence) and generally favourable statistics, the Serbian MUP was yet to furnish evidence that the set of values in this sphere had radically been changed and that the time had come for policemen to perform their duties in a professional manner.

### State Security – Only a Name Change

Whether detaching State Security from the MUP and attaching it to the government under the name of Security-Information Agency (BIA) was a good or a bad move for the state and its citizens remained a big question. Paradoxically, it was easier to control and supervise State Security while it was still part of the MUP because its head was a member of the Collegium and assistant to the Minister of Internal Affairs; in other words, supervision was closer and the chain of command more direct before. A department minister always finds it easier to control his assistant in daily contact. In addition, the new government had opted for probably the worst of the three draft laws on the new agency. The choice merely confirmed the government's priorities and intentions to dispense with far better and more democratic ways to exercise parliamentary control, judicial supervision, and public control over the service. This indicated that the executive wished to keep sole possession of the secret police.

In the spring of 2000, the DOS – or its greater part – took over State Security in the state it was in: thus Vojislav Koštunica spared Rade Marković and Zoran Đinđić kept Milorad 'Legija' Ulemek-Luković. Very soon afterwards it became evident that the judiciary was unable to process some cases because of State Security involvement. There was a limit beyond which no one was to touch the service. The trial of suspects in the assassination of SPO members on the Ibar highway showed that Mihalj Kertes, head of the Federal Customs Administration under Slobodan Milošević, Milorad Luković, former commander of the Red Berets, and others remained inviolable.

Investigation into the murder of the proprietor of the daily *Dnevni Telegraph*, Slavko Ćuruvija, and into the kidnapping and disappearance of the former president of the Serbian Central Committee, Ivan Stambolić, was halted whenever it came upon clear indication of where the persons who commissioned and executed these crimes were, namely in the State Security operations centre. The complete team of wholesale drug dealers remained at large. There remained grave doubts about the liaison between Kertes and the State Security bosses in narcotics deals, and why those who had deposited 600 kg of heroin in the vaults of the Komercijalna banka were free three years after the discovery. Milorad Luković not only remained immune from criminal prosecution but continued to lecture about 'patriotism'; at the same time, his cronies in the Special Operations Unit (JSO) known as the Red Berets at the beginning of 2002 launched a heavily funded self-advertising campaign with the help of billboards, TV spots, newspaper advertisements, etc. As Prime Minister Đinđić observed, the funds were not provided by the Serbian MUP; they were contributed by anonymous *sponsors* such as Dušan Spasojević. During the mutiny of November 2001, members of the JSO themselves boasted that they needed no pay because they had sponsors to support them. It did not require much of an effort to put two and two together and arrive at the shocking conclusion that state power was shared with a paramilitary-criminal formation notorious for contract killings and some other crimes.

Rumour that the former head of State Security, Jovica Stanišić, remained in charge of the service (now renamed BIA) behind the scenes raised speculation as to why the authorities kept their hands off State Security since it was common knowledge that its members had performed the dirty work for Slobodan Milošević. The media put forward the following explanation of the

current power of Jovica Stanišić: 'It is no secret that after the dismissal of Rade Marković (in February 2001) it was precisely his men who occupied the key posts in the service'.<sup>19</sup>

Analysts of Serbia's 1990s political scene say that, during the large civil protests in 1997, a leader of the Zajedno opposition coalition, Zoran Đinđić was in touch with Jovica Stanišić, then head of State Security and, according to many, the second most powerful man in Serbia. In these contacts Milorad Vučelić acted as a go-between.<sup>20</sup> Stanišić is said to have put Đinđić in his debt 'for life' when he warned him on the eve of the NATO intervention in 1999 that he was scheduled for liquidation. (The message was delivered by Zoran Mijatović, who in 2001 became deputy to Serbian State Security chief Goran Petrović.)

The Stanišić story was given fresh currency at the end of 2002 by Serbian Radical Party leader Vojislav Šešelj, who told the media that potentates close to the government were preparing to assassinate him and named Stanišić as the organizer of the plot. While some dismissed the allegation on the grounds that Šešelj was given to making sensational statements, the Serbian Deputy Prime Minister, Nebojša Čović, nevertheless said that, 'As Šešelj has always had a boss in government, and has always been somebody's broom, one ought to ponder who his present boss is'.<sup>21</sup>

The public took the exchange of accusations between Šešelj and Čović to mean that the DOS was gradually dissociating itself from Stanišić and others and was using Šešelj to drive the message home. Furthermore, Šešelj's 'voluntary' departure for The Hague was attributed to a last warning from Stanišić, indicating that Šešelj had put his life above 'Serb national interests' after all.<sup>22</sup>

It was also at that time that the image of the Serbian government and of Interior Minister Mihajlović in particular suffered an especially heavy blow: the grounds of the company Defence Road in Zemun Polje near Belgrade, owned by Ljiljana and Ljubiša Buha, were raided and the complete works blown up; fourteen most up-to-date asphalt-laying machines and several

<sup>19</sup> *NIN*: 'Stanišić na udaru' (Stanišić Comes under Attack), 14 November 2002.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> *Vreme*: 'Nervoza doktora Šešelja' (Dr Šešelj Gets the Jitters), 14 November 2002.

vehicles were destroyed; and the damage was estimated at over 10 million euros. The raiders evacuated the staff and people living nearby, planted the explosives with professional thoroughness, and left the premises at leisure. The police conducted an on-site investigation and went on with their inquiries apparently without effect. While the MUP remained tight-lipped, the story began to circulate in public that the raid was the work of Dušan 'Duća' Spasojević, better known as the godfather of the Zemun clan, and Milorad 'Legija' Ulemek-Luković, former commander of the JSO.

The matter obviously involved much more than a mere showdown between the Surčin and Zemun gangsters and a threat to public security: police records on the protagonists – Ljubiša 'Čume' Buha and Dušan Spasojević – had existed for years; the MUP brochure cataloguing organized criminal groups states that scores of criminal complaints against the two had simply been thrown out. The implications of the last detail became clearer after Buha began to speak at length about his and Spasojević's connections with State Security since the early 1990s. Buha alleged that Stambolić was done in by none other than his (Buha's) former buddies Spasojević and Luković as JSO operatives under the command of the Serbian MUP State Security Department.

At first there was an embarrassing silence; next the authorities made a few half-hearted promises to investigate the matter; then they sacked Andreja Savić, explaining meekly that what they actually wanted to do was get rid of his deputy Bracanović but did not dare touch him because of Luković. In retrospect, a little more is now known about the dismissal of Goran Petrović and Zoran Mijatović from the top of State Security following the JSO mutiny in November 2001.

The end of 2002 saw yet another internal crisis culminating in the dismissal in January 2003 of Andreja Savić as BIA director and his deputy Bracanović. While the government insisted that Savić's 'six-month mandate' to transform State Security into the BIA had expired, no one could recall that Savić's mandate had been limited. The sacking coincided with a scandal involving the 'Surčin group', another organization which had meanwhile broken up; its boss Buha fled abroad and began to disclose highly embarrassing details about his best men, friends, and business partners from State Security.

A certain Miša Milisavljević, a former State Security employee, was appointed the new BIA director, and a certain Goran Živaljević, also a former State Security worker, his deputy.



The latter is on record for committing at least one criminal offence involving a false arrest, abuse of office, etc., as part of the efforts of the Milošević regime to remove or intimidate possible embarrassing witnesses. Petrović and Mijatović had investigated the matter thoroughly and reported the findings to Minister Mihajlović towards the end of 2000; however, no further action was taken perhaps in order not to provoke Luković and his Red Berets who were implicated. By promoting Živaljević, the Serbian government manifested its disinclination to investigate the biographies of some of former and current State Security members.

In view of the foregoing, there should no longer be any doubt whether or not it pays to overhaul what Milošević destroyed in his wake. In 1989, for example, the Czech Republic came to the conclusion that it would be simpler to disband its State Security service, lustrate it, and put it back together with help from uncompromised (or bearably compromised) professionals. Had the DOS government taken a similar or identical step – it had several very practical choices at its disposal – Serbia would now have a ‘service’ or whatever its name free from uncontrollable and powerful factions under parliamentary rather than executive control.

## Conclusion

The draft law on internal affairs, sponsored by the Serbian MUP itself, appeared to be getting nowhere, and it remained unclear whether anyone bothered to work on it any more. The authorities clearly attached very low priority to this piece of legislation and the multitude of sub-legal acts connected with it. The law on the special prosecutor was adopted post-haste for clear demagogic reasons; by opting for the worst possible version, the government pocketed this institution, thus disregarding the experience of other countries which recognize the importance of parliamentary, democratic, and civil control of such special, sensitive, and potentially dangerous institutions. The nonchalance with which members of the ruling coalition had disregarded, were disregarding, and appeared determined to go on disregarding, some key systemic laws was appalling.

The MUP itself could hardly be accused of having neglected its principal duties; on the contrary, it did rather well. But Minister Mihajlović alone had no power to decide on such matters of strategic political importance. If the trend continues and the

government goes on treating the MUP with even less concern, public security, administration, and crime suppression will suffer even more undue damage. The MUP comprises not only the police; one of its reform ideas was to give local self-government an increasing administrative role so as to free the MUP from a number of administrative jobs and stopgap duties, the idea being that local self-government can easily handle many such tasks; the draft legislation on this too was waiting for the government to submit it to parliament. After all, the public administration sector, public law and order, and crime suppression are of much greater importance for the population at large that intrigue involving the criminal-intelligence-paramilitary underworld. However, the very existence, power, and insolence of this underworld poisoned the public environment and undermined the credibility of the state and the very foundations of the constitutional order. This eminently political issue is of vital importance for the future of the state, that is, if Serbia wants adapt to the rest of the normal world; the government’s indulgence towards and concern for people such as Luković and his friends and best men may lead to undreamed-of political adventurism, further interfusion of crime and politics, and – this possibility cannot be ruled out – insane attempts by political terrorism to effect a coup.

The pseudo-patriotic criminal lobby still closely connected with factions within State Security did not feel defeated at all because it continued to enjoy privileges under the new government. After all, this lobby never believed in the political goals of the Milošević regime: Milošević used them and they used Milošević; not having any political goals and preferences, they do not care whether they serve Milošević, Arkan, Šešelj, Koštunica or Đinđić as long as they are left alone to concentrate on their business, of which the Serbian MUP’s criminal police are well aware.

Complicated though the problems and ways of organized crime in Serbia may appear, some of the elements and connections are apparent even to people who have no access to ‘sensitive’ information (in possession of military or state security). After all, the secrets have been in circulation for too long: for instance, the ‘operation Audi’ (the make of car from which many Belgrade ‘businessmen’ were shot with 100 per cent success) was rehearsed in a police assault course.<sup>23</sup> While, at the end of 2002, media

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<sup>23</sup> See footnote 2.

circulated stories about a 'phantom Audi' to boost sales, ordinary policemen diligently stopped and thoroughly searched nearly every car of that make. Nearly everybody, including the police, barked up the wrong tree, something they had been doing for years past.

The job of discovering the core of organized crime in Serbia, its members and its protectors, ought not to be entrusted to the police but to experts on finance, money flows, and, especially, money laundering. The fabulous wealth plundered on battlefields throughout the former Yugoslavia or in Serbia itself (some of Serbia's leading reputable private firms are the fruit of pillage of 'socialized property', e.g. from Generaleksport, ex-Yugoslavia's largest foreign-trade firm) is the best protection its owners and their accomplices can have. Expose this network and you will find out at whose behest the murderers are prowling the streets of Belgrade and who has grown immensely rich on the misery of millions not only in Serbia and Montenegro, but in Bosnia-Herzegovina, Macedonia, and Croatia.

## The Political Aspirations of the Serbian Orthodox Church

With the coming of Milošević into power the public scene has been reopened for the Serbian Orthodox Church (SOC) after five decades of the communist era. The aim was to obtain the support of the Church in the realization of the national program, and, indeed, the Church played the role it had been assigned. One the one hand, it strongly encouraged the rise ethno-nationalistic spirit combined with aspirations for the "Greater Serbia" project on all levels of the society: religious and national feelings of citizens have been manipulated for overtly political purposes. On the other hand, the Church openly backed the regime of Slobodan Milošević. However, its comeback failed to reach an institutional form, due to an ambiguous attitude of the Milošević regime towards the communist ideological heritage, which, among other things, took the secular character of the state as granted.

With the overthrow of Milošević and the establishment of the new regime, which explicitly and manifestly based its legitimacy on anti-communism, the ideological obstacles for the legalization of the ongoing process of the Serbian Orthodox Church's public reappearance were removed, and the activities leading to an institutional shift from the secular principle on all levels of social and public life accelerated.

### 1. Rebuff of the Principle of Separation of Church and State and the Violation of the Freedom and Equality of Religious Beliefs

The redefinition of the relations between the Church and the State started when religious instruction in a dogmatic form became a part of public school curricula. Practically overnight, at the very beginning of the 2001/2002 school year a decree issued by the Serbian government in July 2001 instituted religious instruction in elementary and secondary schools. The decision was

taken in spite of strong public opposition, without any preparatory trainings of instructors, serious considerations of such programs, and was made formal through a decree, which seriously breached constitutions of both Serbia and FRY in several ways. Starting with the principle of separation of church and state itself, and then by a flagrant violation of the provision guaranteeing the privacy of religious feelings and the freedom of consciousness, up to a factual abolishment of equality of confessions, by granting the right of religious instruction only to confessions explicitly listed in the decree. Immediately after stepping into the schools, the Church entered the Army. Then a request for the integration of the Faculty of Theology into the State University followed, as well as a request for the restitution of the Church's property. These two requests are still waiting for a legal solution.

Both the Church and republic and federal ministries of religion made it clear that they regarded all these measures only as the first step towards the rejection of the principle of separation of church and state, proclaimed by the Constitution, and towards establishment of some form of unity between the two. Greece and its model of the state church are often being set as an ideal. "The State should proclaim the Serbian Eastern Orthodoxy as official religion, that is, our state should be verified as a Serbian Orthodox one, though other religions should have the right to exist, but not in the same rank as the Serbian Orthodoxy and only the ones the Serbian Orthodox Church does not regard as satanic" (Office of Religious Instruction within the Patriarchate).<sup>1</sup> The former dean of the Faculty of Theology believes that "religion is not a private emotional feeling, as it is being explained here"<sup>2</sup>, while in an official address to the public, the Serbian Orthodox Church sharply attacks the point of view according to which religious feelings are in the domain of an individual's privacy, while calling proponents of the secular state "followers of the Satan."<sup>3</sup>

The former FRY Minister of Religion, Bogoljub Šijaković, also rejects the model of separation of church and state as being in conflict with Serbian tradition and proposes a solution, which incorporates elements of different models of unity – from state church, through "symphony" between the state and the church,

<sup>1</sup> *Politika*, December 2, 2000.

<sup>2</sup> *Politika*, March 4, 2002.

<sup>3</sup> See statement issued by the Information Bureau of the Serbian Orthodox Church on November 24, 2000.

up to the model of acknowledged churches as was the case in the Kingdom of Yugoslavia. The Patriarch himself prefers the "symphony" by saying, "We believe that the best relation between state and church is the one that used to be, that of the symphony – harmony between the state, that is, the society and the church."<sup>4</sup> This model of the state-church relations shaped in Byzantium and evolved during many years into a system giving holy sanction to the national state, in modern times became the foundation for the development of the "church nationalism".

There are individuals within the SOC itself who oppose the idea of the unity of state and church as an anachronism harmful to the interest of the church. "Attempts still exist here to build a divine state according to the Byzantine model. The Byzantine symphony today is a total absurd and an obstacle that prevents the Church to take its proper place," believes father Nenad Ilić, adding that the Church has to be separated from the State and politics in order to "resume its genuine meaning".<sup>5</sup> It is hard to find out whether such opinions are supported in the ranks of higher clergy. In public addresses, these voices are extremely rare.

Although the final model for the state-church relation, namely the fundamental reorganization of this model, cannot be established without a revision of the Constitution, the rebuff of the principle of separation of church and state has in fact already taken place in an indirect way through the model of acknowledged churches.

The Serbian government's decree on the introduction of religious instruction has already established the category of "traditional churches and religious communities" by listing the churches and religions (seven in total). Unprecedented in the existing legal system in Serbia, this category discriminates other confessions. In the meantime, the concept of acknowledged churches – named as "traditional," "big churches recognized worldwide," etc. – has gained legitimacy in different ways and on all levels, and is practically not being questioned any more, except when the number of churches the State should acknowledge is concerned. Advocating the restitution of the Church properties the Serbian Minister of Religions acknowledges the right of restitution only to "traditional churches and religious communities, which are

<sup>4</sup> Interview of Patriarch Pavle given to *Danas*, January 5-7, 2002.

<sup>5</sup> *Blic news*, February 2002.

seven.”<sup>6</sup> And the request of the Serbian Orthodox Church for the access to the radio broadcast system signed by the Patriarch, mentions other “historical, that is traditional religious communities” without naming them.<sup>7</sup>

*Pravoslavlje*, a periodical published by the SOC, goes a step further, and proposes passing of a “law on the Church” instead of a law on the freedom of religion. The magazine advocates the view that it is wrong to neglect “the fact that the Church is one and unique” and treat it the same way as “everything that was ever called a religious community, all that was created literally yesterday at a meeting of a secret organization, a cult, or by people who have wavered from the true religious course...or are, moreover, susceptible to religious terrorism...”<sup>8</sup>

This understanding of the freedom of religion is widespread in the circles within the SOC. Numerous churches and religious communities, mostly Protestant, are considered religious sects or cults. Intense intolerance, even unveiled aggression towards these “cults” persists. “Serbian people are subject to systematic and planned evil, as has been justly observed by Bishop Nikolaj: this is a spiritual genocide committed by numerous cults - Protestant, satanic and those coming from the Far East,” says *Pravoslavlje*.<sup>9</sup> A fear that a Western conspiracy might commit a spiritual genocide of the Serbian people is being spread via this periodical, fear of genocide to be carried out by religious cults. “There is a plan to systematically cover the whole area of Serbia and Montenegro with a net of cults.”<sup>10</sup> Furthermore, “It is not a question here about something as an Adventist church... It is about the Adventists known to our people as the cult of Sabbatarians.” “The fact that they emerged and... are more and more frequently appearing in the media” is, in fact “a God’s sign and an alarm bell for the Serbian Orthodox Church, its followers and its clergy”. This is similar to the “spontaneous response” to the occurrence of “cults” and their “avant-garde propaganda” after the World War I, when the “famous Prayer Movement” emerged. This “greatest and most magnificent wonder in the modern history of our church”, the

<sup>6</sup> *Nacional*, September 23, 2002.

<sup>7</sup> *Danas*, January 18, 2002.

<sup>8</sup> *Pravoslavlje*, 847, July 1, 2002.

<sup>9</sup> *Pravoslavlje*, 813, February 1, 2001.

<sup>10</sup> See article on cults by Captain Zoran Luković, in *Pravoslavlje*, 847, July 1, 2002.

“Prayer Movement, was organized and led by St. Bishop Nikolaj.” “Maybe these new activities of the cults ... will give birth to a new Nikolaj whom we need today more than ever before,” says the priest and editor-in-chief of The Voice of the Church radio outlet and magazine, Ljubomir Ranković.<sup>11</sup>

The reference to Bishop Nikolaj as the highest authority in the Serbian Orthodoxy is characteristic for the communication between the SOC and its followers. Bishop Nikolaj is a cult personality for the most conservative and nowadays predominant circles of the SOC.<sup>12</sup> Their major characteristics are an anti-Western stance on all issues and nationalism, with elements of fascism. The remains of Bishop Nikolaj were transferred to Serbia in May 1991, in the days when Serbia started a war in the territory of the former Yugoslavia. This was in accordance with the attempts of Milosevic’s regime to mobilize the nationalistic euphoria and the pro-war feelings more effectively. After October 5, 2000, the SOC promotes Bishop Nikolaj even more than it used to. He is being qualified “as the greatest Serb after Saint Sava,” and turned into a myth as “a symbol of Serbdom and Orthodoxy.” For example, on March 24, the anniversary of the beginning of NATO intervention in Serbia, the Church, in the presence of the top military official, General Nebojsa Pavkovic, unveils a monument to this controversial bishop in the Soko monastery<sup>13</sup>; to a bishop who had

<sup>11</sup> *Politika*, January 4, 2002.

<sup>12</sup> The hard nationalistic strand gained domination in the SOC at the eve of Yugoslav wars. Pavle, the bishop of Raška and Prizren was elected patriarch in December 1990, although German was still alive, which was a precedent within the SOC. During the same Congregation Amfilohije Radović was elected metropolitan of Montenegro and the Coast and Irinej Bulović bishop of Bačka. In May 1991, Artemije was elected bishop of Raška and Prizren, and Atanasije Jeftić bishop of Banat. In his memoirs, Days-Remembrances, academician Dejan Medaković witnesses a great and in his opinion decisive influence of certain academicians on personal questions in the top hierarchy of the SOC during the last thirty years. According to his memoirs the election of Patriarch German was “directly influenced by Dobrica Ćosić”, while Medaković himself, as far back as 1976 tells the Patriarch that the aged Montenegrin metropolitan Danilo should be replaced, after he dies, by Amfilohije Radović, and that preparations for this change should start immediately. And all that in the context of expectations that after the death of Danilo “pressure” will come to grant independence to the Church in Montenegro. (See feuilleton *Days-Remembrances*, *Politika*, March 23, 2003).

<sup>13</sup> *Vreme*, March 28, 2002.

publicly shown his respect of Hitler and overt anti-Semitism.<sup>14</sup> Recently, the Federation of Jewish Communities in Serbia and Montenegro, drawing attention to the rise of anti-Semitism after October 5, pinpointed Bishop Nikolaj's book "*Words to the Serbian People behind Dungeon Windows*" as the "the most disgusting anti-Semitism" where Jews "are the synonym for the Devil."<sup>15</sup>

The current glorification of Bishop Nikolaj has, to a great extent, its rationale in the attempts of the Church to obtain a special place within the state. Namely, reference to Nikolaj is the usual "argumentation" the SOC uses to disqualify other churches as cults and, in fact, to advocate the idea about a state church.

In view of such an understanding of freedom of religion by the SOC, an understanding that ultimately leads to a denial of this very freedom, frequent outbursts of intolerance towards other confessions did not come as a surprise, including such violent acts as the one of last December in front of the Patriarchate, when followers of the Church of England were prevented from attending the Christmas service.<sup>16</sup>

## 2. Pretensions to a Moral and Ideological Monopoly on the Society

After the October 5, with strong and manifest support from top FRY officials, especially President Vojislav Kostunica, the SOC is growingly imposed as the supreme moral and ideological arbiter – starting with the education of children up to the overall cultural and civilizational orientation of the society. The moral values the Church promotes are, almost without exception, characterized by collectivism, xenophobia and anti-Western feelings. Furthermore, the way these values are promoted is marked by a high degree of intolerance and even aggression.

<sup>14</sup> See "Serbian Conservative Thought" (edited by Mirko Djordjević), *Essays (Ogledi)*, Vol. 4, Helsinki Committee for Human Rights in Serbia, Belgrade, 2003.

<sup>15</sup> News, Radio B 92, March 21, 2003.

<sup>16</sup> *Pravoslavlje* also contributed to the encouragement of intolerance towards the Church of England, with articles on the support of this Church given to the NATO intervention in FRY in 1999. See e.g. the article "What the Head of the Church of England Preaches on Easter", *Pravoslavlje*, 773, June 1, 99.

The SOC is particularly vigilant in its attempts to be the arbiter in education. Its standpoint is that "to separate the Church from school is the same as to separate a mother from her child."<sup>17</sup> Moreover, all those opposing the idea of religious dogma as the moral foundation of education are "followers of the Satan."<sup>18</sup>

In its confrontation with the atheists, the SOC uses the hate speech in its "purest" form. Unrestrained and straightforward methods the Church uses are to be attributed to the fact that it relates atheism to communism and pro-Western feelings, the phenomena that the Church believes have lost their legitimacy within the Serbian society during the last fifteen years.

The journal *Pravoslavlje* says that "the Serbo-phobia and the fight against God led by communist hordes... have created an enormous spiritual wasteland among Serbs. In the tomb of the Serbian people, the SFRY, education was founded on atheism... For centuries the love of God has marked the Serbian nation... and today, we are a mindless crowd that can be manipulated and seduced by any charlatan. With further Americanization we will become mercenaries of the new age," writes *Pravoslavlje*.<sup>19</sup>

In his Christmas epistle for the year 2002, the Serbian Patriarch condemned atheist parents for "pushing their own children on the road of false happiness and false freedom..." and "destroying their children's lives."<sup>20</sup> Both ministers of religions, the Serbian and the federal, joined the claims that atheism was illegitimate. The acting Serbian minister, Vojislav Milovanović, believes that atheism caused war, poverty and a "moral plunge into the abyss,"<sup>21</sup> while the ex-federal minister, Bogoljub Šijaković, relates atheism to "the state of mind and psychological heritage of a spiritually and morally disturbed society, we have lived in for fifty years."<sup>22</sup>

The Church places human rights activists in the same company with atheists: like atheists, they are related to communism, that is, "Titoism". For the Federal Minister of Religions, human rights activists are "political chameleons," "who

<sup>17</sup> Statement of the Office of Religious Instruction within the Patriarchate, *Politika*, December 2, 2000.

<sup>18</sup> Statement of the Press Service of SOC of November 24, 2000.

<sup>19</sup> *Pravoslavlje*, 813, February 1, 2001.

<sup>20</sup> *Danas*, January 12-13, 2002.

<sup>21</sup> *Politika*, January 5-7, 2002.

<sup>22</sup> *Danas*, December 17, 2002.

used to persecute people for their faith in the name of communism and Titoism, and now do the same in the name of human rights and European integration.”<sup>23</sup> The Patriarch considers human rights activists to be “sinful minds”<sup>24</sup> – which is similar to the way Bishop Nikolaj labeled individual rights and freedoms as “some petty declarations of human rights..”<sup>25</sup>

In the attempt to gain control over the education, the Church shows great ambition, albeit nervousness, intolerance and lack of control. The introduction of religious instruction in public school curricula was not enough to satisfy its pretensions to be the arbiter in moral issues of the society. The government of Serbia became their main target, the Ministry of Education above all, since the Church identified there a political option loyal to the principle of a secular state. Namely, the Ministry had made it clear that the decision to introduce religious instruction was unwelcome and contrary to the Church’s status, and a political favor resulting from the pressure by the Church and political structures the Church leans on. The Serbian Orthodox Church responded with insults and insinuations, the hate speech and anathema.

In this context, typical is the statement by which the SOC Synod targeting the Serbian government because of some controversial activities in the summer camps organized by the Ministry of Education. Ill-willed interpretation of something unverified – and misguiding, as it turned out later on – information about inappropriate conduct of instructors had a conspicuously political role, whereby the Church was the harshest critic of the government and the responsible Minister. “As long as there is religious instruction, the gerrymandering shamelessness and satanic immorality cannot impose their rule over human self-consciousness and become the measure of humanity and human dignity.” In its statement, the Synod says, “Ministers and educators who undermine the spiritual and moral values of their own people and thus the universal moral values...are not only undeserving to carry this honored name, but also have no the right to carry it”. The Synod draws attention to the fact that “modern education and the development of a new consciousness of high school students, things they are being taught in educational workshops, are nothing but perfidious child brainwashing.” “In our

<sup>23</sup> *Danas*, December 17, 2002.

<sup>24</sup> *Danas*, January 12-13, 2002.

<sup>25</sup> M. Djordjević, op.cit.

time, unfortunately, a marriage is made between the post-communist atheism and the Western capitalist hedonism. From such a hideous marriage monsters and freaks the world has never seen before are already being born. And all this under false pretensions of ‘new consciousness’, ‘a new man’, ‘new order’ and ‘new community’. We are asking our new teachers and educators whether they are aware of this danger that faces the modern man and humanity? Or is it that some of them really do want to direct the younger generation on this road to nowhere? Is it possible that this was the essential reason for opposing the introduction of religious instruction in the schools? And for imposing as a substitute, or alternate, the so called civic education?” reads the statement of the Synod.<sup>26</sup>

The Montenegrin Metropolitan Amfilohije Radovic adds his personal opinion to the statement of the Synod, by sending a direct political message. Namely, in his opinion, the Civic Alliance of Serbia (the political party the acting Minister of Education belongs to) “like all other political parties, emerged from Tito’s mold.”<sup>27</sup>

Extreme intolerance to everything that comes from the Western cultural and civilizational circles is one of the most important messages that the SOC sends to its followers. It is also the most noticeable trait of its rhetoric. In this, the SOC is entirely consistent with its newly reborn idol, Bishop Nikolaj, who saw in the modern history of Serbia a Western conspiracy to “transform the recently liberated Serbian populace into the populace of the rotten West.”<sup>28</sup>

“Serbs in Europe, yes; Europe among Serbs, God forbid!” makes a phrase that can be taken as the SOC’s motto when it comes to its attitude towards the West.<sup>29</sup> “The forces of Satan - conspiring, political, cultural, liberal, leftist – are leading the NWO (New World Order), which is, beyond doubt... inspired by the Satan.” The main source of all evil is America, where “a collapse of moral... and mental health” took place. The whole West is under the influence of “hellish forces...conspiracy against Christianity, a Godless culture.” The West is dominated by “atheist psychology as the modern heresy, similar to the Gnostic one,” claims *Pravoslavljje*

<sup>26</sup> *Danas*, September 2, 2002.

<sup>27</sup> *Nacional*, September 3, 2002.

<sup>28</sup> M. Djordjević, op.cit.

<sup>29</sup> Ratibor – Rajko M. Djurdjević, *Pravoslavljje*, 775, July 1, 1999.

just to hopefully conclude that “amongst Serbs there won’t be any disturbed individuals who would readily infect us with the deadly malaise of Western culture. Let them and their progress remain at arm’s length.”

This hope is accompanied by fear - a fear from “a strategy of soft approach,” which was “established right after the end of the World War II..., and which implies total and incontestable acceptance of foreign values, foreign religion, foreign customs, foreign economy, way of life and way of thinking, spiritual and other values as our own values.”<sup>30</sup> All these “foreign values” are often classified under the concept of “the new” in the rhetoric of the SOC. One of the symbols of victory of the “soft approach”, or “the new” is New Belgrade, which thus becomes an object of hatred.

“New Belgrade is the biggest Satanic experiment, the culmination of communist exhibitionism... as such, it is a tragedy, a spiritual gulag, a spiritual ‘Goli Otok’ (*The Barren Island – a prison camp*).” “The city of ‘the new’, new schools, new kindergartens, new shops, a new Student City, a new Sports Hall, new highway - for the new children, new students, new people. A city in the desert, the city without churches, without a family, without a history, the city of the Godless, unbaptized, de-Serbed, the city of dead souls... the city of the future ‘Aryans’... the city where evil culminates.”<sup>31</sup>

An undoubtedly patriarchal vision of the society promoted by the SOC is also vividly expressed in a book by patriarch Pavle “*Some Questions of our Faith*” illustrative of the rejection of “the new.”<sup>32</sup>

<sup>30</sup> *Pravoslavlje*, 847, July 1, 2002.

<sup>31</sup> *Pravoslavlje*, 813, February 1, 2001.

<sup>32</sup> Thus the Patriarch teaches the believers that women should only exceptionally be allowed to wear trousers, and never for reasons of “fashion or an erroneous understanding of the equality of sexes”; further on, that they are not allowed to expose their hair, unless it is cut short. As to the prohibition to enter the church during their period, which was very strict before, the Patriarch says: As “modern hygienic devices are capable of effectively preventing... I believe that there are no obstacles for women to enter the church during their period, and with necessary caution and hygienic measures, kiss the icons, take the wafer and holy water, as well as participate in chants”. However, “in that condition she could not take the Communion or be baptized. Although, in case of deadly illness she could take the Communion and be baptized.” *Vreme*, December 19, 2002.

### 3. Perception of the Society and the State

Anti-Western feelings are followed by an adequate concept of the state and the society. Here the SOC remains within the concept known as the “new Serbian right,” which is, in fact, closest to organicism. Among Serbian theologians, this concept is most consequently developed in the works of Bishop Nikolaj and Justin Popović. In brief, this approach rejects individualism and embraces the principles of collectivism and mutual solidarity or, in the Serbian variant of the tradition, the “spirit of gathering” and the ethics pertinent to “a head of an orthodox family.” According to organicist theory, the society represents an organism – the “national organism,” individuals being nothing but “cells” that function to the benefit of this organism. An optimal solution is the “organicist-orthodox monarchy” based on the “God, the King, Family” triad.

This concept of society and state is explicitly professed as ideal by the head of the SOC, Patriarch Pavle. Besides the unity of the State and the Church (following the “symphony” model) he professes the unity between the society and the state (“society, that is state”), and thus negates any individualism. He also questions the value of the multiparty system by posing a rhetorical question, “Are political parties mature enough to secure an organic relation within the society, as in a body where each organ performs its own function, to the benefit of the whole organism? And, conversely, the organism has no other interest but the good of each of its organs... The Church always strives for such an organic relation within the society.”<sup>33</sup>

The Montenegrin Metropolitan Amfilohije Radović voices the same stand. “Since the beginning of time Serbs have been solving all their problems at gatherings... and thus it would be good that the spirit of people’s getting together is renewed today. Parties are of a newer date and imported to Serbs from the West, which may be dangerous to us, who approach everything from a metaphysical standpoint. Decisions have to be made in the head of the entire nation – only those decisions are farsighted and far-reaching.”<sup>34</sup>

Identification of the Serbian nation with the Serbian Orthodox Church serves to support the same vision of the society

<sup>33</sup> *Danas*, January 5-7, 2002.

<sup>34</sup> M. Djordjević, op.cit.

and the state, thus adding another link in the organic unity: state and church, society and state, nation and church.

“Since the beginning of time the Serbian Church is the pillar of the national being. This has been denied by communists,” that is by “international ideology”, which has “died away” – says an editorial run in *Pravoslavlje*.<sup>35</sup> Patriarch Pavle is even more explicit in his view that belonging to the SOC is a necessary condition for belonging to the Serbian nation. “They say ‘I am a Serb’, though if unbaptized, one cannot be a Serb,” says the Patriarch. This is yet another reason why atheism is unacceptable. Simply, because, according to Patriarch Pavle’s strict interpretation, a Serb cannot be an atheist.<sup>36</sup>

There are different opinions in the SOC when it comes to the above issue, though such individuals are in the minority. For example, professor at the Theological Faculty, father Vladan Perišić, Ph.D., believes that the fact that “we came to the point when nationalism became an affirmation of the Orthodox faith” is upsetting. “The Church has already paid a high price for having identified itself with the nation, and it will continue to pay the same price if it fails to eradicate the equality sign that is being put between the two.” The Church should free itself from this “embrace” and return to its “mission of witnessing the science of Christ, which does not know of nations” and where, as written in the Gospel, “no Greeks or Jews exist.”<sup>37</sup>

#### 4. The Church and Politics

In view of the activity of the SOC in daily politics, its close connections with the institutions of power, both civil and military, as well as its promotion by the media – one could say that the conditions for the realization of strategic goals of the SOC have never been more favorable. After it managed to return, under the Milošević regime, to the political scene for the first time after forty years, the Church came into the position after October 5, 2000 to finalize its comeback by legalizing its new/old role. Significant multifold ties between the Church and politics, already a characteristic of the Milošević regime, are constantly growing

<sup>35</sup> *Pravoslavlje*, 776, July 15, 1999.

<sup>36</sup> *Vreme*, December 19, 2002. (From the book by Patriarch Pavle, “Some Questions of our Faith”, Beograd 1998).

<sup>37</sup> *Politika*, March 4, 2002.

stronger after the overthrow of October 5, 2000. The presence of the Church in politics was stripped naked in its most brutal and primitive form in the speech of Metropolitan Amfilohije Radović at the memorial service for the murdered Serbian Premier Zoran Djindjić. The Metropolitan abused his participation at the service to deliver a political speech dominated by the rhetoric of conflict and hatred, xenophobia and isolationism - the very opposite of the vision of modern, European Serbia the late Premier strove for.

An active role in politics is a constant of the history of the Serbian Orthodox Church. This fact is not denied even by the Church itself. “The Church is not going to determine who is going to rule this country, but it is going to support those new men who understand the moment, the situation the nation is in, and show a way out of the dead end” – this was how editors of *Pravoslavlje* rationalized the Synod’s decision of the summer 1999 to no longer support Slobodan Milošević, but back those supposed to succeed him after the loss of Kosovo and the signing of the Kumanovo Agreement that put an end to NATO intervention in Serbia.<sup>38</sup>

In an attempt to explain Serbs’ poor awareness about “the faith of their own,” Patriarch Pavle says that throughout the history the SOC has been less occupied by faith, and more by state and politics. Having no problems with this fact, the Patriarch states that the Church, during its whole history, including the 20<sup>th</sup> century, was forced to “leave behind its primary duties” in order to participate actively in the struggle for the unification of “Serbdom,” which was why “a priest had to be a teacher and a judge, and to pull a gun to defend himself and his family”. Legitimizing the neglect of spiritual matters by the urge to create a state, which needed fighting for, Patriarch Pavle implicitly legitimized the same behavior of the Church during the latest wars in the territory of the former Yugoslavia, namely the support the Church was giving to Milošević’s warring policy. Finally, such a perception of the role of the SOC implies that the Church will continue to consider “leaving behind its primary duties” legitimate and to engage in politics, and, if necessary, in a war.<sup>39</sup>

How powerful is the position the SOC holds after October 5 was demonstrated by the way religious instruction was introduced in public school curricula. The Serbian government, except for the Minister of Religions, was against the latter, in principle. Moreover,

<sup>38</sup> *Pravoslavlje*, 776, July 15, 1999.

<sup>39</sup> *Danas*, January 5-7, 2001.



the Deputy Minister of Education threatened to resign, while the Minister himself, on several occasions, has expressed his negative stance on the idea. However, religious instruction was introduced by a governmental decree. This is only the most important in a series of concessions the Government made under the pressure constantly exerted by the Serbian Orthodox Church, that is, by political circles the interests of which intertwined with those of the Church. This primarily refers to closest associates of the president of the former FRY, Vojislav Koštunica. Thus, for example, the Minister of Religions, Vojislav Milovanović, by the end of last year announced incorporation of the Faculty of Theology in the Belgrade University, the restitution of property to “traditional churches and religious communities.” He also said that, at that point, over fifty major religious facilities were under construction throughout Serbia, and that the government had procured more than a hundred million dinars to that end.<sup>40</sup> As for the dispute on the youth summer camps whereby the SOC accused the government of “gerrymandering shamelessness and satanic immorality,” an end was put to it after a meeting between the Minister of Education Gašo Knežević and the Patriarch at the initiative of Bishop Atanasije Rakita, president of the SOC Committee on Religious Instruction. The meeting resulted by an agreement that the Church will join in the future operation of the camps. On that occasion the Minister of Education offered the program of educational reform in Serbia to the perusal of the Patriarch.<sup>41</sup>

The most important role of the Church as a today's institution is the one of symbolizing the idea of pan-Serbian unity, whereby the Church attempts, after the military and political defeat, to round up spiritually, culturally and politically the territory, which, due to the military defeat, failed to be united in a single state or – as in the case of Montenegro – has not been united in the desired way. Thanks to its great influence on the people, the Church's endeavor obtains heavy logistic support from the state and the Army.

The SOC has never recognized the borders of Serbia within Yugoslavia after the World War II. At the beginning of 1992, at the time when the war for reshaping these borders was already underway, the Congregation of the SOC issued a declaration

<sup>40</sup> *Nacional*, September 23, 2002.

<sup>41</sup> *Svedok*, September 10, 2002.

saying it acknowledged not the borders set up by the AVNOJ, while Bishop Atanasije Jevtić qualified their revision as a question vital for Serbian people, which in itself justified the Church's interference into politics. In the summer of 1995, the Patriarch signed that Milošević was entitled to negotiate the borders in the name of Bosnian Serbs in Dayton. However, after the Dayton Accords were signed, the Congregation of the SOC, dissatisfied with the solution reached, declared the Patriarch's signature invalid.

The territory of Serbia as decided by the AVNOJ is twice smaller than “the historical Serbian region,” writes *Pravoslavlje* in 2002, naming Josip Broz as the prime culprit. Then who's a quisling, asks *Pravoslavlje*, and concludes, “In any case, neither Milan Nedić nor Draža Mihailović are to be found in the ranks of the World War II quislings”.<sup>42</sup>

A national-political engagement was the most prominent activity the SOC pursued in 2002. The main problems were the so-called schisms – a term the SOC uses to qualify the Montenegrin and Macedonian Orthodox Church (MOC). Actually, the core of the problem in the case of Montenegro is the SOC's attitude to Montenegrin authorities, which are being denied since the SOC considers Montenegro a Serbian ethnical territory without any hesitation. Consequently, it negates the very existence of the Montenegrin Orthodox Church (MOC). In the case of Macedonia, however, the SOC reopened a years-long and partially solved question of the autocephaly of the MOC, with the intent to deny its autocephalous status, but not the very existence of the Macedonian Church. In both cases the SOC acts with unquestionably political or, to put it more precisely, territorial and political pretensions – although openly and with greater ambitions when it comes to the former, and more modestly and in a concealed way in the case of the latter. Finally, in both cases, the Church is fully supported by the Russian Orthodox Church, which calls upon “respect for canonical norms.” This, and every other support to the Serbian Orthodox Church,<sup>43</sup> was expressed by the Russian Patriarch while bestowing the highest award of the Russian Orthodox Church on the Serbian Patriarch, “for his

<sup>42</sup> *Pravoslavlje*, 843, May 1, 2002.

<sup>43</sup> The understanding between the two churches was expressed in 2002 in the same attitude they shared towards Vatican. In the whole Eastern Orthodox world these two churches have the hardest stand on this issue.

personal contribution to the strengthening of Christianity and the unity of Eastern Orthodox nations.” While expressing his thanks, the Serbian Patriarch said he was primarily grateful to the Russian leadership, then to the Russian Army, and finally to the Russian Orthodox Church for the help they gave to the SOC and the Serbian people with regards to Kosovo and Metohija.<sup>44</sup>

Serbia and Montenegro can part – says Amfilohije Radović – only against peoples’ will, by violence, theft, blackmail and threat. The SOC will, therefore, ignore Montenegro’s possible decision on independence. As to the Montenegrin Orthodox Church, it is the “child of Titoists,” who are “today continuing the violence against the SOC.”<sup>45</sup> This is the sum and substance of the SOC’s attitude regarding Montenegro’s state status.

The main characteristic of the political engagement of Metropolitan Amfilohije Radović is radical nationalism and extreme hate speech, which often slips into elementary impoliteness, even vulgarity.

Another illustrious instance of overt political engagement of Metropolitan Amfilohije Radović united with hate speech is his appearance at the New Year celebration in Podgorica, in the night between January 13 and 14, 2002. On that occasion, in support of the continued existence of the common state, he exclaimed, “Let every Montenegrin nail with a hammer the damned emperor Dukljanin to the Vezir bridge.”<sup>46</sup> At that point the issue of Montenegro’s referendum on the state status was in full swing. Later “explanations” in which Amfilohije claimed that he had in mind Emperor Dukljanin as the legendary symbol of paganism were not only unconvincing, but also hypocritical, in view of the fact that Duklja (the medieval Montenegrin state) has become the symbol of Montenegrin state independence during the recent processes aimed at the realization of this goal.

The Serbian Orthodox Church pursues its strategy of ignoring Montenegrin authorities through attempts to impede the exertion of state authority on the land owned by the Church and thus build a state within a state. Refusing to act upon a decision

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<sup>44</sup> *Novosti*, January 22, 2002. On the same day the award for the contribution to the unity of Orthodox people went to Russian President Vladimir Putin, whom Patriarch Alexei the Second called “the greatest orthodox statesman in the modern world”.

<sup>45</sup> *Novosti*, January 10, 2002.

<sup>46</sup> *Blic*, January 20, 2002.

of the Republic’s Bureau for the Protection of Cultural Monuments to cease the works on four monastery complexes on the Lake of Skadar, Amfilohije Radović warns the director of the Bureau that from now his office will not be allowed, without a written consent of the Diocese, to perform any works on the lands “owned’ by the Church, and that the SOC “does not accept to be a hanger to any necrophilic institution...with pagan spirit and petty-profit orientation.” (Qualifications pertain to Montenegrin authorities.) Reminding the director of the Bureau that the time when cultural monuments were protected “by commissaries” was over, he refers to the cultural project of the Cetinje biennial by saying, “The recent biennial turns the royal Cetinje into an ‘artistic’ doghouse, the entrance to the royal palace into an artistic ‘ox-promenade’ and other postmodern vulgarities, all of which humiliates the ancient city.”<sup>47</sup>

In its strategy of creating “a state within a state” the SOC is openly supported by the Army. On the eve of the cease of existence of the FRY, having in mind the fact that the Constitutional Charter of the new state envisages that all real estate of the Army that is not in a direct function of defense becomes the property of the two republics, the SOC and the Army hastily sign contracts by which the Army property was transferred to the SOC – huge complexes of land, army barracks, etc. Thus, for example, Metropolitan Amfilohije and the outgoing Minister of Defense Velimir Radojević signed a contract on December 12, 2002, by which the Army transferred to the Church the property of 10.000 square meters of land, with accompanying buildings, on the Flower Island, a first-rate tourist location.<sup>48</sup> By this openly political arrangement, this small public estate, as it already is, is to be divided between Montenegro state and the Serbian Orthodox Church, with the latter establishing its own authority on “its” part.

The opening of the “Macedonian question” in the spring of 2002 intensified to the extreme the bitter relations between the two churches. The conflict arose upon the initiative of the SOC that the two churches come to an agreement on the canonical status of the MOC. The MOC separated from the SOC and proclaimed autocephaly back in 1967, but without canonical acknowledgment, which needed the consent of the SOC. The

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<sup>47</sup> *Nacional*, August 12, 2002; *Borba*, August 16, 2002; *Novosti*, August 13, 2002.

<sup>48</sup> *Blic*, January 5, 2002.

solution proposed in the spring of 2002 by the SOC (Metropolitan Amfilohije, Bishop Irinej of Niš and Bishop Pahomije of Vranje) was that the MOC should renounce autocephaly, while the SOC would grant it autonomy in return<sup>49</sup>. The MOC Synod, however, did not accept the offer by the SOC, and after that Patriarch Pavle, in the name of the SOC Synod, issued a public appeal for overcoming the “schism” and reestablishing the canonical unity of the Serbian Orthodox Church. By this appeal, he implicitly acknowledged that the SOC was ready to accept individual eparchies also.<sup>50</sup> Metropolitan of the Veleško-Povardarska Eparchy Jovan accepted the offer, which resulted in division within the MOC, that is, in the unification of one of its parts with the Serbian Orthodox Church. The ensuing dispute between the Serbian and Macedonian Orthodox Churches showed the same political matrix and political technology that was in the core of the conflicts in the territory of the former Yugoslavia. The head of the MOC accused the Patriarch of “unhidden appetites” for “usurpation” of the MOC and wondered when the SOC would put an end to its aspirations to “rule over what is not Serbian.” “You have to understand that this is ours and belongs to us only.” “It is more than clear that you intend to destroy the unity of the Macedonian Orthodox Church,” said the head of the MOC, adding that by these acts the Serbian Patriarch lost the respect of the Macedonian people.<sup>51</sup>

During 2002, the question of the autonomy of Vojvodina also became very acute. The position of the Serbian Orthodox Church on the issue was defined by Bishop Irinej of Bačka, one of major nationalistic hard-liners within the SOC, also known as the “red bishop” due to his close relations with the Milošević regime. Irinej is a member of the extreme nationalistic movement “Svetozar Miletić,” whose members are, among others, Kosta Čavoški, Vasilije Krestić and Smilja Avramov. The same as Amfilohije, Bishop Irinej of Bačka openly joined the political dispute. Though incomparably more moderate, his speech was not freed from explicit nationalistic intolerance.

In January 2002, Bishop Irinej of Bačka declared that the SOC was going to organize the annual commemoration for the victims of fascism in Novi Sad (the Novi Sad raid) separately from provincial authorities should Vojvodina parliamentary speaker,

<sup>49</sup> *Danas*, May 17, 2002.

<sup>50</sup> *Novosti*, June 22, 2002.

<sup>51</sup> *Nacional*, July 27, 2002.

Nenad Čanak – an outspoken advocate of the autonomy for Vojvodina – take part in it. Čanak reacted by reminding Irinej of the tolerance the latter showed for former top people such as “Arkan, Perošević, Jugoslav Kostić and others” and warned him that after October 5 “the importance and participation of the SOC in public affairs has grown considerably, and the uninstitutional influence of the SOC dignitaries even more.” In its political rise the SOC came to the point when it starts to “rank state officials by their ‘suitability’,” said Čanak. The result of this conflict were two ceremonies held separately.<sup>52</sup>

By the end of the year Irinej engaged in yet another political battle, with his statement that the Assembly of Vojvodina “is not Serbian because Serbs are a minority in it.” Sharp political reactions of the Vojvodina’s DOS (the ruling alliance) ensued, calling this act a “distasteful accounting of the national composition of the Province Assembly” by the SOC.<sup>53</sup> A few days later, Irinej participated in the assembly of the “Svetozar Miletić” Movement in Novi Sad, where a demand for early provincial elections was made under the pretext that “the Assembly of Vojvodina does not have democratic legitimacy and mocks the citizens, and that even a minimal consensus between the Assembly and the majority of Serbian people in Vojvodina does not exist. The Assembly is acting openly against the Serbian state” or, as Irinej put it, against “Serbian unity and congregational spirit.”

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Active national-political, or, to put it more precisely, nationalistic engagement of the Serbian Orthodox Church was the foundation on which the unity of interests and conspicuously successful cooperation between the Church and the Army were developed after October 5. Apart from the aforementioned examples of direct cooperation (as in the case of Montenegro), the latter is also evident on the level of symbolism. Namely, a newly established rule provides that the highest representatives of the Army take part in all important ceremonies organized by the Church – from unveiling of monuments, through opening of temples, to enthronements of church dignitaries.

Some of these ceremonies are interesting as they indicate to this new union of interests. Thus, for example, Chief the

<sup>52</sup> *Danas*, January 22, 2002.

<sup>53</sup> *Novosti*, December 20, 2002.

<sup>54</sup> *Danas*, December 23, 2002.

General Staff General Pavković and his escort landed from a military helicopter to attend the ceremony of unveiling of the monument to Nikolaj Velimirović in the Soko monastery on March 24, 2002, the anniversary of the beginning of the NATO intervention in Serbia.<sup>55</sup> Also, general Pavković laid the first stone of facilities to be erected on the grounds of the Mileševa monastery, and according to the monastery journal *Mileševac*, two hundred soldiers were engaged in the works. A fish pond, stables, a poultry farm and a monument to “the victims of communist terror” were built on the terrain belonging to the monastery, the prior of which and the main entrepreneur of the works, father Filaret, is known for his unrestrained and bellicose mood at the beginning of the 1990s. The works on the monastery lands were undertaken without a permission of local authorities, which resulted in criminal charges against father Filaret “for drastic endangering of the Mileševa monastery area as an authentic spiritual and architectural whole in harmony with the natural environment.”<sup>56</sup>

### Conclusion:

Immediately after the change of the regime in Serbia on October 5, 2000 the Serbian Orthodox Church managed to impose the question of its institutional redefinition, which implied abandonment of the constitutional principle of the separation of church and state, as a priority, issue of strategic importance for the society and the state; and all that was done at the point when the citizens and the society as a whole found themselves at the brink of moral and material disaster, an outcome of the policy that has been abundantly supported by the Serbian Orthodox Church.

The past year is strongly marked by a vivid activity of the SOC, aimed at achieving the above goal. To that end, the Church fully cooperated with both federal and republic ministries of religions, enjoyed the support of the Yugoslav (Serbia and Montenegro) Army and a more or less benevolent attitude on the part of the majority of Serbian media.<sup>57</sup> The Church sought its

<sup>55</sup> *Vreme*, March 28, 2002.

<sup>56</sup> *Danas*, March 8, and April, 13-14, 2002.

<sup>57</sup> It is interesting, for example, that journalists who write about the Church in some daily newspapers contribute at the same time to the SOC journal *Pravoslavlje*. (See e.g. the interview of the *Danas* daily

main pillar among political and social structures, as well as among most fierce individual opponents of Serbia's facing its recent past, i.e. the responsibility for wars and war crimes. These forces had based their legitimacy and social authority on ethno-nationalism and adherence to the project of pan-Serbian unification even before October 5, 2000. After the military defeat, the Church has been growingly unveiling itself as the main pillar for all those attempting to keep this project alive. By ignoring the issue of its own responsibility for wars and war crimes ever since October 5, the Serbian Orthodox Church, which had revitalized its political influence once Milošević came to power, today strives to secure for itself an institutional form that would boost its influence, and is obviously on a good road to success.

journalist Jelena Tasić with Amfilohije Radović, *Pravoslavlje*, 844, May 15, 2002 and the article by the same journalist *The Speech of Amfilohije Radović* in *Danas*, March 22-23, 2003).

## PART TWO

### Political Crisis Blocks Changes

After acceleration of economic reforms in early 2002, aggravation of political crisis first slowed down the pace of reforms and then-paralysed them. Aside from the process of privatisation and partial modernisation of the tax system and tax services-everything else has been partially blocked by political deadlock in Serb parliament, obstruction of presidential elections, procrastination of agreement on radical re-arrangement of relations between Serbia and Montenegro (the EU-assisted formation of union between Serbia and Montenegro).

Dr. Vojislav Kostunica, now ex-president of the FRY, leader of the block dissatisfied by direction and pace of economic reforms, and opposed to new distribution of economic powers in Serbia, was entirely responsible for the blockade of reforms. But the fact is that it was Kostunica, who in the immediate post-5 October period, tried to strengthen his internal position by posturing as the "defender of traditional values " and insisting on the continuity of legal order ("legalism"). By opting for that tack and direction-obstruction of socially painful reforms in order to cheaply gain the upper hand and with assistance of old guard to call snap elections in order to take full control over Serbia and the FRY, induced the pro-Kostunica block to make a series of wrong, nervous and paralysing moves in Serb parliament. Those moves were equally nervously counteracted by the pro-Đinđić block moves, notably, attempts to "oust" Kostunica's MPs from parliament by way of the Prime Minister's majority in parliamentary Administrative Committee. That feud nearly paralysed the work of Serb Parliament and "infected" all other political processes. One of the consequences of the foregoing was a double failure of presidential elections in Serbia (very low turn-out of voters).

But the said conflict mostly affected Đinđić's moves. Namely under the status quo pressure Prime Minister was compelled to practically stop the process of economic reforms and

he began emulating Kostunica-style Kosovo rhetoric and Kostunic's allergy to the Hague Tribunal. So now we face a paradoxical situation: Đinđić is now saying what Kostunica has been long thinking, and economic reforms are totally sidelined.

That "schizophrenic" situation was fuelled by praises of Serb reforms by the top financial institutions (IMF; WB, EBRD). On the other hand population at large are aware that politics still prevail over economy, that their living standards have not improved, that recession is lingering, that some top politicians have close links with heads of gangland, that reform moves are incomplete and "selective" (beneficial for some political circles and harmful for other,) that order of government's moves is not logical (first privatisation and then de-nationalisation), that government is avoiding legal regulation and stabilisation of the state-run mass media/information system (in order to continue its control over the leading print and electronic media) and that the authorities are visibly unwilling to efficiently combat corruption.

The aforementioned reform-centred confusion was exacerbated by Washington's mixed messages to Belgrade, which were closely monitored by public opinion in Belgrade. For example in May 2002 Washington's strongly manifested reservations towards Belgrade because of the latter's near non-co-operation with the Hague Tribunal, were surprisingly succeeded by Washington's moves tantamount to staunch support to Belgrade reform-minded circles. Firstly the US Secretary of State Colin Powel signed certification of aid to Yugoslavia for the year 2002. Then the management board of the World Bank approved a long-term \$ 825,000 million worth of loan to Belgrade (in support of financial sectors reforms and acceleration of privatisation process.) However it bears stressing the US member of the board did not vote for that decision, but influential US representatives in the IMF did not either urge its deferment.

Then the IMF in its report assessed that the pro-reform forces in Yugoslavia realised "impressive achievements" and that "the Yugoslav economic program is wise and monetary and fiscal policies are in sync with the inflation-curbing measures." And finally at the May conference of the US-Yugoslav Business Council, the US Ambassador to Belgrade, William Montgomery extolled "Yugoslav economic authorities for having done a fantastic job." On that occasion Montgomery underscored that "the US Administration shall render extensive assistance to US companies interested in investing in Yugoslavia." All the foregoing signalled

Washington's resolve to "encourage" pro-reform forces in Serbia. But all those signals did not manage to resolve the most glaring problem of the transition in Serbia-lack of direct foreign investments. Namely in 2001 direct foreign investments amounted to only \$ 155 million, and in 2002 they totalled only \$ 500 million (the bulk of which are related to purchase of three Serb cement plants.)

In fact the aforementioned WB loan and other international assistance aimed at strengthening institutions, which could guarantee investments of private foreign and domestic businessmen and loans granted to citizens and small entrepreneurs. The fact is that large foreign investors are wary in view of slowed down overhaul of legal order and non-enforcement of judicial rulings. Team of the EU Commission in its late December report also assessed that "reform process is too slow and the legal insecurity is rife." (according to the Belgrade media the Serb government decided to treat that report as 'confidential' on internal political grounds.)

But it is a notorious fact that government of Serbia failed to put under its control all police services (or informal centres of power within them) and to transform the Milosevic era judicial mechanism, in terms of making it more independent from political and interest-related pressures. All the foregoing not only discourages foreign investors but also calls into question the credibility of all reform forces in Serbia.

### Foreign Assistance and Lack of Direct Foreign Investments

West supported very much the Serb reforms in 2001, but that foreign support started losing momentum in 2002. The foregoing was confirmed by deferment of the international donors conference and by the extent of external debt of the FRY (mostly Serbia).

Since during the election race the issue of the FRY's external indebtedness was one of the points of discord between presidential contenders, in fall 2002 Deputy Finance Minister Dr. Veroljub Dugalic disclosed many relevant data on the FRY's balance. In reliance on the IMF data, he stated that in the post-5 October period the external debt fell from \$ 12.2 billion to \$ 8.6 billion (several debts have been written off). That debt may be

further reduced to \$ 7 billion, when the London Club and the Paris Club within 3 years write off some debts.

Thus in a very short time the external debt of Yugoslavia thanks to understanding of the West was reduced by \$ 5.8 billion. During the Milosevic era (period of disintegration of the SFRY and sanctions), the external debt of Yugoslavia increased from the aforementioned \$ 6.5 billion (1991) to 12.2 billion, or was nearly doubled. Now if all optimistic predictions are realised all the interest rates accrued at the expense of the blocked Yugoslavia shall be written off.

Writing off the Milosevic era interest rates is in fact not a major achievement of the new authorities. But as the capital without interest rates is not a genuine capital, than one must note that democratic authorities have achieved a major success in regulation of external debts, and that foreign creditors enabled new authorities in Serbia and Montenegro to move forwards without the Milosevic-era economic burden.

As regards a direct external assistance, the Serb government was compelled to earmark the bulk of it for appeasement of dramatic social problems. Thus in 2002 150 billion dinars from public spending totalling 320 billion dinars were earmarked for social benefits, allowances and protection. In other words 350,000 families received outstanding children allowances, outstanding health benefits were paid out to the elderly and infirm, 78,000 disabled received their benefits, and 200,000 most vulnerable retirees twice received assistance totalling 600, 000 million dinars.

In 2002 pensions were also regularly paid out, thanks to additional 47 billion dinars from the republican budget (only 40% of necessary money).

The fact that only 60% of regular pension funds were provided is indicative of the depth of economic crisis. That transition crisis coupled by state obligations from the past period, thanks to considerable foreign donations, is being "cured" through the -public spending. However the Serb government is not deft and swift enough to jump-start the recovery of production and exports, in order to alleviate the social allowance burden of successful companies.

Added to that foreign investors are not willing to up their investments in Serbia. Though the Đindic Administration tried to lure them by increasing social benefits and allowances (and consequently reducing risks of such investments).

Serb public opinion tends to interpret the foregoing as insufficient foreign economic support to democratic transition in Serbia and to disregard "internal" reform-stopping brakes.

Instead of more energetically tackling the overhaul of the police and judicial apparatus, in order to boost confidence of foreign investors, the Serb government used the foreign investors reservations to halt the enforcement of the law on extra-profit aimed at effecting a total break with the Milosevic era profiteers. Namely from the very outset that law was criticised for creating "a new legal insecurity" and "turning off foreign investors." After its disappointing results and in view of the aforementioned it was repealed in August 2002.

Public Revenues Board of Serbia recently disclosed that of Euro 727 million profit generated during the Milosevic era it managed to collect only over Euro 50 million. It was also communicated that decisions on forcible tax collections to the tune of Euro 72 were sent to 158 companies. In fact the collection of extra-profit realised through privileged export-import deals was blocked, because many DOS leaders were one-time users of privileges granted by Milosevic, through their private companies of those of their sponsors.

### A Promising Start

One can say that the first, major reform-minded move, after a series of pro-reform slogans and statements, and adoption of several reform laws, was made on 3 January 2002 when the National Bank of Yugoslavia kicked off liquidation of the four largest state-owned banks (as their recovery exacted nearly \$ 5 billion or 32% of the then gross national product it was easier to declare them insolvent.).

Swift liquidation of those four banks (Beogradska banka, Invest banka, Beobanka, Jugobanka) meant also 'liquidation' of their foreign creditors. Had they been able to transform their investments into shares they could have demanded ownership of one third of the Serb companies, debtors of those banks. Then the Serb government would not have had anything to sell in the process of privatisation.

During that operation the National Bank of Yugoslavia Mladen Dinkic bore the brunt of wrath of redundant 10,000 employees. In sign of protest against that move and alleged abandonment of the concept of the "national banking" Dr. Jovan

Rankovic a leading economist of Kostunica's DPS and the Federal Finance Minister handed in his resignation. But when Democratic Party of Serbia realised that its opposition to liquidation of large banks would not be politically profitable it engaged itself in other battles against "influence of foreign capital" and in defence of "the national interests."

Governor Dinkic encouraged by the first success then proceeded with his purge of the entire banking system, that is declared insolvent other twenty banks. On the basis of the Agreement with the Paris Club envisaging writing off 66% of the Club's debts, he decided to introduce the majority state ownership over 10 relatively perspective Vojvodina banks and thus directly positioned himself to dictate the direction of their privatisation. In fall 2002 the NBY pushed through the Federal Parliament the Act on the State Take Over of Debts and Guarantees of Commercial Banks Towards the Paris and the London Club. Thus for only \$ 2.5 billion (undertaken obligations with a 20- year repayment period) the NBY got shares worth about \$ 7.5 billion.<sup>1</sup>

Governor Dinkic also pledged that the state would pay off old foreign currency savings by the year 2016 (instead of the year 2011) including the savings 'eaten away' by the failed pyramidal banks "Dafinament" and "Jugoskandik". By and large he thus regulated the public debt totalling Euro 4.25 billion.

In parallel the National Bank of Yugoslavia smoothly carried out the operation of conversion of DM and other European currencies, into Euro ( a total of \$ 4 billion were converted into Euro).

Thanks to the aforementioned actions Governor Dinkic and his NBY team put more order into the banking system, restored confidence in banks (foreign currency savings reached nearly Euro 800 million, while foreign reserves of the FRY reached \$ 3 billion). They thus put in place most prerequisites for formation of a real

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<sup>1</sup> According to Miodrag Isakov, President of Reformers of Vojvodina, "by one legislative-speculative move" the five old Vojvodina banks-Vojvodanska, Novosadska, Panonska, and Kontinental banks from Novi Sad and Pančevacka bank,- "were practically nationalised, for the state agency with the excuse of settling state debts, acquired half of their shares." Pro-autonomy forces in Vojvodina also protested against that move, and termed it "the NBY-sponsored centralised privatisation of the banking system and economy in Serbia."

financial market and for normal and cheap system of financing production and spending in the country.

Despite divided opinions on the two-year long stability of Yu dinar, one must mention 15 May, the day on which the IMF officially declared that the FRY took on commitments from Article VIII of its Statute, and subsequently proclaimed Dinar convertibility in monetary transactions with foreign countries. That move was preceded by signing of a three-year FRY-IMF financial arrangement.

In fact the aforementioned arrangement was reached in early March after two-week negotiations with the IMF mission in Belgrade. The arrangement regulated conditions of financial support totalling \$ 829 million until May 2005 (including the drawing rights on the last instalment of the previous arrangement to the tune of \$ 280 million), and the IMF recognised further FRY special drawing rights to the tune of \$ 650 million (on which basis Belgrade if it sticks to the IMF-prescribed economic policy may be granted \$ 62 million loan in each of the next 13 quarters). The foregoing was by and large a recognition of "successful FRY economic policy in the FRY").

The above was also certification of the previously reached deal with the Paris Club (2001) and most surely facilitated successful conclusion of other major loan arrangements (loan for construction and repair of corridor no. 10 through Serbia, etc.)

In order to ensure Washington's support for YU dinar and credibility of its monetary policy the NBY was compelled to push through parliament a key Act on Foreign Currency Liberalisation, stipulating a relatively "free foreign currency market at which domicile commercial banks without limitations may buy currency for the sake of their own liquidity, grant them as loans to companies and also engage in conversion operations "in their own name" (and not in the name of the NBY)." Financing of exports with foreign currencies by commercial banks was simplified, but the notorious provision on the "return of currencies" in case of failed operations was retained (the state in fact never got that money back, for it was one of the channels for the "capital flight" to other countries.) Obligation of registering export deals and the right of central bank to criminally prosecute those persons who fail to do that were also retained. Companies were finally allowed to have foreign currency accounts in domicile banks.

The new Foreign Currency Act has some contradictory provisions, which are a throwback to the old system in which in

principle everything was allowed, but in fact many things were banned. The Act for example lays down that: "inflow and outflow of capital in terms of direct investments is free....foreign citizens, but not Yugoslav citizens resident abroad are allowed to buy domestic bonds/securities...Yugoslav citizens living abroad are not allowed to purchase long-term foreign securities or to invest their money in foreign investments funds. Both residents and non-residents are not allowed to buy property at home and abroad. Crediting of economic activities of companies abroad and investments on the basis of those activities are restricted, and may be even banned in case of "upset of balance of payments" (and the said phenomenon persists in this country for 12 years now!).

Under the Act citizens when travelling abroad are allowed to take out of country Euro 2,000 in cash but those who have credit cards may use them without restrictions abroad.

One would not like to underrate the aforementioned foreign currency liberalisation, but one must note some of its shortcomings. YU dinar in the foreseeable future shall not reach "the real convertibility" in view of the continuing economic crisis in Serbia and its devastated economy. In fact "convertible dinar" (coming from the country which monthly exports amounting to \$ 150 million, are offset by over \$ 250 million monthly trade deficit) at this moment of time at the world market may only help citizens of Serbia carry out small-scale monetary operations. The foregoing may also help the domestic experts gauge the YU dinar purchasing power with respect to other foreign currencies.

### Acceleration of Privatisation and Low Prices of Socially-Owned Companies

Privatisation did not start in 2002, after the adoption of the new Act drafted by government of Serbia, but on 28 December 2001 when the sale of the three Serb cement-plants was effected (that deal was worth \$ 140 million).

Then privatisation grew slack in spring, but gained momentum after the launching of the government-sponsored action "Privatisation of 1,000 companies in 2002" in early July.

In fact the Serb government on 4 July thanks to amendments to the Act on Companies, first enabled itself to sell other shares of social capital. Then on 22 July Privatisation Minister Aleksandar Vlahovic and the leading domestic banks



signed the Protocol on Privatisation Financing, which facilitated "hire-purchase" of socially-owned companies. And finally on 1 August government of Serbia amended the Decree on Evaluation of Value and Auction Privatisation of Companies. That move brought about halving of inflated book-keeping value of socially-owned companies, and lowered the initial auction price of those companies to one-tenth of their registered value.

Government also renounced its theory that privatisation (through state-run sales) should lure fresh foreign capital, or prominent, foreign strategic partners. It instead hastened to impose to socially-owned companies new, individual (according to opposition "assorted") owners. Thus two objectives were reached: citizens were stimulated to put their savings into the domestic banks, and production in paralysed companies with dubious or non-owners was jump-started.

Government's measures aimed at simulating domestic entrepreneurs, both those with clean and dirty money, to buy ailing socially-owned companies. Minister Vlahovic was explicit: "Origins of capital invested in privatisation shall not be examined." Thus an interested investor may buy cheaply a socially-owned company either with cash (non-laundered money!?) or through a favourable loan, and as soon as 45% of the set price is paid, that individual may sell that very company.

All the aforementioned moves gave impetus to privatisation process. In 2002, 200 companies were sold (12 via tenders and 184 via auction) while minority share packages from the republican Share Fund were sold too. According to Minister Vlahovic those sales generated Euro 350 million, while new owners pledged to subsequently invest Euro 300 million in those companies. Minister Vlahovic announced sale of 1,500 companies (including overhauled 40 large "public companies") in the course of 2003.

Some of privatisation deals were accompanied by scandals. Trading in shares of Apatin Brewery at the Belgrade Stock Market generated much buzz because of alleged rip-off of workers of that company. Namely their shares (acquired under the old Act on Transformation of Socially-Owned Company) were sold by brokers for \$ 20 each, while the state-owned shares were sold several days later for \$ 175 each. Criticised was the sale of the three sugar-refining plants (each worth Euro 3) at the international tender. The buyer was Miodrag Kostic (former sponsor of Democratic Party) from Novi Sad.

## Major Infrastructure Works Are Much-Delayed

In 2002 it was widely hoped that the crisis of infrastructure would be alleviated by construction of so-called European no. 10 corridor, southbound and running along the river Morava valley. Many thought that the said corridor would become the principal route for the Athens Summer Olympics in 2004. During the early May visit of Kostas Simitis to Belgrade it was stated that Greece would help development of the Balkans region by Euro 100 million approved by the EBRD for regulation of the bottleneck in area between Leskovac and Macedonian border. As that part of highway is 120 km long, it was assessed that for the said sum a 24 km long detour road in the vicinity of Leskovac and 43 km long section from Bujanovac to Macedonian border may be built, while the longest section, the one running through Sicevac gorge (35 km) could be re-constructed as a semi-freeway. As Euro 600 million are needed for the full construction of that section of corridor 10, the republican Minister for Construction of Serbia, Dragoslav Sumarac announced the tender for pertinent highway and nearby attractive locations thereof. However by the early 2003 no such tender was announced by the Serb media while the Serb parliament received the new Bill on Concessions proposed by the Serb government.

The aforementioned delay in amending the basic regulations of concession-giving systems was caused most certainly by political, and strategic reasons. As the Serb government as early as in the fall 2001 renounced its concession plans relating to northern parts of corridor 10 through Serbia and Vojvodina, one gained the impression that the Serb authorities were trying to retain control over that lucrative transversal, and that they counted upon the IMF loans for building thereof. But when it turned out that the aforementioned would be a major financial effort for Serbia, the only possible solution resurfaced: granting of infrastructure concessions (though Prime Minister Đinđić has his reservations about that model of the foreign capital lure, which, by the way since the 10<sup>th</sup> century has been viewed as the betrayal of the "national economic interests" (whatever that meant and means).

That direction of investment acceleration in Serbia is widely backed by domestic economists, but its attraction for international

investors remains to be seen. By the way any major foreign investments may reduce the political risks and help broaden the circle of those interested in concessions. But the Đindić Administration avoids liberal deregulation of the old economic system, for the sake of internationalisation of economy of Serbia. To illustrate the aforementioned assertion it is necessary to recount the tale of privatisation of the oil sector of Serbia which is linked to various obstacles to foreign investments in infrastructure.

The main stumbling block regarding activation of the aforementioned "Greek Loan" (in fact the EU loan) is the early 2001 decree of the government of Serbia on the state monopoly on imports of oil and oil derivatives aimed at enabling the state-run Oil Company of Serbia to achieve accumulation necessary for overhaul of refineries and warehouses destroyed during the NATO 1999 bombing. That decree objectively de-motivates foreign investments in oil derivatives distribution network, in which companies from Greece, Russia, Austria, Hungary, and other countries have shown interest.

In his bid to create prerequisites for activation of the Greek loan, the Republican Privatisation Minister Aleksandar Vlahovic, urged the suspension of the state monopoly on imports of oil derivatives. In line with that advocacy he announced the tender for privatisation of "Beopetrol," a company which in the early 90's broke away from the Croat Company "INA." (Vlahovic also said that the damage compensation lawsuit recently filed by INA was not legally founded and that government of Serbia might win that lawsuit by way of international arbitration.) He added that in order to make the tender successful, the aforementioned decree on imports of oil should be amended to allow for imports of crude oil to Serbia, to be effected by the future buyer of "Beopetrol," probably a foreign company.

But in the face of all the aforementioned Vlahovic's communiques and privatisation demands of his ministry the Oil Industry of Serbia took the stance that it should take part in the competition for the purchase of "Beopetrol". In fact NIS fears that its it would not stand much chance in future privatisation deals, were "Beopetrol" to be sold to a foreign buyer. It also bears stressing that the purchase of "Beopetrol" would be a lucrative deal for NIS, as the former generates yearly revenues of \$ 15-20 million. But Minister Vlahovic's inclination to sell "Beopetrol" to a

foreign buyer with foreign currency cash goes against any such NIS wish.

### Summing up Performances of the "Reform-Minded" Government

In summing up performances of the reform-minded government of Serbia in the past two-year period, we note only partial successes and total failures. Pays were tripled, costs of living doubled, living standards rose only by 20%. Production was partially revived and increased only by 4%, taxes tripled, and some order was put in state/public services. Privatisation is now gaining momentum, but many people are aware that it cannot be carried out in a just way and that new owners of Serbia shall not be angels with a clean financial past. Much was done in the sphere of recovery of economic ties with foreign countries and top international institutions, but inflow of foreign investments is still low.

One can say that the Serb government instead of fundamental de-etatization of economy, tried to concentrate funds in the state budget and exert full control in resolution of all economic problems (this was partly due to the pressure of anti-reform forces and partly to traditional command role of state in the economic sphere). The foregoing was repudiated by the IMF which now demands re-balance or rather down-scaling of the republican budget by 10-20%.

However Prime Minister Đindić maintains that the increase in budget from \$ 3.5 billion in 2002 to \$ 4.5 billion in 2003 should double privatisation revenues, which, according to some optimistic predictions, are likely to reach \$ 2 billion in 2003. Imminent are sales of tobacco industry and of large part of state-owned cell phone industry shares.

By and large both citizens and the new authorities in Serbia have underrated the burden of the legacy of the previous regime, and were too optimistic about the celerity of changes. In order to prevail over the aforementioned onerous legacy systematic, economic planning and new and radical measures are needed.

## Economic and Social Rights

Second year of transition in Serbia began with signs of palpable fear of all population strata in the face of imminent, massive job cuts and other radical, economic changes. After the first serious legislation-related moves of the Serb government in 2001 (adoption of tax laws package, Act on Privatisation, Act on Labour, overhaul of the largest Serb company Kragujevac-based "Crvena Zastava", sale of the three large cement plants), it was clear that the process would be accelerated in the next few years, that is revved up to encompass a large number of companies. Although the top political and economic experts were openly reform-minded, other key players did not reach the consensus on the timetable and pace of next economic and social moves. Lack of political and social consensus throughout 2002 affected the reforms, either by slowing them down, or by devaluating their earlier results. Ideological and program differences caused a major rift between parties, members of the ruling coalition, and subsequently affected further implementation of economic reforms.

### 1. Standards of Living

Catastrophic predictions by opposition leaders relating to a plummeting standard of living, and an army of jobless caused by arbitrary sale and closure of factories country-wide, have additionally frustrated and intimidated broad population strata, already traditionally disinclined towards the idea of market economy. At the same time liquidation of some large Serb banks in the early 2002, entailing redundancy of 8,500 employees, only strengthened those fears. On the other hand, Prime Minister and members of government have more or less successfully responded to numerous pressures and frequently unrealistic social demands. They were guided by "strategy, without strategy", that is reacted to each case "in a different manner, as possible under the given circumstances." In the face of numerous objections and sharp attacks, and an ever-dwindling popular support to reforms, Prime

Minister Zoran Đindić was fully aware that "the government implementing reforms cannot be popular....but Serbia has the most socially-minded government of all countries undergoing transition." ("Vreme", 24 October 2002). He illustrated the foregoing by the following data "200 billion dinars of 250 billion of the planned budget were allocated well in advance on the basis of citizens' rights."

In the late 2002, on 18 December, at the "Poverty in Serbia" Conference findings of a very comprehensive survey on standard of living were presented. Survey was carried out by "Strategic Marketing" in co-operation with the World Bank experts. It shall represent the basis for future moves in the domain of social protection and the one for working out the poverty-reduction strategy. According to the newly-established poverty line 800,000 people, that is, 10.6% of population are considered poor, while a large number of people are just above that poverty line. Experts have stressed that the decline in the number of poor resulted from a good social policy, by also from newly-applied criteria. They explained that the number of poor would double if the current poverty line were upped by 20%. The most surprising was the following data: most poor are inhabitants of rural areas (14%), and five- or more member households (13%). To date it was widely believed that in Serbia the most poor are inhabitants of large industrial centres, that is inhabitants of urban areas. As regards the age structure the most poor are inhabitants over 65 (15% of the poor) and then children between 7 and 14 of age (12.7%). Highly-educated individuals make up only 2% of poor, but every fifth unqualified worker is poor. Unemployed are also among the most vulnerable population strata. The black market employs mostly retirees and farmers or small holdings owners, but also the jobless. Nearly 12% of fully-employed are also moon-lighting. Regional analysis of poverty confirmed an obvious inequality in the degree of development in some parts of the country: poverty rate in Belgrade is 7.1%, in Vojvodina 8.8%, well below the republican average. The largest number of poor people live in South East Serbia (16.6%) and in West Serbia (13.5%). In Central Serbia every tenth citizen is poor. Average spending is \$ 1,600 per capita, 50% less than in Croatia. Interestingly enough 10% of the richest people in Serbia spend seven times more than the same percentage of the poorest people. The poor need an additional 21.2% of money to meet the bare necessities.

Citizens cannot be even comforted by the data on betterment of macro-economic situation or by the fact that Serbia's poverty rate is equal to the one registered in the neighbouring developing countries. According to Milan Đuric, President of "Nezavisnost" trade union of "Retirees", says that 750,000 retirees in 2002 received monthly pensions of about 6,500 dinars, and Milenko Smiljanic, President of Council of Alliance of Independent Trade Unions of Serbia says that the survey carried out among workers indicated that 47% of them lived worse than two years ago, and 45% had the same standards of living. ("Danas", 20 December 2002). Although due to different methodology the last and previous data are incomparable, hardly any citizen of Serbia is ready to lend credence to the presented data that in 2000 every third citizen was poor, in mid-2002 every fifth, and in late-2002, only every tenth.. Obvious efforts made by the Serb government to resolve social problems (the latter are frequently minimised on political grounds) and funds allocated to that end, don't suffice to create a stable social situation in the country. Radical economic moves at the outset of transition, axing of a large number of jobs because of privatisation or insolvency, slow creation of new jobs, and lack of investments are objective and expected problems. Added to that a large number of citizens is still not coping well with the newly-emerged circumstances, namely they are reluctant to change their jobs and expect the state to solve their work problems. The biggest problem are however retirees. Due to low pensions, bereft of possibility to moon-light and faced with rising living costs, they barely subsist. Refugees, notably the elderly and families with children are also in a dire predicament. As regards labour-fit population, several hundred thousand of them working in failed companies, receiving irregular pay checks and being non-eligible for any kind of social benefits are really having a hard time. According to Independent Trade Union 200,000 of their members have not received pay checks for months or years.

## 2. Poverty-Reduction Strategy

Program "Poverty-Reduction Strategy" was launched in September 1999 by the World Bank and IMF, at an initiative of leaders of G 7 (loan-granting countries). The latter deemed it as a new kind of support to heavily indebted countries. That program articulates the plan of national development and defines attainable objectives contributing to reduction of poverty, integration of

social, macroeconomic and structural elements and identification of parameters for gauging the progress made in that direction. So-called Heavily Indebted Poor Countries (HIPC), mostly African and Latin American countries, and low-income countries so-called IDA countries (International Development Agency), notably Yugoslavia, are duty-bound to implement the aforementioned strategy. After elaboration and adoption of the Poverty-Reduction Strategy IMF and WB shall write off the external debt of the first-group countries, while the second-group countries shall become eligible for favourable, long-term international loans.

According to the IMF and WB decision Serbia and Montenegro are duty-bound to work out two independent strategies and to separately elaborate the Initial Framework of Poverty-Reduction Strategy, before kick-starting the work on the final version. That document was submitted to the WB and IMF by the Serb government on 22 June 2002, and the two international institutions gave it high marks. Deadline for elaboration of the final strategy is July 2003. 9 ministries are directly working on it, while other ministries shall be consulted when the particular needs for their suggestions arise. Ministry for Social issue is in charge of the project co-ordination and elaboration.

Government of Serbia has prioritised three objectives: anti-poverty combat, revival of economy and constitution of the state based on the rule of law. In stressing that poverty was the no. 1 state problem, much before the disclosure of findings of the poll on Standards of Living of Population, the Serb government publicly admitted its awareness of the gravity of the social problem, but also announced its readiness to resolve that problem without threatening or renouncing the key goal-reform or rather an overhaul of the whole social system. In view of the foregoing it opted for the national poverty-reduction strategy based on economic development of the country and joint efforts of the whole society in anti-poverty combat, rather than the strategy based on favourable international loans. Hence a heavy reliance on internal resources in the program financing, through improvement of budgetary revenues and structure of budgetary spending, along with a minor reliance on additional help- non-repayable foreign loans.

In combat against poverty the focus is on re-structuring of economy, development of new products and services and expansion of a network of small and medium-scale companies, all of which should lead up to creation of new jobs. Transformation of

economy along modern, market principles and on sound basis would ensure better social assistance, better education and health services to the poor and vulnerable population groups.

If the Anti-Poverty Combat is accepted by the WB and IMF, it shall be a program of momentous importance for population but also for the future of the state. Government of Serbia shall then have to fine-tune all reform processes and gear them towards reduction of poverty, while social policy and assessments of the needs of the poor shall constitute a basis for elaboration of a national development strategy. Although the ongoing reforms and democratic processes in Serbia have been to date closely monitored by numerous international organisations and international institutions green-lighting of the aforementioned strategy would entail both additional control and various kinds of assistance and guidance on the path of transformation of the whole society.

### 3. Legal Framework

The very first year of reforms indicated lack of strong and uniform will for changes (there were evident differences over co-operation with the Hague Tribunal, and a clean break with the legacy and policy of the previous regime). There was no massive popular support for changes, and many failed to grasp the key issues of transformation of society and system. Euphoric mood and unrealistic hopes which marked the year 2001 were dispelled last year. At the same time the true nature of the existing processes and motives of their prime movers were laid bare. Historical chance given to Serbia (despite tragic consequences of its previous policy and its delay in latching on to modern European processes) was called into question due to lack of responsibility, egoistic interests and lack of readiness of the ruling political establishment to grasp the transition process in its entirety. Major differences in programs and ideas of parties-members of the ruling coalition escalated last year and even evolved into open conflicts resulting in the definite rift between the two largest political parties, and re-alignment of DOS into the so-called "reform-minded" and "anti-reform minded" blocks. Continuing political instability in the country slowed down the reform processes and de-motivated the minority of citizens ready to shoulder the burden of changes.

Due to foregoing there was much obstruction and filibustering in Serb Parliament. Throughout 2002 it was a scene of futile discussions and political insults and vilification, its work was repeatedly blocked, and legislative functions stalled. Plans relating to adoption of new laws and fine-tuning of the entire legal system with modern legislation of Western democracies are much-delayed, which affects the international image of the country, and the internal situation. Numerous unregulated areas and initiated changes exact immediate work on creation of the new institutional and legal framework.

In the face of the above-mentioned situation government of Prime Minister Đinđić managed to ensure support for adoption of some most important laws. But some important bills are still pending, due to continuing squabbles between the leading parties.

Ministry of Finances and Economy continued the reform of the fiscal system in the course of last year. It also introduced measures leading to a major financial discipline and put in place new models of business operations. As laying the groundwork for market economy is a difficult and comprehensive task, the above-mentioned measures were frequently taken to task by companies, budget users, financial clerks, business management, municipalities and even state bodies. Many in fact feared new market principles and the loss of sinecures, as well as the loss of opportunities for further financial machinations. But the fact is that many changes in the fiscal policy and measures of financial policy contributed to stabilisation of budget, and did not cause the business paralysis as predicted by many detractors of those changes. The fact is that many laws and measures prior to their enforcement were fine-tuned with the projected budget and financial policy. All the foregoing contributed to stabilisation of economic conditions in the country, although not to satisfaction of the majority of population.

Under criticism were the Serb government and competent ministries, but the opposition's favourite object of vilification was the Finance Minister Božidar Đelić. Namely in 2002 he acted a tough negotiator, who rarely gave in to numerous demands of pauperised workers from failed companies, dissatisfied budgetary users, retirees or farmers. In the face of criticism and objections, Đelić consistently altered the fiscal policy, pensions-related legislation, budget, and took an active part in the overhaul of the banking system, health policy, and education. Although the work of other ministries was under the public spotlight and scrutiny

throughout 2002, moves made by Delic generated most media buzz. They were either extolled or totally challenged and denied.

In the face of a large number of redundant employees, the Serb government on 7 March 2002 adopted "The Social Program for Employees to Be Made Redundant in the Process of Re-Structuring of Companies and during Preparations for Liquidation, and Closure Thereof." This document was adopted because of harsh criticism of trade-unions "that government embarked upon privatisation without putting in place an adequate social protection policy", but without participation and approval of those very trade unions. That led to further differences and collisions. The program envisages three key modes for resolution of economic-social status of redundant workers: notably, termination of contract and registration with the Labour Market Institute, the right to severance pay plus mandatory, additional training, and the right to payment of the lump monetary compensation.

In the first case the fired worker/employee after registration with the Labour Market Institute is entitled to monetary compensation and the right to pension, disability and health insurance during payment of monetary compensation. Moreover his or her families are entitled to health benefits, if they are not otherwise insured. The Right to Monetary Compensation lasts until the day of expiry of insurance, and the pay thus envisaged may not be lower than 40% of the average pay of employees, or higher than 80% of that pay. Duration of that right depends on the years of service. Those with 10-15 years of service are entitled to "welfare" money or monetary compensation for 9 months, and those with 25 years of service may exercise that right in the next 2 years. Payment of monetary compensation is effected during pregnancy, maternity leave, provisional disability, and vocational training. The lump monetary compensation may be requested if the money paid out is to be used for future employment. Added to that such persons may join gratis vocational training organised by the Labour Market Institute.

The redundant worker/employee may opt for the second variant envisaged by the Social Program. Namely he or she may exercise the right to monetary compensation increased by 10 index points during vocational training or a special monetary assistance. That person is also entitled to exercise other rights, notably those to pension, disability and health insurance on the basis of his/her unemployed status.

The person who opts for the third variant gets the lump monetary compensation equal to 10 average pays in the republic according to the last released data by the competent statistical body, or 100 Euros, for each year of service. That person may register with the Labour Market Institute, but is not entitled to the monetary compensation envisaged for the unemployed. Funds for the payment of the lump monetary assistance should be provided by companies, but as they are often unable to do that, the newly-adopted social program envisages for those purposes the territorial autonomy and local self-management funds. To meet the aforementioned needs the Serb government earmarked 4.5 billion dinar assistance from the Transition Fund, and 2.5 billion dinar for the Labour Market Institute. To date the largest number of redundant workers, notably those approaching the retirement age or intending to start up their own business, opted for the last variant. Bank or special-purpose loans for development of small and medium scale companies are an additional opportunity for those intending to start up their own business. But, on the other hand many are not able to meet the strict criteria for granting of those loans. Social Program envisages stipends worth 30,000 dinars for all those interested in self-employment opportunities, while assistance to the tune of 300,000 dinars is foreseen for 10 or more workers intending to launch a partnership company.

Act on Financial Support to Families with Children was adopted as a measure of social policy on 2 April. That Act envisages payment of allowances for children to low-income families (900 dinars for the first, second, the third and the fourth child respectively). Allowances are not envisaged for "the next children" for, according to Minister for Social Issues Gordana Matkovic, "we don't want to encourage non-functional families." Custodians also have that right under the said Act. Allowances granted to single parents, children in care of institutions, children with arrested development, shall be increased by 30%. A novel right, the one to parent allowance, was introduced as a measure of population policy. The allowance for the second child is 50,000 dinars, for the third child 90,000 and for the fourth 120,000. Well-off parents, whose yearly tax basis exceeds 12 million dinars and parents who neglected their children (gave them to foster care institutions) are stripped of that right. The Act envisages additional measures of protection for children in foster care and children with arrested development. According to the most recent data in Serbia children allowance covers over 655,000 children.

Due to very bad, almost non-existent employment and education policy in the past decades Serbia has a large number of redundant workers and first-time job seekers (new graduates). First the Labour Market Institute set up the Centre for Encouragement of Employment of the Young Unemployed Cadres and then the name-sake Fund was set up by the Serb government, the Labour Market Institute and 34 leading Serb companies. Employment stimulation program aims at straddling the gap between the industry's needs for highly educated cadres and young experts without the experience necessary for such jobs. Young experts were offered 12 different variants, notably jobs as assistants, or of associates with stipends and mentors, or first-time jobs backed by the Institute's financial assistance. According to Director of the Republican Labour Institute of 24,000 young people invited to enrol in the program, 13,750 responded positively, while 8,000 decided to accept the jobs offered by the best Serb companies. (Danas, 16 May 2002).

In 2002 there were no major clashes between trade unions' leaderships and competent ministries and government over labour-related legislation (unlike in 2001, when the Labour Act and Privatisation Act were very much disputed). But there were differences over adoption of many laws regulating some areas of social life (Acts on Primary and Secondary School, University Act, Health Care Act, set of legislative measures). Due to aforementioned differences and problems in the work of parliament, announced laws on trade unions and strike are yet to be debated. They are likely to generate much media buzz and become the sticking point between trade union leaders and government of Serbia.

In early 2003 we should see the adoption of the Act on Employment and Insurance in Case of Unemployment. The Act shall be backed both by the Serb government and the three largest trade-unions at a forthcoming Social-Economic Council. It would be a precedent, in view of traditional misunderstanding which in the past frequently blocked the work of the Council and the long-running resistance of trade unions to a bill aimed at introducing momentous changes in the area of employment (and unlikely to receive a nod by many employees and workers). Namely that Act envisages a number of new measures and sanctions with a view to stimulating so-called active employment including self-employment, professional and geographic mobility, reduction in the number of black-marketeers and unemployed. Hence any

person unemployed for a period of over 2 years who refuses to accept an adequate job, additional training or education, or caught in black-marketeering or moon-lighting shall be struck off the evidence of unemployed in the next 12 months, and consequently lose the right to financial compensation and health insurance. "Adequate" job means employment offered to that person in the first three months and corresponding to his or her qualifications, or nearly adequate employment offered between 3-9 months. If both jobs are rejected, then the unemployed shall have to accept any job, after 9 months. Under the Act all those who fail to report regularly to employment services, who are not found at home by staff of employment services three times in a row, those who fail to bring evidence of their active job search, all those caught moon-lighting or those who refuse all offered jobs, shall be struck off evidence. The current Republican Labour Market Institute shall be transformed into the National Services for Unemployed and Employers. Unemployed shall have to conclude an agreement on mutual rights and obligations with the aforementioned Services within 12 months. Employers' subsidies for employment of surplus professions and over-50 job-seekers are defined, as are heavy fines for non-registration of employees. In the offing is also for the first time the founding of private employment agencies, job-seeking clubs, business centres for those who want to engage in business, and public works through the National Services for the Young, Handicapped, Technological Surplus, etc. It is however clear that adoption and subsequent enforcement of this law would lead to different, free-of-charge health rights between genuine job-seekers and the ones registered as such. Its positive effects shall be the change in mind-set and incentives to active job search. But reactions of a veritable army of unemployed, unused to making efforts, and dependant on state, remain to be seen.

In order to simplify and accelerate tender privatisation, and higher employment amendments to the Privatisation Act are in the offing, and are to be debated in early January 2003. Trade unions have already announced their objections to some novel solutions, notably "limitation of trade-union demands in drafting of social programs by privatisation-targeted companies". According to the Serb government that provision was necessary because "of unrealistic demands of trade unions which make companies unattractive for potential buyers."

## 4. Trade-Unions in Transition

### 4.1 TRADE UNION COMBAT

In 2002 trade-union combat for protection of the rights of employed and improvement of their status took the shape of hundred small and big strikes which were quite legitimately and legally the ultimate device in the defence of workers' interests. But in 2002 there was no major break-through in social dialogue between trade-unions, employers and government, that is competent ministries. At play were still inherited weaknesses from the previous period, notably politically-motivated trade-union actions, mutually intolerant and radical statements, arrogance and manipulation, bias, inability for risk-taking and lack of responsibility transcending concrete conflicts.

On the other hand the motives for strikes by and large crystallised: there were strikes for pay rises and those against privatisation. In the second case demands were as different as the underlying fears and dilemmas of the employed relating to the privatisation process. Some resist privatisation out of belief that social property is their inheritance or legacy, some think that property is being sold for nothing, while the third are sceptical toward market economy and business. But by and large workers and employees are mostly afraid of losing their -jobs. Resistance to the very process of privatisation has visibly dwindled (with respect with the motives of some protests in 2001). This can be explained by gradual acceptance of reality by employees, enhanced by the trade union's insistence on inevitability of that process. Hence objections and negative responses of some trade unions should be viewed more as criticism of the government's failure to include them in the important process of decision-making and as reflection of their fears and combat for sinecures and positions, than as their resistance to privatisation.

Added to that it is unrealistic to expect that trade unions would back axing of tens of thousands of their members and at the same time extol the virtues of such moves. If government took into consideration at least some trade-union demands perhaps the number of strikes for pay rises would decrease and negotiations would be more successful. And such a development would be beneficial for both sides. Unfortunately both sides keep losing their energy in marathon discussions and in unrealistic demands. One should not even mention the advantages stemming from a more

peaceful climate, in which tolerance and mutual respect would be the main features of conduct of both sides.

Despite the mood of heightened tension and nervousness in 2002, the causes thereof were more of political than of economic nature. Across-the-board pauperisation and difficult financial situation were primary causes of that tension. But the negative mood was also increased by many political and financial scandals, and disunity among the ranks of DOS member parties. This affected the level of the stability in the country too. All the aforementioned negative phenomena were further exacerbated by some undermining actions of the political forces defeated two years ago. Analysis of political situation in 2002 and numerous polls indicate that population at large negatively responded to the ongoing political crisis and constant conflicts among the top leadership. One also gains the impression that the economic crisis would be easier to swallow by many citizens if there were more unity among the top political tiers. Added to that the number of strikes in 2002 was negligible and of low intensity, despite the voiced threats and sharp words.

Strike of employees of the four, largest Serb banks, Jugobanka, Beobanka, Beogradska banka and Investbanka, generated much media buzz. It took place in the early January after decision on liquidation of the four banks and simultaneous axing of 8,500 jobs. Organised by the Trade Union of Financial Organisations of Serbia (asplinter group of trade-union Nezavisnost) workers for days tried to break through solidarity of population, other trade unions, political parties and state officials and negotiate suspension of liquidation decision and "overhaul of the banking system." Representatives of the trade-union accused the National Bank of Yugoslavia and other backers of the liquidation decision, notably the NBY Governor Mlađan Dinkic of "destroying the Serb banking system and consequently the Serb economy on foreign orders." ("Nacional" 11 January 2002). After a meeting with President Kostunica (at the trade-union request), they were even more frustrated for failing to reach their objectives. Namely Kostunica (who does not have powers to interfere into the NBY work or the decisions of the Finance Ministry) met with them, had talks with financial exports and only made an irrelevant statement, for the sake of his own political marketing and with the intention to further undermine the work of the Serb government and of Prime Minister Đindić. Nonetheless the trade-union representatives were surprised by "a vague stand of Vojislav



Kostunica" and considered that his "non-reaction was the proof that the pertinent liquidation decision was taken single-handedly by Mr. Dinkic." (Blic, 6-7 January 2001).

Workers repeatedly tried to radicalise their strike (blockade of Belgrade's thoroughfares, occupation of the bank outlets in several Serb towns, hunger strike). A general strike on January 10<sup>th</sup> failed, for only several hundred banks' employees turned up (instead of expected several thousand). Due to lack of more massive support and encouraging public reactions that event marked the end of the employees' protests. Most employees realised that the liquidation process was over, and that public opinion was not too inclined towards employees who at the time of the staggering inflation received regularly their pays without ever calling into question financing of wars and ailing companies, disappearance of gold and other monetary reserves. Strike of banking workers best reflected the then picture of Serbia: continuing political manipulations, disunity of trade-unions, deeply divided society, selective re-examination of morals from wrong positions and out of unprincipled reasons.

In 2002 educational workers did not strike (during the Milosevic era they often defied the then regime and in 2001 staged a strike to warn the newly-installed government of Serbia that they would not tolerate educational problems and low standards of living). Similar threats and warnings were voiced in the customary periods (on the eve of the new school-year, and after the winter holidays), but once their demands for pay rises were met their protests died out. Since its installation the Serb government greenlighted several pay rises to educational workers, for their pays were indeed very low, and their massive strikes were pernicious and irritating (problem of too much leisure time of children, affected timetable of parents, re-scheduled end of the school-year, inadequate knowledge and marks, etc.) Because of a negative experience gained during the last, politically manipulated and non-backed strike, educational workers decided not to make maximal and unrealistic demands.

Health workers, organised by several trade-unions (Nezavisnost, New Trade Union of Health Care Employees, New Trade Union of Health Workers, and Trade Union of Health Care and Social Protection Employees) were less successful in their demands. In March 2002 the Serb government approved pay rises to doctors, and pharmacists, and reached a deal with their trade-union. In June the new Trade Union of Health Workers demanded

a pay rise for other health workers, and in September a short strike of the Trade Union of Health and Social Care Workers was staged. Though many acknowledged efforts being made to improve the situation in that area, in December demands for new pay rises were voiced anew and subsequently a strike was organised by trade-union Nezavisnost. While members of Nezavisnost from Nis first walked to Belgrade, and then staged protests in front of the Health Ministry, other trade-unions were negotiating the pace of pay increases in 2003!

Contrary to the above strike which the Serb government handled deftly aware of the disunity of trade unions, the one of railway workers, members of the three trade-unions, staged in March caused much more concern. 30,000 members of trade-unions took part in the strike, which was the longest one in the post-October 5 period. An 11-point deal was reached with the government, while pay rises remained on the agenda for the next 10 days. According to many the strike was triggered by fear of job losses, and the fear of announced overhaul of railway system and adoption of the new Railway System Act. From its inception that big system depended on political decisions, in view of its strategic importance for the development of the Balkans states, and the neighbouring powerful empires. Hence its development and future always depended on numerous, and often divergent interests, and was conditioned by international loans. Like the state the railway system failed to latch on European processes, and under the former regime it totally collapsed. That systems faces a radical overhaul in view of an enormous number of employees and practically unusable technology and infrastructure.

Although the Serb government has not made public its railway-related plans, it may be assumed that concessions shall be given to foreign railway companies, and that many jobs shall be axed. Therefore the fear of losing jobs is superior to the discontent with low pays. Persistence of the striking railway workers compelled the competent ministry to engage in long and laborious negotiations with them, despite small number of passengers and low cargo transport handled by those services. The scant-worded, post-negotiations communique indicated government's willingness to have railway employees, members of railway trade-unions on board, as partners in re-structuring of the system and in drafting of a good social program. The strike ended when pay rises were pledged. Until the overhaul of the system, one may expect sporadic warning strikes.

In late October workers of "Telecom Serbia" company went on strike. They demanded repeal of the Serb government decree on limitation of salaries of public companies employees. Strikers this time round enjoyed the backing of their management and after a controversial blockade of thoroughfares in Belgrade, reached a deal on the pay rise with the competent ministry (but the disputed decree remained in force). Identical demand was made by strikers from the Power-Generating Industry of Serbia, PTT, and Oil Industry, but despite threats the general strike of public companies employees never materialised, and pay rises were negotiated by separate deals with competent ministries and the Finance Ministry.

In 2002 Trade Union of Judiciary Employees repeatedly demanded pay rises for all employees in this sector (and not only for judges), and disclosure of the end-users of the judiciary-earmarked international donations. Tension among the judiciary was heightened by the conflict between the Justice Minister and some judges, which in turn affected relations between the Serb government and several holders of the top judicial posts. The foregoing was not only due to discontent with low salaries of judicial staff, as was often depicted by the print and electronic media (in the meantime judges started receiving the promised monthly pay of Euro 500).

Throughout 2002 there were other smaller strikes and work stoppages in many companies Serbia-wide. Ailing and collapsing companies were unable to jump-start production without massive infusions, but at the same time were unready to accept privatisation. They were also teetering on the brink of ruin, because of the burden of the excessive workforce. That workforce was on the other hand often compelled to stage strikes in a bid to ensure even minimal pays. When the local self-community bodies were unable to help, then money was provided by the state funds. But the foregoing only prolonged the agony of state-owned companies.

The Bor Mining Basin and Smelting Plant is facing an imminent overhaul. Its workers on several occasions had overhaul-themed talks with the government representatives in 2002. Despite several management re-shuffles, judging by the December strike, the resolution of the crisis was not imminent. In view of the strategic importance of the Majdanpek pits (gold and copper), government representatives on several occasions visited that basin. In February they were kept as hostages by miners and

citizens of Majdanpek, dissatisfied by the official declaration "that the lease on basin's life may be extended for another 10-12 years, if foreign investors are found and the entire industry is re-structured." At the end-year a communique indicating the possibility of signing a strategic partnership with a foreign company raised hopes of Bor and Majdanpek workers.

In 2002 there were no skirmishes or incidents with police during strikes. Representatives of trade-unions moreover repeatedly praised "the correct police conduct." On the other hand citizens were often irritated by long blockades of thoroughfares and even of a freeway by strikers. The foregoing indicates that the right to strike should be urgently regulated.

#### 4.2 RELATIONS BETWEEN DIFFERENT TRADE-UNIONS

No-one is denying the gravity of Serbia's economic situation and necessity for a radical shift in economy. But there are differences between trade unions and government as to the resolution of problems. On the other hand trade unions don't have a uniform stand on that issue either. Unfortunately these differences are thwarting a constructive dialogue which could help crystallise the optimum solution in the given moment. On the contrary they tend to deepen the existing rifts and misunderstanding. Continuing rows and conflicts between trade union don't lead to attainment of the common goal and trade union interests are moreover frequently overshadowed by strained and sour relations between various trade unions.

Long-standing rift between Independent Trade Union of Serbia (SSS) and Associated Branch Trade Union (UGS) "Nezavisnost" was not bridged in 2002, despite favourable circumstances. Moreover trade unions retained their centralised and authoritarian system of organisation and hard-line stances. Strong showing of the third large trade-union Association of Free and Independent Trade Unions (ASNS), whose former President is the incumbent Labour and Employment Minister, caused new rifts and jockeying for power. Due to the foregoing the 2002 strikes were weak, while mutual accusations and smear-campaigns of trade unions have lessened the faith of workers in their professional "protectors."

During the strike of employees of the five largest banks slated for liquidation, Milenko Smiljanic, President of Independent Association, sent the following message to strikers: "You cannot

count on my support, or on large-scale solidarity of workers, for 8 years ago you broke away, had a lot of money, were independent, and had a good time. And now?" (*Glas*, 9 January 2002) In his later comments he tried to soften that rigid stance by stressing that "lay offs of 8,000 people is a tragic social development, which should raise concerns of any serious trade-union leader." (*Danas*, 10 January 2002). But strikers did not get the backing of any large trade union, for the latter were aware of the necessity of that move, but lacked courage to declare it publicly.

Strike of railway workers also caused a rift between trade unions. Although it was a massive strike, members of Independent Trade Union of Engine Drivers from Uzice and Kraljevo stayed away, for "the strike was stage-managed by corrupt leaderships of weakened trade union leaderships." (*Danas*, 13 March 2002) This generated much media buzz. Major dailies kept running conflicting statements of strikers and trade unions. Though the Serb government representatives sat on the fence, it was obvious that the rift was playing into their hands, for it weakened the basic strikers' demands. Government moreover used the media to further compromise the strikers, deepen the existing rift and prevent a possible support by and other trade-union.

Trade-unions disunity became even more evident on the occasion of 1 May -International Labour Day-celebrations. Independent Trade Union and Associated Branch Trade Union organised a protest against non-existent social dialogue with authorities, while Association of Free and Independent Trade Union declared that it would stay away from protest, deeming it "a waste of money." President of ABTU qualified that statement as a criminal one, for "the 1<sup>st</sup> May parade is priceless." (*Danas*, 30 April -2 May 2002). In early June ITU and ABTU started a media-carried polemic relating to division of trade union property (wholly in hands of ITU). Mutual accusations and discrediting continued and peaked when the ITU became a member of the World Confederation of Trade Unions. (*Danas*, 2 November-18 November 2002). After eruption of numerous local strikes, trade unions started accusing each other of "forging unprincipled coalitions and political compromises to the detriment of workers."

As root-causes of those rifts are very deep, more unification in that area or division of huge property which the ITU inherited in 1990 from the Alliance of the Socialist People is unlikely in 2003. Negotiations shall be very laborious and likely to open other issues relating to the work of trade unions during the Milosevic era.

#### 4.3 TRADE UNIONS AND SOCIAL DIALOGUE

The confusion in the media, NGO and trade unions scene continued in 2002. 5 October losers quickly turned coats or sided with the new authorities, while the former anti-Milosevic opponents among the media, NGO and trade union ranks failed to take an adequate stand on the new authorities or to position themselves properly.

Relations between authorities and trade unions were often strained. Both had to accept a dialogue in order to take some difficult decisions in economic sphere. But dialogue did not suit either. Since the founding of the Social-Economic Council in August 2001 representatives of trade unions- ABTU and ITU often walked out of meetings, only to rejoin them after a while. They repeatedly complained about government's disrespect for their positions and maintained that the Council was only a smoke-screen for other not-so-lawful government's moves. In March 2002 both trade unions stormily responded to the newly-adopted Social Program of the Serb government, allegedly "drafted without their consent." Miljenko Smiljanic, President of ITU, called that Program "a rump act of the government of Serbia, out of sync with positions of the two largest trade-unions." In his opinion "the program failed to cover all redundant employees, the level of offered protection is not sufficient and sources of financing of that social program are dubious. If the authorities refuse new talks with us, or those talks fail, then the Serb government shall face veritable street wars, or a host of massive protests." (*Politika*, 14 March 2003). The Social Program was not amended, but on 15 April 2002 the Agreement on Promotion of the Work of the Social-Economic Council was signed. But the rift between the authorities and trade-unions continued. President of ITU Branislav Čanak repeatedly criticised government because of lack of social dialogue, inefficiency of the Council, poorly conducted privatisation process. He moreover maintained that "no Minister fights for the workers' rights. All of them act as typical technocratic neo-Liberals by placing the burden of transition and its costs on the shoulders of socially threatened population strata, notably, of workers." (*Nacional*, 12 September 2002) On the other hand Prime Minister Đindić argued that the government was in no position to pursue a liberal economic policy due to precarious standards of living of citizens after 10 years of total plunder. "We are pursuing a socio-economic policy which lessens our potential for public investments ...because such

investments would prove to be costly for citizens although effective in the process of jump-starting the production." Prime Minister admitted that the social pact would be ideal from the standpoint of government, but "it is not currently feasible due to differing interests of health, judicial, educational workers and their trade-unions. All of them are trying to reach separate deals with government. That indicates lack of the trade-union solidarity. Authorities act as one, that is as one negotiator, but we don't face trade union or employers as one negotiator."

But in the face of the foregoing, the social dialogue continued, mostly because of the situation on the ground. During 2002 several compromise solutions and agreements were reached, because of both sides readiness to assume responsibility. In view of a large army of redundant workers, such compromise solutions are a must, and also mutually beneficial. Trade-unions have shown that that are not strong enough to articulate workers' discontent, or to stage a large-scale protests, their propensity for political manipulations and posturing, and lack of readiness for risk-taking. Government appeared to be very resolute in implementing its decisions, insofar as they did pose risk to its political survival. And that political reality should be accepted by both sides.

## 5. Future of Reforms

According to the Labour Market Institute data in the late 2002 there were 903,310 unemployed people in Serbia, which is 15.7% (122,00 people) more than in the late 2001. Among them there were 526,000 first-time job seekers, while the others were made redundant. Unemployment grew because of accelerated restructuring of economy. (*Danas*, 2 January 2001). At the same time the 2002 Economic Diagram showed that the number of insolvent companies employing about 840,000 workers was 55,993. Number of employed workers was decreasing (with respect to November 2001 was down by 3.8%), but prices remained relatively stable (total rise of retail prices in January-December 2002 period was 15%), while living costs were up 11.8%. Salaries were up 12% (*Danas*, 28 January 2003). In view of expected redundancies and an accelerated privatisation in 2003, the future of the reforms hinges on investments leading to a substantive job creation. But domestic companies cannot make such investments, while the foreign capital is still reluctant to enter this country.

In summing up results of privatisation in Serbia, Minister Aleksandar Vlahovic maintained: "Model chosen by government of Serbia is most efficient for attracting investments, most efficient in anti-money laundering campaign, and the best for ensuring full implementation of our plans." At the conference "Privatisation in Serbia-experiences and possible improvements." Vlahovic explained that "in the first year we prepared institutional and legal framework for privatisation, but results from the late 2002 indicate that the process is gaining momentum. In December we had 147 auctions, of which 130 were successfully completed. In 2003 our Agency for Privatisation plans 120 auctions every month. According to still incomplete data for 2002, at auctions we sold 184 of 210 offered companies, and 44 minority shares packages of offered 83. By way of tenders we sold 12 companies and are negotiating the sale of another 9 companies. Total value of those tender sales was Euro 195.6 million, value of their social programs was Euro 82 million and obligatory investments were worth Euro 282 million. Privatisation revenues in 2002 totalled Euro 350 million (double the planned one). In 2003 we plan to effect privatisation of another 1,300 socially-owned companies, 1,200 via public auctions, and 50 via tenders. Most important privatisation deals shall encompass 20 overhauled companies including Tobacco Industry, Beopetrol and Mobtel. The state expects that those sales would bring into its coffers Euro 1.5 billion. Once the amendments to the Act on Privatisation are greenlighted by parliament (in early 2003) privatisation process shall be simplified, and a more creative ambience for privatisation shall be created. In the face of announced protests by some trade unions, Minister Vlahovic in early January started talks with representatives of trade unions in order to find compromise solutions for some controversial issues.

Re-establishment of political consensus, reduction of political risks, sustainability of macro-economic stability, betterment of the judiciary status, and reduction of corruption and criminality are the next, no-so-easy objectives. Once they are attained all obstacles to inflow of major foreign investments shall be removed.

The end-year "Strategic Marketing" survey indicates also the importance of political stabilisation. Among the politicians the highest rated were the Finance Minister Bozidar Đelic and the NBY Governor Mladan Dinkic. Interestingly enough the rating of the newly-formed party G-17 Plus is growing. Citizens view it as an

expert-economic team and lend it more credence than to the key parties of the ruling coalition-DP and DPS.

And finally one should say that at this moment of time politicians should assume full responsibility if they want reforms to continue full-throttle, despite possible social discontent and evident existential fear of some strata of population.

## **PART THREE**

### Judicial System and Independent Judiciary

Problems faced by Serb judiciary in the immediate post-October 5 period essentially remained the same two years on. Difficult tasks faced by the judiciary, notably the purge of compromised and unprofessional cadres, tackling of "major" criminal cases relating to war crimes and misuses committed by the former authorities representatives, war crimes trials and restoring the faith of population at large in the work of the judicial bodies, have not been carried out to a satisfactory extent. Although it is clear that the enthronement of professional and independent judiciary in Serbia is a long-term and difficult process, one must note that much more in that regard should have been achieved. Reasons for so little progress in that province are complex.

One of the key reasons for a partial overhaul of the judiciary is the fact that a clean break with the former regime's practice in almost all segments of the country's legal system has not been effected. Ungrounded and slow overhaul of the entire constitutional and legal system resulted from only formally proclaimed principle of division of power and the rule of law, that is lack of strong political will to make a clean break with the long-standing undemocratic practice. Key prerequisite for establishing the reform-gearred framework should have been promulgation of the new constitution as a supreme legal and political act of the country. That move would have been tantamount to laying the foundations for a consistent division of power and establishment of a legal state. Added to that the much-delayed adoption of the Constitutional Charter, failed presidential elections, usurpation of parliamentary functions by the executive and turning of parliament into a mere stage for intra-party jockeying for power, 15-months old stalled work of the Constitutional Court are further indicators of non-functioning of the key institutions of this society,

or of their malfunctioning. On the other hand political jockeying for power and run-ins or deals of many parties, frequent scandals and excessive focus on retaining or winning over new positions or posts, clearly indicated that the authorities lacked a genuine vision of the country's future, and the potential to carry out the key reforms in the crucial segments of society.

Besides the new authorities in 2002 showed their lack of skill and readiness to genuinely take measures leading up to establishment of a strong and independent judiciary. On the contrary, some positive measure taken during 2001 (adoption of a set of new, better acts in the province of the judiciary, proceedings for dismissal of compromised judges, dismissal of presidents of courts of law, etc.) were to a large extent invalidated by the unconstitutional moves of the executive aiming at taking full control over the judiciary. The peak of arrogant meddling of the executive in the judicial affairs were amendments to the set of recently adopted laws. Through the parliament, like in the Milosevic era, the new government tried to put in place a legal possibility for directly impacting the selection/appointment of presidents of courts, judges and prosecutors. Although those moves caused an uproar among the judiciary and legal expert circles, still weak and "non-purged" judicial bodies failed to adequately respond to that challenge. The authorities moves clearly indicated that restoration of independence, influence and dignity to judicial profession should not depend only on the "goodwill" of the executive or legislative authorities, but rather on good organisation of the judiciary and resolve of the judicial cadres to effect a true changeover in their field of work.

Reactions of ordinary citizens to conflicts between the executive and the judiciary were best indicated by surveys on citizens' stands on the judiciary. From a series of polls and surveys examining the position of public at large on the judiciary we have singled out the one carried out in mid-year.

Belgrade's Centre for Marketing Research "Marten Board International" and daily "Blic" in 18-21 June 2002 period carried out the pertinent poll covering randomly stratified sample of 595 respondents, adult citizens of Serbia. The more interesting findings of that poll: over two-thirds of citizens of Serbia (75.6%) thought that courts of law in Serbia were not independent, 11.6% of respondents thought they were independent (11.3% did not have any opinion on that matter.)

When asked "Who is bringing most pressure to bear on courts of law?", 32.6% of respondents answered "interest groups with gangland links," one fourth of respondents (23.4%) answered "government of Serbia," and 10.3% answered "politicians and some political parties." Only 4.2% of respondents thought that no-one piled pressure on courts of law. Work of courts in 2002 was assessed by 1-5 mark. 27.1% of respondents gave 1 mark, 28.8% gave 2 mark, and 2.3% of respondents gave 5 mark to courts of laws. Work of the Justice Ministry of the Republic of Serbia received the following marks: 1 (29% of respondents), 2 (28.4%) and 5 (only 2.5% of respondents).<sup>1</sup>

### Reform of the Judiciary

From the judiciary angle there are two key reasons for failed or partial reform of judiciary. The first has to do with not sufficiently sincere will to and lack of political consensus among the ruling structures to make the judiciary independent, and. The second, closely linked with the first, is the lack of a clear and comprehensive reform strategy resulting from agreements, co-operation and harmonised/synchronised moves of the judiciary, legislative and executive authorities.

Half-hearted reform of much humiliated and undermined judiciary was stalled if not regressed. Initial impetus for changes and tacit compromise between the executive and the judiciary to kick-start the reform without radical changes and a clear break with the former regime (on-dismissal of compromised judges) were soon dispelled under the burden of squabbles and fundamental discord between representatives of the judiciary and executive.

### Inching Forward

In 2001 there were some breakthroughs in the overhaul of judiciary system. New President of the Supreme Court of Serbia, and new presidents of 145 district, municipal and commercial courts were elected. Judges were allowed to form and join their professional associations, direct and public political influence on courts of law subsided, division into compatible and incompatible judges was discontinued, unconstitutional decision on dismissal of

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<sup>1</sup> *Blic*, 22 June 2002.

judges deemed incompatible in the Milosevic era was repealed, new judges were appointed, judges who on different ground broke the laws and rules of their profession were relieved of their duties, public debates on the necessity of lustration were initiated.

Although adoption of a set of laws (Act on Courts, Act on Judges, Act on High Judicial Council, Act on Public Prosecution Office, and Act on Seats and Areas of Courts and Public Prosecution Offices) resulted from party deals and not from consultations with experts, the normative groundwork for improvement and advancement of the judicial system was laid. In line with legal provisions, the executive and legislative powers and influence relating to appointment and dismissal of judges and presidents of courts were restricted, and the said powers were vested in the High Judicial Council and High Personal Body. The High Judicial Council, an extra-parliamentary, expert and independent body, was set up. That body was tasked with proposing judicial and president of courts candidates. High Personal Council, was set up as a body of the Supreme Court of Serbia. Its key task is to determine and deliberate grounds for dismissal of judges and presidents of courts of law, and their disciplinary responsibility. Much improvement was achieved by the decision to downscale powers of the Justice Ministry only to monitoring a just and proper implementation of the Judicial Rules of Procedure and by introduction of clear provisions relating to the right of natural judge.

In order to facilitate a consistent implementation of the aforementioned laws, in the late 2001 and throughout 2002 a set of important sub-legal acts was passed. Rules of Procedure and on the Set-up of the Supreme Court of Serbia, Rules of Procedure of the High Personal Council, Rules of Procedure of the High Judicial Council, Rules for Appraisal of Extra-Judicial Activities of Judges, the Framework Rules on Kinds and Modes of Professional Training, Guidelines for Training of Judicial Trainees, were adopted in the said period. After 15 months of total paralysis in July 2002 the Constitutional Court of Serbia was finally constituted.

At the initiative of the Supreme Court of Serbia in early September 2002 mediation as a new manner of litigation-tackling in our judicial practice was introduced. Initially this form of litigation- tackling shall embrace all pending cases (older than three years) relating to compensatory damage, division of separated couples' property, debts and other cases which exact

long proceedings. Advantage of mediation as a way of "peaceful" resolution of litigation, lawsuits, disputes, is that it shortens lengthy proceedings and cuts back the costs thereof. In that process parties involved in litigation take a proactive stance by endeavouring to find right solution and by giving mutual concessions help resolve the dispute to their mutual benefit and interests.

After a long struggle, in July 2002 the pay rises to judges and prosecutors were greenlighted. Their average monthly pay is now Euro 500. In order to provide for a regular and better work of clerical staff of courts of law (trainees, minutes-takers, expert associates) government also approved the pay rises to the judicial administrative staff.

Thanks to the expertise and financial assistance of international NGOs- and some foreign states the Judicial Centre for Vocational Training of Judges and Prosecutors was inaugurated in Belgrade. Putting in place that centre was tantamount to meeting in an institutional way the need for consistent and serious education of judicial personnel. The Centre shall organise general and special courses for judges, prosecutors, judicial associates, trainees and other clerical staff. Added to that different computer and English language courses and seminars for judicial staff were organised. The process of computerisation of courts of law was also stepped up.

### Retrograde Trends

There were positive trends and some turnaround in the process of building a professional and high-quality judiciary, but negative trends, notably the pressures of the executive on the judiciary, abounded too.

Muted and not-so-transparent conflict between the executive and the judiciary suddenly caught public attention when arrogant representatives of the Justice Ministry in the morning hours of 10 June 2002 under watchful camera eyes of private "BK" TV turned up in the building of the District Court in Belgrade to check the presence or absence of judges in their workplaces. Controllers of the Justice Ministry noted that in 9:00 to 9:30 a.m. period out of 109 judges employed there, in their offices were only 23. That surprise visit was intended to show to the public that courts of law were inefficient because of unprofessional attitude of judges. On the same day the meeting between representatives of

the executive, judiciary and legislative power issued a communique harshly critical of slack work of courts of law. Prime Minister thus explained the sharp wording of the communique: "during the tour of Serbian towns, most complaints were related to poor work of courts of law. In the meantime only three judges were dismissed on grounds of misuse of their profession, while about 7 of them handed in their resignations. Many cases relating to a major plunder of our country, misuses of positions, big political scandals, are still pending. Only one judgement was passed, but it was invalidated by the Supreme Court."<sup>2</sup> Minister Batic was even more critical: "our penal policy is catastrophic, it in fact favours offenders and criminals. Minimal sentences are meted out in most cases. Of 467 persons accused of illegal possession of arms, 79 received conditional sentences, and only 17 were sentenced to prison terms. Of 97 persons accused of illegal possession of drugs, only 7 were sentenced to prison terms, and four received conditional sentences."<sup>3</sup> The Justice Ministry drafted a document "Reform of the Judiciary" (later declared an internal, and not an official act) listing the measures and deadlines to be met "in order to restore faith in the national judiciary". Here's the integral version of those measures:

1. Dismissal of 50-100 judges since October 2001 on the initiative of the Justice Minister. Deadline-15 days.
2. Winding up proceedings against 50-100 front men of former regime and local power-holders. Deadline-2 months.
3. Institute criminal proceedings against the same category of persons, on the basis of charges already filed. Deadline-2 months.
4. Stepping up standard proceedings and passing judgements on cases older than 6 years. Deadline-one year.
5. Completion of all future lawsuits within the next two years and of criminal proceedings within one year.
6. Scheduling hearings within the maximum 15-30 days timeframe.
7. Introduce immediate changes in penal policy by delivering much more severe sentences (to date mostly minimal sentences have been handed down).
8. Step up or radicalise detention measures- Immediately.

<sup>2</sup> *Blic*, 11 June 2002.

<sup>3</sup> *Danas*, 13 June 2002.

9. Introduce immediate changes in currently too familiar relations between judges, prosecutors and defence counsels/lawyers, i.e. their professionalisation.

10. Deliberate whether presidents of courts, judges and members of their immediate families may exercise their profession of lawyers or prosecutors in the area within competence of a pertinent court.

11. Maximum limitation of all seminar, co-operation-related travelling until consolidation of the judiciary. Immediately.

12. More rigorous discipline in order to achieve full adherence to working hours and timely start of hearings. Immediately.

The aforementioned "demands" of government and competent Ministry caused a veritable uproar among judges. They qualified "the monitoring mission" of the Justice Ministry as "breach of law, constitution and District Court's Rule of Procedure, for the presence of cameraman ought to have been approved in advance by the Supreme Court President (and that was not the case.) President of District Court in Belgrade Vida Petrovic Skero rebutted all accusations by saying that the court by 100 increased its efficiency with respect to 2001. She added: "Some cases are still pending due to non-existence of procedural laws providing for more efficient proceedings, underfunding, and slow work of police and prosecution." Conflict between the two powers peppered by mutual accusations and insults, peaked when judges of the Belgrade District Court in the late June sent an open letter to Prime Minister Đinđić. The letter *inter alia* reads:

"Your penal expedition's raid on the Court in presence of BK TV cameramen for the sake of a purported "monitoring of the work of judges" was inadmissible and contrary to law. The same applies to your statement on the early morning presence of only 20% of judges. Moreover you arrogantly maintained that judges demanding Euro 500 pays had first to earn that money by showing up on time in their workplaces and adhering to the work hours and work discipline and that 'judges discontent with this country, are free to seek adequate jobs elsewhere.' Judges don't discharge bureaucratic duties, they are not clerks, for judicial duties exact a longer intellectual engagement than the one prescribed by the law, in the shape of working hours. We were informed that your Justice Minister demands radicalisation of detention measures, by his ungrounded and untrue words 'the most corruption-prone judicial practice is the one related to determining detention.' WE ARE NOT



CORRUPT, and yet we pass a lot of decisions on suspension of detention. Detention is an interim measure encroaching upon the rights and freedoms of citizens. Hence its rare enforcement, or rather, only in cases when institution of regular criminal proceedings or security of citizens cannot be otherwise ensured. Every student of law knows that, but not your Justice Minister. We were informed that your minister deems necessary dismissal of 50-100 judges, but we were not informed about the criteria for such numerous dismissals and of the legal grounds thereof. No-one is disputing the fact that those judges who misused their powers or breached the judicial ethic code should be relieved of their duties, but we are of opinion that the said issue should be regulated by the act spelling out conditions of and criteria for lustration, and not by a hastily written lustration-related amendment to the Act on Judges which obviously serves the day-to-day political purposes. You have not consulted judges when drafting the set of acts on the judiciary and that was contrary to your apparently only declarative advocacy of a civilised and democratic state. You have not consulted us when drafting the currently debated amendments to those acts...We are not against well-intentioned criticism which in an argued way shows respect for our profession. But we would like to REMIND you that both you and your Justice Minister are duty-bound to respect the constitutional principle on the division of powers, the Act on Independence of the Judiciary (with respect to the legislative and executive power, article 3 of the Act on Arrangement of Courts of Law), and that you, as the executive power, are not allowed to interfere in the course of proceedings, penal policy and discipline of judges. Your Justice Minister may, in compliance with the Act on Arrangement of Courts of Law (Article 71) monitor implementation of judicial Rules of Procedure, which by the way have not yet been adopted, and service the judiciary work in line with Article 5 of the Act on Ministries...We DEMAND your apologies for recent insults and fabrications, and ask you to recommend to your Justice Minister to start doing his job, to establish what reforms are, to enable judges to take part in public discussions on the Justice Ministry-proposed laws, to create conditions for a proper functioning of courts, to respect law, ensure training of judges and conditions propitious for smooth enforcement of adopted laws and-to stop meddling in our affairs." <sup>4</sup>

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<sup>4</sup> *Danas*, 28 June 2002.

Instead of requested apologies, the executive resorted to another perfidious show of strength. Namely the executive re-launched its campaign of "removal of opponents." The brunt of that show of strength was most felt by (former) President of the District Court in Belgrade, Vida Petrovic -Škero, one of the most vocal detractors of conduct of the executive. Resentful of direct pressures on the court, and on herself as its president, and fearful of a possibility to be compelled to act only as the court's manager and not its judge, Vida Petrovic Škero applied for a position of a Supreme Court judge. She was appointed to that position by Serb parliament, for it suited the authorities to be rid in such an elegant way of such a sharp detractor/opponent. Supreme Court judge Zoran Ivosevic said that "politicians tend to bring pressure to bear on courts of law. Don't you remember how the Prime Minister and the Justice Minister ordered courts to carry out reforms within certain deadlines? Courts, notably the District Court and its president energetically resisted those orders. But she is no longer president of that court. She unwillingly applied for a position in the Supreme Court. She would have remained president of the largest court in the country if she had not been subjected to various pressures, notably by the Justice Minister"<sup>5</sup>. But the harassment continued. On grounds of her independent position and lack of understanding for "higher social interest" Vida Petrovic Škero, the incumbent judge of the Supreme Court of Serbia, was summoned by a magistrate. She stated that she was "summoned for committing a misdemeanour, namely failing to act on an order given in 1999 to the then president of the District Court by the anti-fire commission. I have never seen that order. They are threatening me with an exorbitant fine. President of a court may not be held accountable for what is legally considered a competence of the Justice Ministry."<sup>6</sup> That persecution peaked in October when Petrovic-Škero on vocal order of the Justice Minister (she has not received a pertinent decision in writing) was dismissed as a member of Commission in charge of judicial exams. In sign of protest other members of that commission, Leposava Karamarkovic, Zoran Ivosevic and Dragor Hiber handed in their resignations.

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<sup>5</sup> *Nedeljni Telegraf*, 13 November 2002.

<sup>6</sup> *Glas javnosti*, 8 September 2002.

## Reform of "Reformed Laws"

Decisions of Serb parliament taken at the 18<sup>th</sup> July 2002 session indicated the lethal nature of the conflict between the executive and the judiciary. Namely the executive thanks to its parliamentary majority forced through the parliament amendments to the Act on the Judiciary, only 200 days after its adoption in 2001. While in the previous period the executive had limited itself only to piling pressure on and insulting the judiciary, this time round, through the said amendments it undermined the entire principle of division of power and laid the groundwork for a direct and anti-constitutional influence on the judiciary. Without consultations with judges and legal experts, amendments directly limiting independence of the judiciary in some crucial segments of decision-taking were approved. That was a very retrograde move, by which the status of the judiciary was regressed to the one characteristic of the Milosevic era.

At the aforementioned session amendments to the Act on Judges, Act on the High Judicial Council, Act on Public Prosecution Offices, Act on Arrangement of Courts of Law and Act on Seats and Areas of Courts of Law and Public Prosecutors Offices were adopted.

According to the novel amendments to the Act on Judges, the High Judicial Council, an independent and expert body, ceased to be the only body designated to put forward the names of judicial appointees. If parliament fails to elect a candidate proposed by the High Council, the second candidate shall be proposed by a competent committee (Parliamentary Committee for Judiciary and Management). As the said Committee is governed by the parliamentary majority, it may be assumed that only politically suitable candidates would be elected, but also the ones whose expertise and professionalism has not be certified by the High Judicial Council. In line with the opinion of a competent minister, it is up to the competent parliamentary committee and not the High Judicial Council to propose candidates for presidents of courts. This is sheer emulation of the previous practice which ensured that only politically suitable candidates be eligible for those posts. Thus the High Judicial Council was turned into a smoke-screen body, or the one without any real powers. Moreover presidents of courts were stripped of possibility to act as judges, and their duties were reduced to sheer technical management of courts. That solution was without precedent in judicial systems of

democratic countries and its implications were quite serious. It meant that about 200 presidents of courts could be dismissed by spur- of-the- moment decision. By extension such a decision could slow down the work of small courts with 4-5 judges, one of whom was the president-elect. One can only assume that such a provision was introduced in order to facilitate manipulation of presidents of courts, reduced to mere technical managers and divested of their judicial functions.

High Personal Council is no longer the body of the Supreme Court of Serbia. Under the new amendments it is named by parliament (and not by the General Session of that court) at proposal of the High Judicial Council. High Personal Council as a judicial body should take decisions on the status issues of judges. After introducing changes in its composition, the decision-making process was once again put in the hands of the legislative power. The executive also increased its powers, for, under the new amendments a competent minister may institute proceedings for dismissal of judges, and suggest new candidates for the posts of presidents of courts of law, presidents of higher courts and president of the Supreme Court of Serbia.

Act on Public Prosecution Offices was amended in a similar fashion. Namely the Justice Minister is now empowered to take decisions on dismissal of the republican public prosecutor on grounds of "his or her unprofessional and non-conscientious discharging of duties." Those new powers of the Justice Minister are contrary to the constitutional principle of independence of the public prosecutor, for they put in a subordinate position the former with respect to the executive power. Another amendment rules that the executive power shall have precedence in proposing candidates for public prosecutors. Thus criteria for election of candidates to the top judicial positions are once again unrelated to expertise, integrity and professionalism.

Amendments to the Act on Arrangement of Courts of Law, and the Act on Seats and Areas of Courts of Law and Public Prosecution Offices have been also hastily drawn.

Initially the aforementioned laws envisaged introduction of new kinds of courts of law (the Appeal, Management and Commercial ones) by 30 September 2002. But that deadline has been extended to 28 February, that is 3 March 2003, due to lack of funds, expert personnel, and technical amenities.

Judges and presidents of courts were outraged by new amendments. Association of Judges of Serbia publicly protested

against those reforms, while most concrete anti -amendments measures were taken by the Supreme Court of Serbia, republican Public Prosecutor Office, District Public Prosecutor Office in Belgrade and all five Belgrade-based municipal prosecutors offices. The Supreme Court of Serbia appealed to the republican Constitutional Court to appraise constitutionality of controversial provisions of the Act on Judges and demanded that the provisions be temporarily put out of force pending the final decision on their constitutionality. Similar appeals were launched (without the request for ban) by the aforementioned prosecution offices.

At its 19 September 2002 session the Constitutional Court of Serbia adopted the proposed measure and passed a decision on "suspension of some acts and actions envisaged by the disputed legal provisions, in view of their harmful effect on functions of courts of law." Final decision shall be taken after the parliament convenes (within 45 days) to discuss the disputed amendments. Act on Public Prosecution Offices was challenged on the same grounds, and parliamentary decision on its new amendments is also pending. Therefore all judicial bodies are currently paralysed. Former provisions cannot be enforced, while novel amendments due to a temporary measure of the Constitutional Court have not taken effect. By extension in this legal interregnum dismissals and appointments of judges and presidents of courts cannot be effected. Added to that many judges who have reached the retirement age cannot retire because of non-functioning of the competent body, the High Personal Council.

## Lustration

Lustration must have been one of the most frequently used terms in the past period. But inversely to its frequent mention, only few steps towards its concrete implementation have been made. Two years after the 5 October changeover the Act on Lustration has not yet been passed. Instead some lustration-related provisions have been incorporated into some laws. However they only add to the general confusion and relativisation of the past events, instead of laying the legal groundwork for purges of some former and current holders of public functions.

There are many diverse reasons for non-implementation of lustration. Firstly, there is no genuine political consensus or political will to carry out a comprehensive lustration. Prior to taking office DOS has never prioritised lustration. Consequently

even now lustration is not one of DOS's uppermost objectives. All the talk about lustration of former power-holders is only a political marketing trick which serves to garner more votes. Secondly, in the post-5 October period a clean and essential break with the previous regime has not been effected, notably in personnel terms. Months after the coup the key state positions were still occupied by front men of former authorities, while some DOS members, close associates of the former regime, still occupy top political positions.

Such a continuity cannot encourage tackling of the facing process and the issue of wartime responsibility. Thirdly, contrary to the Eastern European countries practice of making a clear distinction between criminals and victims, in Serbia that line has not been drawn, or rather that distinction was relativised. "In Serbia there is a *relatively narrow circle of victims of former regime, and a broad circle of double role people- both victims and accomplices of the regime*. Such a composition of a social milieu does not augur well for lustration. Lustration as a measure of facing up to the past aims to *raise awareness about human rights, legal state and the nature of regime* by meeting the need to *learn, mark and remember the offences and wrongdoing of the past authoritarian regime and identity of perpetrators thereof*. As regards the victims lustration would be welcome as another proof that their sacrifices made sense. For sacrifices become nonsensical if perpetrators of crimes and the past which they created remain beyond our reach? If everything remained covered by the oblivion, then victims would remain only victims and the guilt would remain depersonalised, and ascribed to the regime proper ("the system was bad"), or even fate (" it was a hard era,"). But here *dominate victims-accomplices, and not genuine victims*. The former after the changeover tend to depict themselves as victims, and not accomplices. Moreover they tend to turn a deaf ear and a blind eye to the recent past and show a total disinterest in *the perpetrators*, for any concern about them could bring them their back to their roles *of accomplices*."<sup>7</sup>

In such a political and social reality any expectations as to a thorough lustration in the judiciary is unrealistic. The executive

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<sup>7</sup> "The Past as a Challenge to Law: Serb Side of Dealing with the Past," law professor Vladimir V. Vodinelic, publisher Centre for Comparative Law of Serbia and Helsinki Committee for Human Rights in Serbia, page 86.

and the judiciary were deeply split over that issue too. Government, that is its Justice Minister kept accusing the judiciary of shying away from purges of compromised and corrupt judges. And the fact is that two years on only 3 judges were dismissed instead of the officially "inculpated" 150. Moreover presidents of courts simply disregarded well-grounded initiatives for dismissals of many judges. According to the Justice Ministry data in 1 January-1 November 2002 period 33 judges handed in their resignations, while 11 retired. In the same period 11 public prosecutors handed in their resignations. Amendments to the Act on Judges (July 2002) contain the lustration-related provision, which according to the Justice Minister "constituted a good enough basis and obligation for further dismissals." Under the provision of article 79 a "taking part in rigging of electoral results, in framed trials and trumped-up charges, and gross violations of human rights guaranteed by Constitution, law and international covenants and pacts, shall be deemed misuses of judicial duties."

President of court in which the incriminated judge discharges his duties is duty-bound to submit a proposal on dismissal of such a judge along with evidence, at the latest by 1 July 2003. If grounds for such a dismissal are valid, and president of court fails to act on them (in line with paragraph 2 of the aforementioned article) it is up to a president of a higher court to institute proceedings for dismissal of the former, within the next 6 months. Judges thus responded to the issue of lustration: Why is the judiciary the only area in which lustration is required? Why is not lustration initiated in the police, health services, media and university?

Added to that judges were convinced that a kind of purge was carried out in the last two years, for 200 judges either retired or handed in their resignations. In their mind further dismissals would slow down the work of courts of law, for according to some estimates there are already 100 vacancies, and the young trainee judges cannot work efficiently. Presidents of courts negatively responded to the official stance that they should trigger the lustration process, notably dismissal proceedings. They explained that they don't want a repeat of the Milosevic era practice, that is, to once again forcibly draw up lists of "unwanted" or "unsuitable" judges. In their mind the new lustration-related provision was flawed, for its enforcement was not feasible within the next two years, even if the High Personal Council dealt only with dismissal proceedings within that timeframe. Judges and presidents of

courts were of opinion that the lustration act on the state level should be adopted, and that such an act should cover all public services, and clearly spell out the criteria, guidelines and procedure providing for an adequate defence of persons facing the dismissal proceedings.

## Constitutional Judiciary

After a 17 month-long break (3 February-4 July 2002) caused by absence of quorum, the Constitutional Court of Serbia resumed its activities. Dr. Slobodan Vucetic was appointed the court's president and 6 new judges were elected to that court at the 18<sup>th</sup> June parliamentary session. At the first court's session president of court said that a total of 473 cases was pending, of which 130 dated back to pre-3 February 2001 period. According to him 36 laws and the two government decrees are disputed, while 33 new cases (from the past 18 months) included 62 challenged laws and 18 republican government decrees. Constitutional Court judge Svetozar Ćiplic thinks that "450 cases cannot be solved in the next two years, for new cases shall keep arriving and we face a grave personnel crisis due to many vacancies in lower judicial ranks."<sup>8</sup>

Three commissions were set up within the Constitutional Court: the Revision Commission, Commission for Personnel, Organisational and Financial Issues and Commission for Monitoring Provisions and Phenomena Impacting Implementation of Legality and Constitutionality. The last one is very important, for its task is to "perceive shortcomings and flaws of the constitutional system in place, for the sake of better constitution of the future legal system."<sup>9</sup>

Work of Constitutional Court of Serbia shall largely depend on the mode of definition of the union between Serbia and Montenegro (the Constitutional Charter), for some powers shall be relegated from the federal bodies to the republican ones. This broadest legal framework shall lay the groundwork for adoption of the new Constitution of Serbia and adoption of the new Act on Constitutional Court of Serbia. Although the two aforementioned acts were not adopted in the late 2003, NGO "Lex" in late April elaborated a model of the Act on the Constitutional Court of Serbia

<sup>8</sup> *Danas*, 3 August 2002.

<sup>9</sup> *Danas*, 3. August 2002.

resting on democratic principles which should be contained by the new constitution of Serbia. Objective of that model is to make the system of constitutional-judicial protection independent and efficient, to expand the area of appraisal of constitutionality of legal acts and to fine-tune the entire system with principles and experiences of democratic countries of Western Europe. That model inter alia envisages limitation of judges' mandates to 10 years (instead of the current lifelong mandate), introduction of three-member trial chambers, in addition to plenary sessions. All the foregoing should provide for more efficient handling of less complex cases, and their resolution within 6 months (in absence of deadlines for resolution of such cases, there was often much delay in appraisal of constitutionality of some acts. That delay was frequently due to political wishes and influences too.)

That model offers two new, important solutions: introduction of institute of Constitutional Appeal and responsibilities of President of the Republic. Constitution of Serbia contrary to the federal and Montenegrin constitutions, does not envisage as the competence of the Constitutional Court, constitutional appeals by citizens and state bodies against violations or breaches of constitutionally guaranteed rights and freedoms. Institute of constitutional appeal is a time-honoured instrument for protection of human and civil rights in democratic countries. As such it should be introduced by any country aspiring to become a truly democratic one.

The second important novelty is the inclusion of the Constitutional Court in assessments of possible violations of Constitution by President of Serbia. One of co-authors of the model, Slobodan Vucetic, says: "the model does not envisage the possibility of discharging the president, unlike the government, on political grounds, for the president shall not have such, misuse-susceptible powers. In order to prevent the dismissal triggered by a prevailing political influence, two instruments of protection of authority and functions of president need to be put into place. Firstly, a high, qualified parliamentary majority, most probably the two-third one, shall have to vote hands-down the proposal for dismissal of president. Prior to that at least half of MPs would have to submit a proposal for dismissal of president for his breach of constitution, along with justification in writing, to the Constitutional Court. Only if the said Court confirms the breach of constitution, that judicial decision would become the basis for parliamentary dismissal of president. Without such an assessment

of the Constitutional Court parliament would not be able to make that move."<sup>10</sup>

Whether and to which extent the said Model would be adopted, hinges on many factors, mostly on assessments of political forces. They may decide that only some solutions proffered by the model are acceptable, or greenlight all of them.

The pressure brought to bear on the Federal Constitutional Court indicates the supremacy of political powers and their interests over decisions of the top judicial institutions in the country. Public opinion was not very much interested in the work of the Federal Constitutional Court from its re-establishment in September 2001 to October 2002. It came under the public spotlight only recently due to a much-publicised rift between DP and DPS, and a subsequent move made by the Administrative Committee of the Serb Parliament at its 29<sup>th</sup> June 2002 session. Namely that Committee temporarily suspended mandates of 45 MPs, members of Democratic Party of Serbia. The suspended MPs appealed against that decision, deeming it contrary to the Act on Election of MPs, Agreement on Joint Lists of MP Candidates, and "Coalition Agreement" and a breach of their constitutionally guaranteed active and passive suffrage.

At its 16<sup>th</sup> October 2002 session the Federal Constitutional Court and its president Momčilo Grubac repealed the Administrative Commission decision with the following justification: "enforcement of that decision could entail great damage, notably annul the free electoral will of citizens by preventing MPs elected by them on 23 December 2002 to discharge their duties." The foregoing ruling of the Federal Constitutional Court in fact paved the way for the return of DPS MPs to the republican parliament. A day later vicious assaults on FCC's President Momčilo Grubac were launched. An unknown Student Association of the Novi Sad University communicated that "Grubac, contrary to the provision of the FRY Constitution banning constitutional judges to exercise other public or professional duties, lectures delivered at the Novi Sad Law Faculty received fees totalling 600,000 dinars...thus committing several criminal offences." (*Novosti*, 19 October 2002) Political circles, notably Democratic Party, resentful of the Court's final decision, embraced that information as the ultimate truth, and started clamouring for Grubac's resignation.

<sup>10</sup> *Politika*, 24 December 2002.

At his press conference held on 18 October 2002 Grubac said: "Accusations targeting the judiciary in Serbia are inadmissible. What's the meaning of the statement that 'judicial decisions shall not be recognised and enforced' ? Or of the slander that "the Federal Constitutional Court is a private court of law of the FRY President?" or of the statement of the Justice Minister that "the FCC is a non-existent court of a non-existent state?" or of the insult "so-called FCC and its last ruling. All the foregoing is tantamount to the most vicious attacks on the judiciary, an incitement to revolt against that power and a call to anarchy and the end of the legal state. I wonder about the fate of presidents and judges of local, provincial courts, if things like this can happen to the highest court in the state." Grubac also said that he was "on several occasions indirectly warned that everything hinged on my conduct and that I should not rock the boat too much, for otherwise, I would have to bear the consequences of any move of mine..." In that text the following claims were laid out: "even a scant probe into masterminds of the communique, indicated that the Students Association was closely linked with Democratic Party, the most powerful DOS member-party....namely the SA members are: Aleksandra Visnjic (President of SA), former front woman of "Otpor", president of the Association of Students of Machine-Building Faculty in Belgrade, and member of the Executive Committee of the Democratic Youth... Maja Kovacevic, (spokesman of SA,) a member of the Executive Board of the City Committee of Democratic Party in Novi Sad, and Vladimir Vukovic, president of the Executive Committee of the Club of Democratic Youth in Novi Sad." (*Danas*, 4. November 2002) It the meantime it was discovered that the 'document' forwarded by the SA was a "forgery". But the later did not have any impact on further course of developments, as the FCC, its president and the aforementioned ruling have been already demonised.

## Conclusion

From the standpoint of enthronement of the legal state and protection of human rights, situation in the judiciary exacts a serious, comprehensive analysis and urgent measures aiming at normalisation and improvement of the judiciary status. This means that all three power branches shall have to draft a joint program and simultaneously implement it, for engagement of only one branch of power could not lead to necessary changes.

Without trying to act as arbiters in the current conflict between the judiciary and the Justice Minister, Helsinki Committee holds that the first step should be normative and factual adherence of the executive to the constitutional provisions. Objections raised by the executive regarding the judiciary work and some demands encapsulated in the document "Reform of the Judiciary" are essentially grounded and justified. The fact is that only 3 compromised judges were dismissed to date, and that many other dismissal proceedings were stalled in 2002. Added to that proceedings against members of the former regime are being procrastinated, the judiciary in general acts slowly and inefficiently, hearings are much-delayed, and "friendly deals" between judges, lawyers and prosecutors are rarely prevented or sanctioned. But the manner of criticism and imposed deadlines were inadmissible and indicative rather of demagoguery and scoring of cheap political points, than of a genuine wish for improvement in the judiciary sphere.

The executive did not have the moral right to criticise the judiciary in such a way, notably in view of its non-provision of conditions for adequate functioning of the judiciary. In fact it was the Justice Ministry which made many wrong moves: adoption of unconstitutional amendments to judiciary-related laws, non-insistence on adoption of the new procedural laws facilitating a more efficient work of courts of law, non-adoption of relevant sub-legal act, non-provision of funds enabling regular work of the judiciary.

On the other hand the judiciary could have done more to preserve its independence and improve its image. Despite non-adoption of the Act on Lustration, the existing normative framework offers possibilities for launching proceedings for dismissal of judges on grounds of their unprofessional and inept work and misuses of power under Article 243 of the Criminal Act of the Republic of Serbia. But many such dismissal proceedings have been stalled and no criminal proceedings against corrupt and compromised judges have been instituted.

Hesitancy of presidents of courts, who have the authority to institute dismissal proceedings, and of prosecutors, who have the authority to institute criminal proceedings, are the root-cause of the bad situation in the judiciary. Passivity or leniency of holders of the top judicial posts in the face of 10-15% judges deemed "incompatible" gave rise to discontent and anger of the executive and many ordinary citizens.

Society of Judges of Serbia, the only professional associations of judges, has not responded adequately to the pressure campaign. The Society, which boasts a 1,700-strong membership (there are 2,500 judges in Serbia) at its management board and other sessions failed to seriously discuss the burning issues of its profession, and did not have an adequate answer to challenges posed to the judiciary. Its public activities were mostly reduced to issuing of communiques when the damage had been already incurred. We think that the Society of Judges of Serbia and Association of Public Prosecutors must play a more pro-active role, not only in the defence of the judiciary interests, but also in drafting guidelines for the future work of those branch associations. They should also insist on a more devoted and engaged work of their currently only formal members.

Retrograde trends in the judiciary which marked the past year, must be checked, for they affect our internal affairs and also taint the international image of our country.

Without going into all reasons of the FRY's delayed accession to Council of Europe, we would nonetheless like to point out that one of the key reasons thereof was non-harmonisation of our judiciary-related legislation with European standards, notably Recommendations of Council of Europe. The most recent amendments to the judiciary-related laws, which enabled direct influence of the executive on the judiciary, and reduced the judiciary independence, are contrary to the aforementioned recommendations and standards.

Most surely the first step towards restoration of independence of the judiciary is the repeal of controversial amendments.

It is expected that implementation of the document "Strategy of the judiciary reform in Serbia" would bring about key changes. This is the first post-October 5 document which in a systematic and comprehensive way lays out key reforms in the forthcoming period. The project was hammered out by the Council for Reform of the Judiciary, composed of representatives of government of Serbia, Serb parliament, presidents of the Supreme and Constitutional Court of Serbia, republican public prosecutor, president of Bar Association of Serbia, professors of Law Faculties in Novi Sad and Belgrade, representatives of NGOs and international organisations, notably OSCE and Council of Europe. This indicates that all relevant prime movers shall take part in the

said reforms. By extension their joint efforts and single contributions should the public at large.

The future of that still undeveloped document, and of its later implementation, shall depend on the will of relevant political factors to truly make judiciary independent and highly professional. But in view of recent political stranglehold on the judiciary, one justifiably fears that even this document shall not yield better results.

## The Right to Fair Trial and Rights of Detainees

New Act on the Criminal Proceedings (adopted on 28 December 2001) took force on 1 March 2002. The law drafted after the 5 October changeover by domestic and foreign legal experts content-wise meets high standards relating to a fair trial. Unlike the old Act (adopted in 1977 and later amended) the new one envisages new solutions relating to the citizens' rights in so-called pre-trial proceedings, limited powers of police, expanded rights of defence counsels/lawyers, and shorter detention terms.

Novel is the provision of Article 5 spelling out that "the arrestee must be immediately informed, in his or other language that he/she understands, of reasons of his /her arrest and of his/her right not to say anything, of his/her right to hire a defence counsel of his/her own choosing, and of his/her right to have his or her family informed of his/her arrest. The arrestee, without a court decision, ought to be immediately taken to the competent investigating judge" Article 16, para. 1 of the Act lays down that "the accused has the right to be taken within the shortest possible time to court and be tried without delay."

Novelty are also reduced powers of police in pre-trial proceedings. The police right to summon citizens to so-called informative interview, oft misused in the Milosevic era, has been considerably restricted. In summoning citizens for information-gathering purposes, police must quote reasons thereof. Information-gathering must not be effected forcibly and ought not last more than 4 hours. If a citizen is summoned as a suspect, he/she must be notified of his/her right to hire a lawyer. If during the collection-gathering interview a citizen is appraised as a suspect, police body should immediately notify him/her of the right to hire a lawyer, of the charges he/she faces of his/her right to answer to questions only in presence of his/her lawyer, and in case of detention all his/her rights should be read to him/her." (Article 226)

Interviewee or detainee may be remanded in custody for maximum 48 hours since the hour of detention or response to summons. He or she should be handed at the latest within two hours the writ on detention, and police should immediately notify of that detention order the investigating judge. A suspect must hire a lawyer upon receiving the detention writ, of his own choosing or the one chosen by police from the list submitted by the Bar Association. An appeal against detention is allowed. It may be filed immediately to the investigating judge and the later is duty-bound to take a pertinent decision within 4 hours after its receipt. Interrogation of a suspect may be delayed for maximum 8 hours, until arrival of a lawyer. If lawyer's assistance is not ensured within the said deadline, a suspect shall be released or taken immediately to investigating judge (Article 229).

The aforementioned provisions provide for the highest-level protection of human rights of citizens in pre-trial proceedings. However their enforcement is still problematic, and their adoption caused a veritable uproar among the police ranks. According to police "in adopting those provisions the focus was on rights of suspects/detainees...and the intention was to tie our hands." Police representatives say: "we don't have sufficient funds and technical means for successful and efficient information and evidence collection and the presence of lawyers during interrogation shall be a major obstacle in the aforementioned activities." The foregoing indicates a deeply embedded conviction that torture and coercion are the best ways for evidence collection. A recent statement of a Belgrade police inspector attested to a heavy reliance on that practice: "I think that this law offers maximum protection for criminals. Earlier, after a three-day detention and some beating-up, they would confess even the misdeeds which they have not committed. Now we have almost have to bring them coffee and ensure lawyers and then see them mock us to their hearts' content" (*Glas*, 17 June 2002).

The fact that police in this state with a ever-rising criminality rate is ill-equipped and cash-strapped does justify their inefficient work in clarifying criminal offences. Added to that police is under influence of some political circles, has links with gangland, and is very much corrupt. But police has at its disposal various criminal-technical means and tactical methods for uncovering perpetrators of various crimes. However they are rarely used. The solution of this problem lies in the advancement of police expertise, and employment of new expert personnel staff,



and not repeal of the aforementioned provisions. Added to that the state should earmark more funds for betterment of technical capability of police forces and try to uproot a deeply entrenched mind-set that coercion and torture are the best instruments for collecting evidence in police stations.

The new Act marks a turnaround in the position of defence counsels and the right to mandatory defence. Provision of Article 71 spells out: "if the accused is deaf, mute or unable to defend himself/herself successfully in the proceedings concerning a criminal offence punishable by a 10-year prison term or an even harsher sentence, the accused must have a lawyer during the first interrogation" (para. 1) or "as soon as the court issues a detention order." (para.2) "The first lawyer from the list submitted by the corresponding Bar Association to the president of the first-instance court shall be appointed for detainee's defence counsel." (para.5)

"If there are no conditions for mandatory defence, and the proceedings concern a criminal offence punishable by a three-year prison term, or the interests of justice so demand, a detainee unable to bear the defence costs shall be ensured a lawyer from the Bar Association list." (article 72, para 1)

Unlike the previous act, the new one envisages mandatory defence-presence of defence lawyer of the accused from the first interrogation, and not after submission of indictment. Added to that presidents of courts must appoint lawyers from the Bar Association list, and not those of their choosing (the past practice.) Moreover the foregoing may be requested at the start of pre-trial proceedings and not after the indictment-filing (the old act).

However the proposed normative solution may cause some misuses. Namely on the Bar Association list there were frequently names of inexperienced lawyers or those who did not practice the criminal law. It is thought that some of their colleagues wanted to provide the 'freshmen' with the lucrative money-earning opportunities. The foregoing practice calls into question the quality of defence. The Bar Association could help solve the problem by placing on those lists only the names of experienced criminal lawyers. This would clearly improve the quality of the mandatory defence of detainees/accused.

From now on the defence counsel has the right to conduct a private, confidential interview with the arrestee/ detainee before the latter's interrogation. Unlike in the past, such an interview may be monitored only visually and not by audio means. (Article 75, para. 2)

Most important detention-related novelties concern the length of detention, from the hour of indictment-filing or handing down of the first-instance sentence. The new act contains the old solution/provision that the detention prior to indictment filing may last maximum 6 months. (Article 144). But contrary to the old act, the new one envisages that detention, after indictment-filing, may last maximum 2 years and "if within that timeframe the first-instance sentence is not passed, detention shall be suspended and the accused released." After pronouncement of the first-instance sentence, detention may last at the longest another year, and if the second-instance judgement confirming or revising the first one is not delivered, then detention shall be suspended and the accused released. If the second-instance judgements repealing the first-instance one is delivered, detention may last maximum one years since pronouncement of the second-instance court ruling. (Article 146. Para. 3 and 4)

The said amendments constitute a justifiable pressure on the first- and second-instance courts of law to deal more swiftly with detention-related cases, for the institute of detention is not a criminal sanction. It is thought that the introduction of the aforementioned amendments would mark the end of practice of 5-6 years long detentions of the accused. Moreover under the new provisions, human rights of detainees shall be better protected for they shall be able to immediately serve sentences under more liberal and humane regime than the one envisaged for detention.

But enforcement of the provision contained in Article 146, para. 3 and 4 was differently interpreted by courts of law. On the eve of enforcement of the new act, the District Court in Belgrade, in a restrictive interpretation of the said provision, decided to release 8 persons charged with the commission of grave criminal offences (for which a mandatory detention is determined under the new act). The District Prosecution Office in Belgrade then appealed to the Supreme Court of Serbia for "the provision in question is not applicable to individuals already tried under the old act... the intention of the law-maker was not surely to effect release of hardened criminals." The Supreme Court of Serbia allowed the appeal and consequently the District Court determined a new detention measure of all the eight individuals. The decision of the District Court was hasty, because the law-maker did not provide for clear interpretations of the aforementioned provision.

Added to a fair trial within a reasonable timeframe, viewed within the context of key principles ensuring the right to a fair trial

(presumption of innocence, public nature of trial, the right of unjustly convicted or detained to compensatory damage), the new Act on Criminal Proceedings is entirely in line with European standards, commitments undertaken by the FRY after its ratification of international documents and the FRY preparations for accession to Council of Europe.

One of the problems in implementation of this Act may be the stance of the political protagonists and media on violation of principle of presumption of innocence. Very often influential politicians use the print and electronic media to publicise "their verdicts" in instituted or non-instituted proceedings against certain individuals and call on judges to "take into account the higher political interests" in deliberating sentences. The sensation-hungry and circulation-bent media, often ignorant of the judicial practice on the other hand tend to leak uncertified or semi-reliable information terming them as "irrefutable evidence". This causes the judges or presidents of courts of laws to explicate via the media the reasons behind their rulings. It is true that judicial authorities should be controlled by public opinion and trials followed by the media, but neither should take on the role of a court of law.

This problem could be solved by setting up information services in courts of law and appointment of a judicial spokesman in charge of disclosing information of public interest. This could help pre-empt arbitrary or tendentious coverage of trials. Process of education of journalists could be also kick-started with a view to their familiarising with elementary rules of judicial proceedings, notably with the fact that the principle of presumption of innocence does not duty bind only competent courts but also the media as a key factor in opinion-forming.

### Torture and Harassment by the Police

Enforcement of the new Act on Criminal Proceedings, notably its part relating to limited powers of police in pre-trial proceedings, was counter-productive. Instead of decreasing the police torture and harassment, it directly impacted the increase of both. But it bears saying that the extent of torture cannot be statistically gauged, firstly because of reluctance of tortured citizens to report such malpractice, and secondly because of the general social climate in which more faith is placed in the police, than citizens' words. Many citizens fear reprisals, and don't trust the state's proclaimed intention to protect them. But on the other

hand thanks to liberalisation of the general social climate in the post-5 October period, many citizens are now readier to report such police misuses. Added to that the media are also readier to report on the cases of police torture and harassment.

However it is still difficult to assess the real extent of police torture and harassment. For example according to the data presented in the *Report of the Ministry of the Interior of the Republic of Serbia in 1 January-30 November 2002 period* 1,420 disciplinary proceedings were instituted against perpetrators of 848 grave and 572 light breaches of official duties. Criminal charges were filed against 226 policemen who have committed 459 criminal offences. 42 policemen were arrested, and 195 suspended on various grounds. But the said report does not contain the share or percentage of torture and harassment cases. The data of lawyers of the Fund for Humanitarian Law speak of 200 torture cases in the post-5 October period.<sup>1</sup>

Despite our difficulties in gathering relevant information, we may say that torture of citizens by police, which sometimes results in death, is still rife and insufficiently sanctioned. There are many examples of the foregoing, but we shall now quote only the most conspicuous ones.

Vranje policemen, Srdjan Kostic and Sasa Stevanovic, have detained Nenad Tasic on grounds "of a being an accomplice to a recent burglary" on 18 August 2002. During his 8-hour long interrogation in the police station, they beat up Tasic with batons and hands. The other detainee recounted the course of that interrogation: "Kostic started hitting Tasic's hands, and whenever he cringed with pain, Kostic started hitting them harder! Nenad's hands looked like burst melons. Later Kostic started slapping hard Nenad's face. Nenad's mouth was bleeding, and his jaw was distorted."<sup>2</sup> When Tasic fainted policemen first took him to the Vranje health Centre, and later, due to complications, to the Nis Neuro-Surgical Clinic. Tasic fell into the coma and came round only a month later. Doctors reported that one lung was broken and that he had severe brain concussions. Because of this brutal beating, the two policemen were suspended and charges were filed against them.

Non-clarified death of Milan Jezdovic during his interrogation in a Belgrade police station generated much media

<sup>1</sup> *Nedeljni telegraf*, 18 December 2002.

<sup>2</sup> *Danas*, 29 August 2002.

buzz. Jezdovic was taken to a police station with several other persons suspected of possessing large quantities of narcotics on the night of 4 December 2002. The police communique reads: "Jezdovic, a well-known substance abuser and dealer, felt sick during interrogation. The first aid team which promptly arrived tried in vain to help him. Its report stated a massive heart attack provoked by myocarditis as the cause of death."<sup>3</sup> But Jezdovic's friends who had been detained with him told the media a different story. Aleksandar Draskovic told *Svedok* of 17 December 2002: "They tried to force me to confess that I had 15 kg of heroin, that I was dealing in cocaine. They brutally beat me up. They kept kicking me, jumping all over my body, one policeman was strangling me, while the other kept kicking my testis. With an electronic device they kept scorching my head, stomach, hands and penis. I felt terrible pains, I fainted, I was covered in blood, but they did not want to bring a doctor despite my pleas. Then the doctor came. After a disinterested glance he said that they should call him again if I needed a shot of pain-killer. When I pleaded again for doctor's help, one of the inspectors told me: 'Since you are fooling around with us, we shall kill you.' But the worst thing was torture of Milan. He begged them to stop, told them they would kill him if they continue their torture, but they did not stop, and kept saying 'Die, die'. They kept kicking him, strangling him with nylon bags, and when he fainted they threw a jug of water over his face." In a response to such testimonies of witnesses and posthumous photographs of Jezdovic clearly showing bruises on his head, the Belgrade police issued the following communique: "When Jezdovic resisted the arrest and tried to reach a knife on the shelf, one Inspector of the Fourth Department was compelled to calm him by a judo move. During his fall the young man hit with his head a small table. Then we handcuffed him in the face of his resistance."<sup>4</sup>

Ježdic's friends were charged with possession of illicit substances. District Court in Belgrade has launched a probe into circumstances leading to Ježdic's death. Institution of proceedings against policeman who have detained and during interrogation brutalised Ježdic and his friends hinges on the findings of that probe.

<sup>3</sup> *Novosti*, 6 December 2002.

<sup>4</sup> *Blic*, 11 December 2002.

Unfortunately the police torture targets also underage children.

On 9 July 2002 in village Americ four policemen have unlawfully searched the house in which there were only three underage children. They were allegedly looking for buried weapons. Policemen entered the house and asked one mentally retarded child, D.Dj (15 years old) where the weapons were. When the child could not provide the relevant answer, the policemen threatened to break his hands and legs and torture him with an electrical baton unless he told them the truth. Then the younger brother S.Dj. (11 years old) told the policemen: "Can't you see that he cannot talk! How can you beat such a child!?" But they nonetheless took out the mentally retarded child, gave him a spade and ordered him to start digging. He kept digging for 2 hours, and dug out about 10 holes, but weapons were not found. The police booed: "Kept digging or we shall bury you in one of these hotels". One policeman went back to the house and lied on the couch in order to make a phone call. That policeman spent 45 minutes in the house, and S.Dj. saw him opening and ransacking the fridge. Finally they left the house and while exiting the courtyard burst into laughter."<sup>5</sup> Prosecutors offices did not respond adequately to the increased cases of reported torture and harassment of citizens. None of them upon receiving relevant information launched proceedings against perpetrators and many frequently accepted the police report denying any misuse of power. In some cases the police were the ones who filed charges against their victims for "obstructing duties of officials" or threatened to do if victims manifested readiness to seek justice.

Added to unregulated situation in the judiciary and police, one of the main reasons for ineffective protection of civil and human rights of citizens is lack of responsibility of courts of law. Namely, when a victim finally overcomes the hurdles in the shape of police threat and prosecution passivity, it then faces non-diligence of courts of law.

Proceedings against policemen accused of breaches of their duties last a long time, for judges frequently don't want to tackle various misuses of official powers. For example, as the main hearing cannot be held without the accused, and orders for their arrests are rarely issued and as rarely carried out, hearings are so

<sup>5</sup> *Nacional*, 17 July 2002.

often deferred that the objective of proceedings, dispensation of justice for the damaged party, loses any sense.

Criminal proceedings (instituted in 1998) against three Belgrade policemen are still underway in the Belgrade District Court. Goran Markovic, Jonuz Jonuzi and Goran Jaksic are charged with beating up Dusan Lukic in Savski Venac police station and cellar in 15-18 March 1995 period in a bid to extort his confession relating to a car theft. According to the indictment the three policeman handcuffed Lukic, and beat him up with baseball batons with another five colleagues, whose names have never been disclosed. He fainted on several occasions by was brought round by water jets. Lukic was finally taken to the Emergency Centre, where the doctors diagnosed fatal injuries to his vital organs. Because of broken spleen and liver, kidney insufficiency, internal haemorrhaging, and so called brain explosion caused by a blood clot, Lukic died twenty days later (*Nacional*, 13 September 2002).

But the August ruling of the Supreme Court of Serbia raised some hopes as to a major shift in the judicial bodies position on police torture. Acting on the appeal against the ruling of the Vranje District Court (which sentenced a Surdulica police inspector to 10 months prison term for extortion of confession) the Supreme Court revised that ruling to -18 months prison term. Inspector Jovanovic on 7 April 1997 for five hours beat up the damaged party Radivoje Jovanovic, in order to extort confession from him.

Some turnaround was also noted in lawsuit proceedings relating to compensatory damage to victims who had suffered psychological pain or whose health had been impaired. Most damage compensatory lawsuits were filed by members of "Otpor" maltreated and brutalised by police during 2000. In cases without political correlation claimants face protracted proceedings, though their prospects for getting adequate compensation are better.

### Special Prosecutor

On model of some European countries, Serb Parliament on 18 July 2002 adopted the Act on Organisation and Powers of Bodies Combating Organised Crime (popularly called anti-mafia law) which introduced the institution of a Special Prosecutor. But the Act could not take effect immediately, due to restrictive provisions of the then valid Act on Criminal Proceedings. On 17

December 2002 both houses of federal parliament adopted the Act on Amendments to the Act on Criminal Proceedings, thus paving the way for enforcement of the republican Act on Combat against Organised Crime.

#### *Organisation, Powers, Competence and Other Provisions*

Act on Organisation and Competence of Bodies for Combating Organised Crime regulates education, training, powers and competence of special units of state bodies tasked with uncovering of criminal offences and criminal prosecution of perpetrators thereof. The Act is enforced for the sake of uncovering of criminal offences with elements of organised crime and prosecution of perpetrators thereof:

- offences against the FRY constitutional order and security;
- against humanity and international law;
- money-laundering and forgery, unauthorised production and distribution of narcotics illicit trade, illicit trading in arms, ammunition and explosives, trafficking in human beings, burglary, extortion of graft, abductions and extortion of money in blackmail cases;
- other criminal offences entailing the minimum five year prison term.

But it seems that ambitions of law-makers are huge. Namely the act covers not only natural criminal offences from the area of criminal association, but also those against constitutional order and security of the FRY, and those against humanity and international law. Such ambitions burden the special prosecution office. State security services should deal with protection of constitutional order and regular prosecution offices should tackle war crimes. In view of his new powers, a special prosecutor shall have to incorporate the republican state security offices into its special department and divide it into three sectors. Further negative consequences of the foregoing are: the unnecessary internal discord in the Ministry of the Interior and judiciary, increased expenditure, and watering down of the original idea-combat against the organised crime (See Miloš Vasić text, *Vreme*, 11 July 2002). Under the Act the competent prosecution office is the District Prosecution Office in Belgrade. Within its fold a Special Department for Combating Organised Crime (so-called Special Prosecution) shall be set up. 18 At its helm shall be a special prosecutor appointed by the republican public prosecutor from the

ranks of public prosecutors and their deputies and eligible for the two year term of office. Special prosecutor may be relieved of his duties before the end of his first mandate.

A two-year mandate seems a short one given the complexity of cases entrusted to special prosecutor (a large number of suspects, engagement of a large number of forensic and other experts, etc.) In practice special prosecutors shall be probably re-elected for another two-year term, which can result in their more devoted and pro-active work.

That kind of appointment should be in hands of parliament, and candidates should be put forward by government. We think that a special prosecutor should not be appointed and dismissed by the republican public prosecutor. A more adequate solution would be to vest in a special prosecutor full autonomy with respect to the arrangement of his outfit/agency. Furthermore, in order to prevent external and internal pressures his most immediate superior should be -the Serb Parliament.

In order to ensure unfolding of activities of the Interior Ministry bodies relating to the aforementioned criminal offences, the Department for Curbing Organised Crime shall be founded within the Interior Ministry of Serbia. Head of that department shall be appointed and dismissed by the Interior Secretary.

District Court in Belgrade shall deal with the first-instance proceedings relating to organised crimes cases, the Appeal Court in Belgrade shall act as the second-instance judicial body, while the Supreme Court of Serbia shall deal with the conflict of competences between regular courts. 21 A special Department for dealing with cases covered by the aforementioned Act shall be founded within the District Court. At its helm shall be a president appointed by president of District Court in Belgrade. The Appeal Court in Belgrade shall have a special department for dealing with organised crimes cases, and president of that department shall be appointed by president of the Appeals Court.

A special detention units shall be set up in the District Court in Belgrade for persons remanded in custody for committing offences covered by the aforementioned Act.

Before taking up his post a special prosecutor is duty bound to disclose data on his financial/property status, on financial-property status of his spouse, and of next of kin. Those data shall be deemed confidential, and security check of a candidate for that post without his knowledge is also envisaged.

There is much emphasis on the obligation of keeping official secrets (confidentiality of data in pre-trial and investigating proceedings). Due to seriousness of duties, major responsibility and potential exposure to different threats and pressures, employees of these services shall get high salaries and shortened years of service. Bodies and services founded under the aforementioned Act should have about 250 employees, including 15 judges and 15 prosecutors.

*New Procedural Institutes  
(a Protected Witness, Undercover Investigator  
and Other Measures)*

The Act on Amendments to the Act on Criminal Proceedings puts in place the new evidence-proving institute- a protected witness. The Act spells out 27:" the state prosecutor may propose to court that a protected witness (a member of or a criminal organisation) against whom proceedings have been instituted be interrogated/heard if there are extenuating circumstances on the basis of which he/she could be released or have his/her sentence commuted (under the Penal Code of the FRY) if the importance of his/her testimony for uncovering, proving or preventing other criminal offences of criminal organisation outweighs the gravity and consequences of the criminal offence he/she has committed.

That role is envisaged only for members of mafia organisations and not for those ready to indicate cases of corruption among the police and prosecution ranks (as is the case for example in the federal state of New York, USA).

If a criminal offence cannot be otherwise proved, the investigating judge, at the proposal of a special prosecutor may approve a temporary measure: rendering of simulated business services, contracting of simulated legal deals, and engagement of covert investigators insinuating themselves into the criminal groups and subsequently acting as "moles". Under order of investigating judge, an undercover investigator may use surveillance and telephone interception/bugging devices and install them in business premises and flats of suspects.

Hence an undercover investigator may search any flat without warrant, install bugging devices and record all conversations, whereby he should submit daily reports on the foregoing to his superior, a judge. Law does not recognise that

procedural action, and it was to date used only in secret services operations. But at issue is the weight of thus collected evidence. Many operational-technical measures applied by secret services are now officially introduced as legally approved evidence-gathering measures (see interview of Goran Petrovic, *Blic*, 27 June 2002). And finally it is unclear what kind of person may offer simulated business? An undercover investigator? Article 503 paragraph 3 of the Act on Criminal Proceedings lays down: "undercover investigator's instigation to commission of criminal offences is prohibited and punishable." But there is a favourable circumstance: "if a special prosecutor does not institute criminal proceedings within 6 months, all collected data must be destroyed and the person covered by those data notified of that measure. The said data mustn't be used for any other criminal offence unless the offence in question was committed by organised crime groups."

Court may determine the measure of temporary seizure of personal belongings and property. Novelty is also seizure and blocking of property when there is reasonable doubt that property was acquired in an illegal way.

According to the provisions in place, the aforementioned amendments are not in keeping with the legal provisions on executive procedure and obligatory relations.

One of the shortcomings is an unregulated protection of a special prosecutor, judges and policemen. Special prosecutor has not yet been appointed nor have been judges. It is thought that investigating judges of District Court are most likely appointees. But if all 13 of them are appointed to new duties, then the question of their replacement with new judges in a short period of time emerges.

## Conclusion

The state's resolve, albeit a formal one, to energetically deal with organised crime is a good sign. However the aforementioned shortcomings of the Act on Organisation and Competence of Bodies for Combating Organised Crime, and of the Act on Amendments to the Act on Criminal Proceedings, and some provisions encroaching upon the area of human rights may cause misuses, collide with other provisions, incur overhead expenses in formation and functioning of such an organisation, and consequently lead to its under-performance.

## Death Penalty

In the late 2001 the Act on Amendments to the Penal Code of the FRY has been adopted. Under the former the death penalty sentence may be delivered if it is envisaged by the republican law. In the late February 2002 Parliament of Serbia voted in the Act on Amendments to the Penal Code of the Republic of Serbia under which the death penalty was abolished. The foregoing was tantamount to harmonisation between the republican and federal legislation. Death penalty was replaced by a 40-year prison term as the maximum sentence (previously the maximum prison term was 20 years). Since 1992 due to conflicting provisions of the republican and federal law no death penalty was carried out and some convicts waited as long as 18 years for execution thereof.

In Serb prisons there were 25 convicts whose sentences had become final before the adoption of the aforementioned act. Consequently their capital punishments were commuted to a 40 year imprisonment. Some cases are pending because all legal remedies are yet to be exhausted. The aforementioned amendment makes part of a comprehensive fine-tuning of domestic legislation with legislation of Council of Europe.

## Conditions in Prisons and Detention Institutions

Human rights of convicts and conditions under which they serve their sentences, are one of the rare segments of reform of the state administration in which much progress has been made. The reform of penitentiaries began in the immediate post-5 October period and the ensuing prison revolts. And that reform continued during 2002. Conditions in prisons were greatly improved, and a major step towards reaching EU standards (the accession pre-condition) has been made. Many prisons have been re-vamped and reconstructed, torture and harassment of prisoners decreased, but the new act on enforcement of criminal sanctions, setting up a new normative framework for full respect of prisoners' rights, has not been adopted. The model of that law put forward by NGO "Lex", highly observant of the rights of prisoners, has not been seriously considered. It bears saying that any new Act on Enforcement of Criminal Sanctions should be fine-tuned with international documents from that sphere, notably the European Convention on Human Rights and accompanying Protocols (which must be ratified immediately after the FRY accession to Council of Europe), and European Convention on Prevention of Torture and Inhumane and Degrading Treatment of Prisoners (which must be ratified a year after accession) and European Prison Rules. To prevent that the process of the future normative adoption of the aforementioned standards remains the dead-letter, in the second half of 2002, OSCE and the Serb Justice Ministry started courses of education of prison personnel, notably of security services/guards in order to enable them to apply the said European standards in practice.

With a view to learning more about status of human rights and freedoms in prisons in Serbia, the Helsinki Committee for Human Rights, has been engaged in a pro-active prison monitoring for a year now. To date we visited 11 prisons, and 4 of them on two occasions.

Our basic goal is to gain an objective, systematic, expert and comprehensive insight into enforcement of some criminal

sanctions. Our five-member monitoring team is composed of two jurists, two special pedagogues (one is an expert consultant) and one forensic expert. During our visits we were allowed access to all premises, and interviews with management, personnel, and prisoners (either those who of their own will wanted to talk to us, or those chosen by our team) in absence of prison guards and other prison personnel.

During 2002 the Helsinki Committee team visited the Juvenile Remand Centre in Valjevo, Niš Penitentiary and Padinska Skela open-type prison (near Belgrade), Zabela women prison near Pozarevac, District Prison in Belgrade, District Prison in Novi Sad and Čuprija open-type prison.

In order to effect a comprehensive evaluation we opted for 6 aspects relevant for enforcement of criminal sanctions: quality and conditions of life, security, return to the community, contacts with the outside world, legality of treatment and prison personnel.

In this text we shall give only a brief general analysis of the said 6 aspects.

### A) PHYSICAL ENVIRONMENT AND ACCOMMODATION, VENTILATION AND LIGHTING, SANITARY CONDITIONS AND HYGIENE

During November 2000 prison riots many buildings within Penitentiary Pozarevac-Zabela compound, and in Nis Penitentiary were totally or partly destroyed. In most prisons, barring Novi Sad District Prison, some parts of Padinska Skela Prison, and Cuprija Prison, buildings are very derelict, being over 50 years old. In the course of 2002 the Justice Ministry thanks to foreign donations effected adaptation and re-vamping of some buildings, notably of pavilion VII in Pozarevac-Zabela closed-type prison, women department of prison hospital in Belgrade, women department of Pozarevac prison. During our tour adaptation of pavilion VII in Pozarevac has been completed and interior decorating was in progress. New sanitary installations have been put in place, as were new beds and bedding, and new personal chests of drawers. Following the most thorough re-vamping of pavilion VII prisoners shall be able to serve their sentences under more favourable conditions.

Adaptation of women department of the Prison Hospital in Belgrade has been also carried out. That department now meets European lighting, space, ventilation and heating standards.

Generally speaking the District Prison in Novi Sad, Padinska Skela Penitentiary and open-type department of Ćuprija prison meet Central-Eastern European prison standards. However in other prisons living conditions have not been much improved. Some are overcrowded due to a general increase in number of convicts and detainees. According to communique of the Justice Ministry of the Republic of Serbia on 11 October 2002 there were 4,668 convicts and 1,440 detainees in prisons Serbia-wide. That is an 8 % increased with respect to 4,318 convicts and 1,105 detainees registered in October 2000.

There isn't much furniture in dormitories. Moreover pieces of furniture are very old, as are sanitary installations in bathrooms and toilets. Hot water is rare. Požarevac penitentiary, the third largest prison in Serbia, faces serious problems of water supply and heating. Most prisoners complained of inadequate heating during wintertime.

Building housing a district prison hospital in Belgrade has ventilation and heating problems. The entire building should be adapted in order to provide for a more humane and adequate treatment of about 450 convicts in the Belgrade District Prison and about 400 patients in the prison hospital.

Despite long-standing neglect and non-investments into adaptation and repairs, hygiene level in most prisons we have visited is at a satisfactory level. There were no large-scale infections due to regular de-ratisation, disinsection and disinfection campaigns.

In all prisons the management was able to supply basic hygiene items (hair shampoos, shaving foams, razor blades and toilette paper) only to the poorest convicts. The other convicts have to buy them in the prison canteen or get them via parcels.

Majority of canteens are well supplied and convicts may buy in them at market prices cigarettes, coffee, milk, fruit, detergents, sweets, etc.

#### B) FOOD AND MEALS

Most prisons have kitchen for preparing convicts' meals. Only in Požarevac Women Prison meals are prepared in the kitchen of the men department, contrary to rules. All meals are served at normal meal times in the communal dining room or taken to solitary cells. Level of hygiene in kitchen and other facilities in nearly all prisons is satisfactory. An exception is the

Nis prison, for the food there is prepared in a temporary impromptu kitchen (the original one was burnt down during November 2000 riots) and kept in inadequate premises. But the construction of the new kitchen expected to meet the required standards is under way.

Food is prepared by professional cooks in accordance with a weekly or two-day menu signed by the prison director. According to 80% of convicts food is of poor quality, and of quality and quantity which don't satisfy the standards of dietetics, health and hygiene. Small quantities of meat are every day on the many, but the choice of vegetables and fruit is poor, and dairy products are rarely served.

Prisoners get supplementary food via parcels, of they can buy some foodstuffs at market prices in the prison canteens.

#### C) MEDICAL CARE

Size and arrangement of medical care facilities depends on the size/capacity of prisons. In large prisons there are special medical services which include in-house hospitals with adequate number of beds, large number of full-time medical staffers of various profiles and necessary medical equipment. In the Novi Sad District Prison that in-house hospital is in the educational service premises and has only few beds. Doctors from the local Health Centre effect visits upon calls. All urgent cases are sent to civilian hospitals.

There are dental wards in every prison, but due to short supply of material, they deal only with tooth extraction. Convicts who have money are allowed to buy the necessary material or even pay for services of private dentists.

Medical staff is by and large disgruntled with its status and pays. Due to understaffing many have to work overtime during week-ends and holidays for small fees. Added to that they feel that their jobs are sidelined with respect to other services in prisons.

Generally speaking the level of health protection in Serb prisons is not satisfactory due to shortage of qualified cadres, chronic underfunding, poor supplies of medical material and lack of equipment.



## 2. Security

We viewed that segment from aspects of both external and internal security. External security concerns real or hypothetical danger which convicts pose for a broader social community. Internal security concerns security of convicts and personnel.

On the basis of analysis of collected data we may say that external security is not satisfactory. Security measures are by and large rudimentary. Concrete walls with fencing and guards' towers on the top encircle prison compounds. Guards armed with machine-guns are authorised to use them in case of attempted escapes of prisoners. Other security measures (video cameras, sensors, other electronic devices) are non-existent, which makes more difficult the security staff work. Prison management is thus compelled to have many guards in towers, and employ an insufficient number of them on the ground.

Various sources gave us various information on internal security level. According to documentation the number of convicts equals the number of guards. There were no reported assaults on or injuries of prison personnel. But the level of perceived danger is the highest among guards, and lowest among educators. Different convicts-interviewees had different opinions on different categories of prison personnel/services. Some prison staffers treated convicts well and some mistreated them. Almost all prisoners have positive stance on managers, and most frequently mention-prison guards. They told us that their most frequent contacts were with guards, managers, and then-educators.

But from those informal interviews we have also learnt about their feelings of fear and insecurity in that closed community. Research to date indicated that convicts feel depressed, deprived and frustrated and in response develop some specific ties oft manifested in clashes and fights between themselves. Statistic data speak of frequent conflicts resolved through physical assaults and brawls. Weapons are often made or otherwise procured. During a recent large-scale search of the entire Pozarevac-Zabela compound large quantities of dangerous weapons -metal and wood batons, knives, daggers, several guns and some explosives-have been found in different hiding places in pavilions, workshops or even underground. It is widely assumed that many weapons were hand-made or procured by 'friends' from the outside world.

Thefts, racketeering, different blackmails and other forms of abuses are frequent among convicts. In some prisons even murders have been reported. A major problem are so called informal groups of convicts which tend to establish a parallel system of rule and code of conduct in prisons, and hold more sway on prisoners than the prison management proper. During last year efforts were made to break up those groups by transferring gang-leaders to other prisons. But the problem still persists in many penitentiaries.

## 3. Legality of Treatment

That aspect concerns compliance of prisons with legally prescribed rules (laws, sub-legal acts, house rules). Observance of those rules is the key task of prison personnel. In other words prison personnel must successfully pre-empt incidents, minimise negative conduct of prisoners and otherwise keep order in their institutions. Rules of conduct must be clear, sanctions specified and consistently implemented.

On the basis of the available data we were able to conclude that house rules are very clear and accessible to every convict, immediately after his or her admission. In most prisons several copies of house rules are appended on walls.

Majority of convicts say that prison staffers are unbiased, disciplinary measures justly meted out, and appeals proceedings justly conducted. But in informal interviewees they voiced their discontent with the way they were treated. Majority of convicts-interviewees were visibly discontent with unlawful and unjust management and other personnel decisions. Convicts thought that favouring of some inmates (so-called snitches), rife corruption, and other negative phenomena exacerbate the relations within the prison and general mood in that kind of institution. According to them the most corrupt were educators and to a lesser extent security staff (who can procure cell phones, drugs, etc.). Some examples of misuse of official powers by security staff were reported but both the prison management and republican authorities failed to take corresponding disciplinary measures against incriminated guards. Due to such lax stance of officialdom, many convicts are reluctant to report such misuses at all. But it bears saying that some disciplinary measures were taken on several guards and other security workers were either fined or suspended for breaches of their duties.

But none of our interviewees mentioned a torture or harassment case (unlike during the Milosevic era). Some complained about rare, but nonetheless excessive use of coercion by the security staff, but were ignorant of sexual harassment incidents.

A serious incident threatening to evolve into a revolt happened on 13 August 2002 in Nis Prison. Several convicts protested against poor living conditions, very severe regime and nearly military discipline. To put it briefly according to them the director too often and unjustifiably resorted to the measure of confinement of some convicts to the high level surveillance departments. If these claims are true, and in view of inadequate living conditions in those special premises and duration of the said measure (up to 6 months under the Act on Enforcement of Criminal Sanctions) then their discontent is justifiable. But situation in that regard has been partially improved thanks to insistence of convicts.

#### 4. Return to the Community

Unlike the Serb Act on Enforcement of Criminal Sanctions, pertinent international provisions clearly spell out that "one of goals of institutionalised sanctions is the return to the community of convicts after their release." To achieve that goal the emphasis must be laid on "treatment, work, education, vocational training, leisure activities, recreation, exercise of religion and post-penal social integration.

Our primary sources for familiarising with that dimension were educators and employment services personnel, vocational training staff and -convicts.

Employment services and vocational training staff told us that they organised training of convicts in various existing production lines. But the problem is outdated work technology and disinterest of investors in contributing to updating technology and marketing of possible products. Exceptions in that regard are the Novi Sad prison and Padinska Skela Penitentiary which have solid revenues from their own production.

From social re-integration aspect services for training and employment unfold the following activities: monitoring and evaluation of conduct and work of each convicts. Over half of a total number of convicts are included in the work process, though even many more convicts are eligible for pertinent courses and

employment. Convicts face choices of jobs/workplaces in line with their previous occupations. Workday lasts 8 hours, 40 weekly work hours are envisaged and week-ends are rest days.

Work conditions and protection at work vary, but generally merit 3 (medium) mark. Convicts pays/remuneration are low and non-stimulating. Part of pay is put in savings accounts and part is given to convicts.

Here are some relevant data disclosed by re-education personnel: admission of convicts begins in the admission department. A team composed of a social worker, special pedagogue and psychologist after 15 to 30-day observation of each convict proposes his classification/placement and plan of treatment. The latter is then approved by the prison director. Criteria which weigh mostly on classification are: length of sentence and health status. Plan and program for each convict is drawn up by educator, and its covers the educational group, primary and vocational education, workplace, recreation and intensity of individual and group work. Educators also propose re-classification, and the latter depends on conduct of convicts as evaluated by educators, vocational training staff and security staff.

Level of engagement of convicts in work in all prisons, barring the Women Prison in Pozarevac is not satisfactory. There is only individual work due to shortage of staff trained for other kinds of treatments.

Educational groups are too big to provide for a good treatment. According to educators, each convict has on average 2 meetings per month, and if the need arises even more frequently. Each meeting lasts about 1 hour. Interviews may be spontaneous and initiated either by educators or convicts.

On the other hand majority of convicts told us they rarely saw their educators, and that some interviews, scheduled every 3-4 months last only 15 minutes.

Education in all prisons, barring the Juvenile Detention Centre in Valjevo, is not-extant due to lack of funds and premises (many special purpose buildings have been destroyed during the November 2000 prison revolt). But we have realised that the problem of education is a long-standing one. Namely in the past little attention was paid to education. Only few convicts were covered by educational programs, partly because of disinterest of convicts proper and partly because of lack of motivation of personnel. Therefore more emphasis should be laid on education

because of its important role in future social integration of former convicts.

It bears stressing that prison libraries are poorly equipped, notably with new editions. Added to that the library in Pozarevac penitentiary has been totally destroyed during the November 2000 revolt. That problem should be gradually resolved for many prisoners are interested in reading.

We have learnt that daily press (but insufficient number of copies) is received regularly and that convicts may subscribe to any daily they want to. In all prisons there's a sufficient number of functional radio and TV sets.

Recreation encompasses sports, cultural and artistic activities, but their exercise varies from prison to prison. In majority of prisons there are outdoor handball and basketball grounds, table-tennis facilities, etc. Pozarevac prison has a recently renovated Olympic-size pool and the lawn football ground.

But many convicts are not interested in cultural and artistic activities. An exception to that rule is the Pozarevac Women Prison which boasts a developed drama and musical section.

As regards religion, most convicts are of Orthodox faith. Some prisons have special premises for services aimed at satisfying religious needs of convicts. Due to large interests of convicts pastoral visits are paid and regular services held during major religious holidays.

There are no special pre-release plans or preparations. The customary procedure is to notify police or competent social work centre of pending release. The final interview is conducted and the convict is timely placed in semi-open department. As regards co-operation with extra-institution factors, our impression is that it is reduced to the level of obligation which the prison has towards such bodies and nothing more. Most convicts told us that their educators have never met their families. On the other hand educators think that asking for meeting family members would be tantamount to infringement of the convict's right to privacy.

Our conclusion is that co-operation and co-ordination with families and custodians/social institutions are at a very low level, and that post-penal re-integration is ill-prepared.

## 5. Contact with the Outside World

This aspect concerns convicts' contacts with their families, lawyers, competent bodies in the country, international organisations, and diplomatic-consular representatives of their countries. These contacts are realised through phone calls, correspondence, visits, stay in special premises during special visits, receipt of money and parcels, outings/nights-out and stay outside the institution.

In all prisons there is at least one telephone booth, available to convicts at least once a month, in line with the previously established rules.

Correspondence and complaints in writing are censored. Letters are received by general services, handed to educators and then to convicts. Letters are seized very rarely. As regards parcels they are first checked by guards, and their contents are registered. Parcels or contents thereof, are rarely seized.

Visits lasts between 1-2 hours, and their frequency depends on treatment/category accorded to convicts. Contacts with lawyers are possible whenever the need arises or convicts ask for their assistance.

Stay in "special premises", wherever they exist, is carried out under the lawfully prescribed procedure, three hours every three months. Convicts were by and large content with the exercise of that right, but thought that it should be legally extended due to its beneficial impact on conduct of prisoners.

## 6. Prison Personnel

That aspect has a major influence on enforcement of all sanctions. Basic services in prison are security, re-educational, and vocational training and employment services.

Generally speaking employees of security services are young or younger males with secondary school education. Candidates eligible for the guard posts must have some experience, at least two years of service, finished military service, secondary school diploma and be physically and psychologically fit for exercising those duties. If those conditions are met, candidates have to attend a six-month course and pass a relevant exam. All the concerned employees thought that those conditions were minimal and hence insufficient for the exercise of regular and

humane work of members of those services. They also demand introduction of additional training program including courses of martial arts, psychology, sociology, penal sanctions, non-violent resolution of conflicts and human rights.

Staff of those services outnumbers employees of other services, but there are frequent vacancies due to the gravity of job and small number of candidates. Security staff are aware of importance of their jobs. They have shortened years of service, and although pays are regular, they are considered too low in view of professional perils and stressfulness of their duties.

Vocational training and employment services have enough, mostly male, employees. Such personnel composition is in line with the nature of training (machine-building, wood- and metal-working courses etc.) Most of them are satisfied both with their jobs and the work of prison management and other services. Their complaints were mostly related to outdated work technology and poor work conditions. They told us that environment at work was not so stressful, nor were professional hazards (possibility to be assaulted by convicts.).

They think that the standing of their services is equal to the one of other services. Heads and managers of those services give suggestions for and evaluation of every convict. But our impression was that they were of secondary importance, or, in other words, that diligence at work was not a key criterion for re-classification of convicts or their 'awarding'. We would however like to stress the importance of work in the process of re-education of convicts, and consequently demand that more attention be paid to that aspect.

Re-educational services employ both highly educated men and women, but some employees have other faculties diplomas (geography, defence, protection) although their jobs require knowledge of psychology, sociology, and pedagogy. Furthermore it was argued that the future employment criteria should also include assessment of personality of educators.

All educators said that their jobs were highly stressful, but disclaimed any injuries or incidents at work. They have shortened years of service, and are disgruntled with low, though regular, pays.

Barring several exceptions (notably Pozarevac Prison for Women), educators are under-motivated for the high-quality work, further education, and new work methods. They are also aware of the fact that their work on post-penal re-integration of convicts is

not rewarding, in view of bleak prospects for such a successful development in the majority of cases. We would also like to stress that notwithstanding the foregoing many interviewees-educators expressed their interest in additional professional training.

*Recommendations for Improvement of Prison Conditions:*

- Provision of mandatory minimal funds for renovation of toilets, bathrooms and replacement of sanitary equipment;
- Provision of funds for regular supplies of hygiene items, and sufficient number of summer and winter prison uniforms;
- Nutritional values of meals should be brought into line with the level envisaged by the law;
- Improvement of medical and medical material supplies;
- Improvement of security by introduction of contemporary surveillance devices (video, movement sensors, etc.);
- Ministry of Justice should step up its inquiry into convicts' allegations about security and re-educational staff misuses of power. If those misuses are proved then criminal and disciplinary proceedings against those staffers should be immediately instituted;
- Coercion measures and punishments should be minimised and less stress laid on rules and norms for the sake of improving relations in prisons and creating a general positive mood;
- Intensify anti-aggression training of security employees to prepare them to most efficiently deal with aggressive convicts;
- Prioritise communication and management style which best stimulate good relations between personnel and convicts. Within the program of re-education focus should be placed on links between convicts and society in general, and not on exclusion of convicts from the latter;
- Prioritise educational methods stimulating interest of convicts in work and vocational training by introducing modern work technology, new production lines, and awards for diligent work;
- Introduce methods which increase convicts' interests in education by provision of contemporary and more creative teaching aids and awards for diligent work and organise computer and language courses;
- Take into consideration all alternatives for a gradual re-integration of convicts into social life; introduce program and

activities priming the convicts for their life after release from prison; enhance co-operation to that end with corresponding social centres and other social control bodies;

- Introduce mail boxes in prisons, in order to provide for direct sending of letters of convicts to the Management for Enforcement of Sanctions, the Red Cross and NGOs and preclude prior reading thereof. By extension that measure would provide for confidentiality of correspondence and prevent or minimise possible misuses or re-distribution by the prison personnel.

- Take into consideration all possibilities and alternatives for a gradual return of convicts to the community and consequently introduce special programs and activities priming them for the post release life, in co-operation with corresponding social centres and other social control bodies.

- In selection of candidates for various prison posts take into account their social and emotional suitability;

- Improve status of personnel and stimulate their work by pay increases and other incentives;

- Encourage personnel to broaden their expertise by attending various courses, counselling and additional training with a view to teaching them to more humanely treat prisoners and unfold their activities in a more engaged and efficient way.

## Co-operation with The Hague Tribunal and War Crimes Trials

Animosity to The Hague Tribunal and insufficient co-operation with this international judicial body have marked the year 2002 too. Anti-Tribunal mood of both Serb elite and Serb population was partly due to misunderstanding of the role of the ICTY and strings attached to co-operation with it, namely financial assistance and accession to international organisations, notably Council of Europe. Constant pressures and threat of sanctions by international community (like in the case of the arrest and hand-over of Milosevic in 2001) remained the only successful mechanism for compelling the FRY and Serb state bodies to step up co-operation with the ICTY.

In the face of the US administration threat relating to suspension of financial aid to Yugoslavia by 31 March 2002, the Federal Parliament on 11 April 2002 finally adopted the Act on Co-operation with the ICTY. Delay in adoption of that act was a time-buying device and the excuse for allegedly unregulated domestic legislation in the area of co-operation with foreign judicial bodies (the latter was superfluous for the FRY was duty-bound to comply with the ICTY's demands under the Tribunal's Statute). The aforementioned Act laid the normative groundwork for hand-over of war crimes indictees and access to the FRY archives and other pertinent legislation of major bearing on evidence collection. But it became once again clear that the main hurdle to co-operation was lack of political will and not allegedly non-existent laws.

Before the adoption of the aforementioned Act the ICTY forwarded to the FRY and Serb state bodies a list of 23 war crimes indictees still at large.

On that list were: Dragoljub Ojdanic, former Head of the General Staff Deputy of the Yugoslav Army, Nikola Sainovic, former Vice Prime Minister of the FRY, Vljako Stojiljkovic, former Serb Interior Secretary, (committed suicide on 11 April 2002), Milan Milutinovic, former President of Serbia (all jointly indicted with Milosevic), Veselin Šljivancanin, Mile Mrksic, Miroslav Radic

(accused of crimes in Vukovar), Ratko Mladic, former Head of the General Staff of the Republika Srpska Army, Radovan Karadžic, former President of Republika Srpska, Milan Martić, former president of Republika Srpska Krajina, Momčilo Gruban, Head of Guards of Omarska detention camp, etc. After adoption of the Act many indictees, notably Sainovic, Ojdanic, Martić, Mrksic and Gruban, aware of the state obligation to hand them over (albeit unwillingly), in the late April and in the first half of May voluntarily surrendered to The Hague Tribunal.

At their joint session the federal and Serb government on 17 May 2002 decided to give guarantees for defence in absentia of the five aforementioned indictees. But to date only Momčilo Gruban has been released. Several days before the guarantees-related decision, District Court in Belgrade, as a competent court, issued the warrant for the arrest of 17 other indictees from the list. From then on police did not arrest any indictee. They justify their passivity by their ignorance of the whereabouts of indictees. However, we have learnt from some sources that the top state leadership in fear of the fall of its political rating has never ordered police to search and arrest the indictees. Milan Milutinovic, after termination of his presidential term of office, in early January 2003 surrendered to The Hague.

Uncooperative attitude of the FRY and Serbia is also evident in another segment of compliance with the ICTY-related obligations and commitments: access to archives and other documents which may serve as an invaluable source of information-gathering or shed more light on proceedings in progress in The Hague. Commitments or obligations of states towards the ICTY are clearly specified in Article 29 of Statute of the International Tribunal: "*States shall co-operate with the International Tribunal in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law. 2 States shall comply with undue delay with any request for assistance or an order issued by a Trial Chamber, including, but not limited to: a) the identification and location of persons; b) the taking of testimony and the production of evidence, c) the service of documents; d) the arrest or detention of persons; e) the surrender or the transfer of the accused to the International Tribunal.*" But in line with provisions of the Act on Co-operation with the ICTY (17 April 2002) the decision to set up the National Council for Co-operation with the ICTY was taken. That council "should co-operate with the ICTY especially in the areas of status

of indicted Yugoslav citizens and their right to defence, status of witnesses- Yugoslav citizens, access of the ICTY to archives and in other pertinent matters." Furthermore, "the National Council shall take all the necessary measures to assist families of indicted Yugoslav citizens, facilitate access of defence counsels to archives and other documents having bearing on defence arguments, and assist them in other matters stemming from the FRY obligation to protect their citizens.

National Council is empowered to set up its permanent commissions... co-operating in the areas relating to military issues, archives and security." (paragraph 3 and 4 Decisions). But in practice it turned out that the said provisions in fact relativised co-operation with the Hague Tribunal. Old guard of the Yugoslav Army deeply entangled in the war conflicts has in final say in selection of documents required by the ICTY, as does the Supreme Defence Council, which appraises the priority state and security national interests and determines which documents are to be considered confidential. But during the Milosevic trial it transpired on several occasions that for the sake of "exercise of Milosevic's right to defence" he and his lawyers, *amicus curia*, were regularly allowed access to documents beneficial for his or their arguments. Until the aforementioned access to potentially incriminating documents is granted, FRY's and Serbia's co-operation with the ICTY shall be considered inadequate.

## Trials for War Crimes Committed in Serbia and Montenegro

All the relevant international factors have taken a clear stand on trials for war crimes committed during wars in the territory of former Yugoslavia: namely the ICTY should wrap up proceedings in progress (in cases in which indictments have been raised, proceedings have commenced, and in a number of other, limited cases), while all other trials should be organised by national courts. As the ICTY has a limited mandate, such a position is fully justified from the standpoint of international community. But the next question is: are there good enough conditions for organising just war crimes trials in Serbia?

If we analyse the current and future war crimes trials in Serbia from any aspect-political will of the incumbent authorities, position of the general public on Serbia on so-called national

interest and international community, media coverage, financial and procedural status of criminal legislation, insufficient expertise of judicial personnel for that kind of trials, and other sticking points, namely unresolved organisational, technical and financial problems affecting such trials, one can say that prerequisites for fair and high-quality war crime trials in Serbia have not been met.

Political atmosphere in Serbia, position of citizens on so-called national interests on the one hand and international community, on the other hand, political will of power-holders, in fact preclude any possibility for fair war crime trials.

Minimum coverage of war crime trials and the related commentaries, and the maximum coverage of communiqués and statements issued by various Committees for Defence of Radovan Karadžić and Veselin Šljivancanin, create an inauspicious mood for staging of such trials, notably in provincial milieus. The aforementioned was best illustrated by the first war crime trial in the post-Milosevic Serbia, the one held in Prokuplje.

Procedural and other legislation and provisions thereof don't provide for organisation of fair, ICTY-style war crime trials in Serbia. For example, the FRY Penal Code does not envisage the criminal offence on the basis of command responsibility. Added to that the Act on Criminal Proceedings does not foresee cross-examination of indictees and witnesses, use of audio and video recordings as evidence, and the institute of the protected witness.

Non-implementation of a genuine lustration, strong pressure of the executive, and chronic understaffing (due to lack of professional and trained judicial cadres), makes the Serb judiciary unprepared for expert, professional and impartial conducting of proceedings against war crimes indictees. Limited lustration was carried out among the police ranks, and only partial purges of compromised prosecution personnel were effected. This means that many hold-overs of the former regime among staff of both fear even small-scale lustration, for it could lead up to raising the issue of their own responsibility.

Most indicative of the foregoing is a decreased interest in further uncovering of mass graves Serbia-wide.

During 2001 and 2002 in Petrovo Selo, Batajnica and lake Perucac several mass graves were uncovered. To date 716 corpses of Albanians killed in Kosovo were found in those mass graves. It is believed that in other locations in Serbia there are also mass graves. 18 months since the discovery of the first mass graves no pertinent investigation has been launched or suspects named.

All authorised bodies, notably the police, prosecution, and courts of law are keeping mum about mass graves, and are shifting responsibility for passivity to each other. In the early February 2002 Milan Sarajlic, Deputy District Public Prosecutor communicated that "the District Public Prosecution Office to date has not received any official information from the Serb Interior Ministry on mass grave uncovered last year in the police boot camp in Batajnica." Rade Terzic, District Public Prosecutor, said, "The Serb Interior Ministry never responded to our official requests relating to identity of authorities in charge of places where mass graves have been found, identity of police commanders, and army and police units operating in certain localities, operations of paramilitary units, circumstantial evidence pointing to crimes against civilians."<sup>1</sup> On the other hand the Serb Interior Ministry shifted responsibility to judicial bodies who "are yet to officially inform us of forensic results, namely the cause of death, identity of victims, so that the police may determine the place of death, manner of execution and successfully track down perpetrators of those crimes."<sup>2</sup>

One may realistically presume that the bodies found in mass graves, are in fact remains of corpses of Albanians killed during the Kosovo conflicts in the first half of 1999, and then transferred to Serbia for the sake of hiding the crime traces. That assumption was recently confirmed by the forensic findings. On the other hand the Serb Interior Ministry shifts the blame on the judicial bodies which are yet to "officially inform them on the forensic experts work, in order to enable us to launch a most comprehensive investigation."

Some of the bodies have been identified as bodies of Albanians killed in Kosovo in the first half of 1999 and then transferred to Serbia for the sake of evidence-hiding. But police often resorts to the excuse that the said victims have not been killed in Serbia in order to defer any probe into those killings. However that excuse does not hold water for the removal of those bodies and their subsequent burial in Serbia in itself constitute a criminal offence. Therefore we face two different kinds of criminal offences, and non-launching of investigation into any of them is ungrounded. Data on identity of those who took part in Milosevic-hosted meeting in mid-March 1999, when he issued orders on

<sup>1</sup> *Tanjug*, 24 February 2002.

<sup>2</sup> *Vreme*, 7 November 2002.

removal of traces of Kosovo crimes, have been disclosed. The names of those who ordered mass killings and cover-up of crimes and of perpetrators thereof are known, but no-one has been officially accused.

Nebojsa Ranisavljevic has been tried for war crimes against civilian population under article 142, paragraph 1 of the Penal Code of the FRY by a High Court in Bijelo Polje (Montenegro) since 4 May 1998. Indictment against Ranisavljevic reads: "on 27 February 1993 in Višegrad (B&H) as a member of 25-strong military formation under command of Milan Lukic from Višegrad, he took part in the attack on a passenger train of the Yugoslav Railways, in abduction a group of passengers, their looting and killing at the Štrpci railway station. This was the sequence of developments: several soldiers ordered head of railway station Štrpci to stop the passenger train no. 671, operating on the Belgrade-Bar railway line, entered the train, asked for IDs of passengers, took off the train 19 civilian passengers, Muslims, citizens of the FRY, told them to board a bus, and then ferried them to an abandoned building in the vicinity of Višegrad where they looted and tortured them. After that they took them out in groups and cruelly killed them."

After a lengthy, but well prepared and professionally conducted proceedings Ranisavljevic was convicted and sentenced to a 15 year prison term on 9 September 2002 (the sentence is not final). But those who ordered the abduction and those who committed the massacre are still at large and unaccused, though the evidence collected to date amply indicates the involvement of the top state bodies of Serbia and the FRY in the abduction plan. To corroborate the foregoing we would like to quote some assertions made by lawyers of the Fund for Humanitarian Law, who have been monitoring Ranisavljevic's trial, in their *Analysis of Trial of Nebojsa Ranisavljevic*:

"Mitar Mandic, at the time of abduction the Head of Defence Unit of Yugoslav Railways, testified before the court. In his then capacity he submitted a confidential report no.4/1-93 of 1 February to General Director of Railway Company in Belgrade. During his testimony he confirmed that he was informed by head of Uzice railway station of "a possible stopping of train in the Štrpce station and forcible abduction of several passengers." He said that he then met with General Kuzmanovic, Deputy Defence Secretary, in Ministry of Serbia, and that Kuzmanovic told them that he would inform of the plan the Defence Minister, Head of

Joint Chiefs of Staff and the Yugoslav Army. Mandic added that at the said meeting he demanded the YA to pile pressure on the Army of Republika Srpska to renounce its abduction plan. The witness added that he then took part in the meeting of the top railway officials who discussed all aspects of the announced abduction. Mandic also took part in the same-themed meetings in Uzice police, Uzice State Security Services, in Uzice Military Headquarters and in a meeting with all heads of railway stations on the Uzice-Gostun line.

Confidential report No. 4/1-93 signed by Mitar Mandic, reads:

"I have been informed on 28 January 1993 by head of Uzice-Zivanica station that members of Republika Srpska Army from Rudo municipality shall stop the train and abduct passengers. The entire action would take place on the part of Belgrade-Bar railway line running through Bosnia. Probably at Štrpci or Goles railway station."

"Head of Uzice railway station informed me on 28 January 2001 at 10.30 of the announced abduction of passengers."

"I had talks with Deputy Defence Minister, General Kuzmanovic. I indicated that our security workers protecting the part of the Belgrade-Bar railway line running through Bosnia were taken captives, and warned him of the abduction plan which could exacerbate the security status of our railways and trains. On behalf of my company I asked the Defence Ministry and the Yugoslav Army to pile pressure on the Serb army in Bosnia to renounce that plan, for it could backfire...."

"Information on abduction was confirmed ...we were told that the plan was a strategic operation of Serb army aimed at creating conditions for exchange of captives and dead. That army action was assessed as unacceptable on several grounds....Such solutions should be effected elsewhere in central Bosnia."

"Railway Company Belgrade rejects any assessment of effects of such actions of Army of Republika Srpska, for their true nature and goals are ignored."

As a sign of Serbia's readiness to co-operate with the Hague Tribunal and to stage war crime trials in Serbia proper on orders of "higher instances" proceedings commenced

in May 1999 against Sasa Cvjetan and Dejan Demirovic (accused of a murder under article 47 paragraph 6 of the Penal Code of the Republic of Serbia) were resumed. But this time round both persons were indicted of commission of a war crime.



Although prosecutor Bukumirovic asked the Supreme Court of Serbia to empower other "more equipped, expert and better protected court to conduct the proceedings", the SCS ruled that the trial be resumed in Prokuplje. Indictment (filed on 5 April 2002) charged Sasa Cvjetan (in detention) and Dejan Demirovic (at large), members of the reserve police unit "Skorpija", with the killing and wounding of several Albanian civilians on 28 March 1999 in centre of Podujevo, or committing the criminal offence of war crime against civilian population under Article 142 of the Penal Code of the FRY. Cvjetan was also charged with burglary and unauthorised possession of fire arms and ammunition.

That trial showcased all weakness of domestic war crimes trials. Milorad Lapcevic, a recently appointed district court judge, and a man without relevant experience was in charge of Prijepolje trial. District Public Prosecutor Bukumirovic (nearing the retirement age), often exposed to verbal assaults and even threats by the accused, and assisted by only two deputies, could not adequately represent the plaintiff side in that complex trial. During pre-trial proceedings investigating judge Mijat Bajovic made some grave oversights, namely he failed to notify the accused Cvjetan of his rights and did not allow his lawyer to be present during interrogation.

None of the witnesses, mostly co-fighters from "Skorpion" unit, has shed more light on circumstances surrounding the war crime, and they moreover denied the involvement of their unit in that offence. Not a single Albanian eye-witness or member of families of the killed was summoned to testify, or allowed to directly follow the trial.

Because of the foregoing and on the initiative of the Fund for Humanitarian Law, the republican public prosecutor appealed to the Supreme Court of Serbia to entrust Belgrade or Novi Sad District Court with the proceedings for the sake of "a more efficient and just trial". And the Supreme Court allowed the appeal and delegated the case to the Belgrade District Court.

The main hearing is still pending.

Three years after commencement of trial of Ivan Nikolic (charged with the criminal offence of a murder), the District Public Prosecution Office in Prokuplje, on instructions of the republican public prosecution office, changed the indictment (16 April 2002) and charged Nikolic with commission of a crime against civilian population under Article 142, paragraph 1, of the Penal Code of the FR. According to the indictment, "Nikolic as a member of the

reserve unit of the Yugoslav Army, in breach of international customs of war, on 24 May 1999, gunned down Albanian civilians Bahrija and Vlaznim Emini."

Several days later public prosecutor Viseslav Bukumirovic stated, "I was called by some unidentified persons who threatened me on grounds of my role in the trial."<sup>3</sup> Threats continued throughout the trial. At the May press conference, visibly frightened prosecutor Bukumirovic stated that he received new threats, namely "some people threatened to kill me and my family." Police communicated that the search for callers was underway, but were reluctant to disclose more details.<sup>4</sup> The callers have never been found.

In a poll carried out by a local Prokuplje media, the majority of respondents took a negative stance on the war crimes trials. Here are some of the comments: "Why the Albanians who killed our people are not tried? What about responsibility of Muslims and Croats? It is a too hasty trial. Our patriots defended the honour of Serb people."<sup>5</sup> Only few respondents said that all perpetrators should assume responsibility for their crimes.

Just a few days before pronouncement of the sentence, the Association of the 1999 War Veterans, very vocal opponents of the trial, staged a protest rally in front of the court. In its communique it was stated that "all the patriots and fighters are invited to take part in the protest", but it was stressed that "the Association of Fighters does not intend to bring pressure to bear on the work of judicial bodies, but demands that a just sentence be passed for we firmly believe that Ivan Nikolic is innocent."<sup>6</sup>

During the inadequately prepared proceedings in this obviously politically motivated trial most witnesses did not have any information about the case or they just 'overheard some details', namely that "Nikolic bragged about killing two Balias (a pejorative term for Muslims), no forensic report was presented nor was Nikolic's machine gun examined. In his concluding argument prosecutor Bukumirovic in an unprecedented move for the prosecution presented extenuating circumstances, namely said, "Nikolic is a young, single man, caught in the maelstrom of war... Nikolic was a brave soldier who once captured 9 terrorists and

<sup>3</sup> *Danas*, 26 April 2002.

<sup>4</sup> *Danas*, 6 May 2002.

<sup>5</sup> *Danas*, 28 April 2002.

<sup>6</sup> *Danas*, 4 July 2002.

handed them over to his superiors."<sup>7</sup> On 8 July 2003 Ivan Nikolic was convicted of a war crime against civilian population and sentenced to 8 years in prison. President of trial chamber judge Tasic justified the sentence by the following words: "if Nikolic had killed Albanian civilians during armed conflicts he would have been considered a patriot, but, in view of the murder circumstances, he is considered a man who has breached international conventions on protection of civilians during armed conflicts." He added, "we wanted to release Nikolic from detention, but such a legal possibility is non-existent."<sup>8</sup>

Defence Counsels appealed against the sentence, and decision of the Supreme Court of Serbia is pending.

Nis Military Court was the first military court in the territory of Serbia to pass a verdict on war crimes committed during armed conflicts in Kosovo and sentence perpetrators thereof, a group of the Yugoslav Army officers. Under indictment filed on 19 July and revised on 16 September 2002, Security Colonel Zlatan Mancic, Captain Rade radojevic and soldiers Danil Tesic and Misel Seregi were charged of war crimes against civilian population and instigation to murder, while Mancic was also charged with the criminal offence of misuse of official powers under article 174 of the Penal Code of the Republic of Serbia. The indictment reads: "Colonel Mancic in early April 1999, in village Kušnin near Prizren ordered soldier Tesic to gun down two Albanians. He also ordered Captain Radojevic to choose another soldier to do the same thing. The choice fell on soldier Seregi. The two soldiers killed the Albanians and torched their bodies in order to cover up the crime. Colonel Mancic was also charged with looting and torturing an Albanian in the late March 1999. Mancic continued with looting of Albanians until May 1999 when the military police caught him and seized DM 470 and other things found during the search of his flat.

On October 11 2002 all the accused were convicted (but the sentence is yet to become final.) Colonel Mancic was sentenced to 7 years in prison, Captain Radojevic to 5 year prison term, and soldiers Tesic and Seregi to respectively 3 and 4 years prison terms. Conviction was based on the confession of the two former soldiers, namely both Tesic and Seregi admitted that they have killed two unidentified Albanians and then torched their bodies,

<sup>7</sup> *Politika*, 4 July 2002.

<sup>8</sup> *Danas*, 9 July 2002.

and on the admission of Captain Radojevic during pre-trial proceedings that the murder was committed on orders of Security Colonel Zlatan Mancic. Until the sentence becomes final, Colonel Mancic and Captain Radojevic were released from detention.

This trial was a major breakthrough in the judicial practice of military courts. Those sentences were tantamount to the official acknowledgement that crimes committed in Kosovo have not been random acts of violence by some renegades, as previously maintained, but rather part of the official plan to effect ethnic cleansing in Kosovo.

But pronounced sentences were light in view of the fact that under the provisions in place such criminal offences entail prison sentences ranging from 5 to 20 years in prison. Moreover the sentences meted out to officers who have brutally murdered 2 civilians, devalue the principle of justice and deeply humiliate both the victims and their families. Added to that the said trial was organised under pressure, which indicates that the Yugoslav Army is not ready of its own will to face up to its responsibility for the crimes committed.

In January 2003 a trial of perpetrators of a crime in locality Mioče (B&H) shall commence in Belgrade's District Court. Under indictment Milan Lukic (at large), Oliver Krsmanovic-Orlic (at large), Dragutin Dragicevic-Bosanac and Djordje Sevic, members of a paramilitary unit "Osvetnici" (under command of Lukic) are charged with stopping a bus in Mioce, unlawfully checking ID's of passengers, forcing 17 Bosniak passengers to alight, ordering them to board a truck driven by Krsmanovic, ferrying them to Višegrad motel "Viline Vode", and then torturing, looting and killing them in presence of a large group of citizens. Mevlida Koldžic was brutally tortured, raped on banks of river Drina, and gunned down. Lukic and Dragicevic slaughtered many passengers and then threw their bodies into the river. All indictees are charged with committing war crimes against civilians under Article 142, Paragraph 1, of the Penal Code of the FRY.

It is hoped that the trial shall be fair, professional and devoid of pressures, since the proceedings are conducted by the District Court in Belgrade.

Critical analysis of war crimes trials indicates that all shortcoming and obstacles mentioned in the first part of this text have fully surfaced.

Added to necessary shifts in mind-set of citizens, media coverage and mind-set of the ruling elite, the first step towards

better war crimes trial would be establishment of a special national court for such trials. A specialised court with enough funds and expert judicial staff would be best equipped to meet such a challenging legal matter.

We deem that the just and high-quality war crime trials constitute a key prerequisite for starting the process of reconciliation and re-building of confidence between nations living in the territory of former Yugoslavia. Dispensation of justice by legal means is also a necessary ingredient of all the post-conflict situations and processes.

Within the framework of a general dispensation of justice the proceedings under way before the International Court of Justice in the Hague are of paramount importance. Namely in 1993 B&H has filed charges against the FRY for "commission of genocide and aggression". On 3 February 2003 the court started its pertinent proceedings. Tibor Varadi, legal representative of Yugoslavia said, "the Yugoslav legal team took very seriously that legal challenge...we have been preparing our arguments for 2 years, but discussion on the gist of the dispute shall affect the regional mood, therefore it had better be avoided..." Vojin Dimitrijevic ad hoc judge of that court and president of the Belgrade Centre for Human Rights thinks that "Yugoslav and B&H politicians would better strike a deal and renounce the lawsuit, in view of its possible length and costs. Bosnia faces a long, laborious and costly process of proving genocide. If the court determines that Yugoslavia has to pay compensatory damage to Bosnia, all citizens of Yugoslavia, including the anti-war ones shall have to pay it, while all citizens of Bosnia, including even the pro-war ones shall receive it." Head of B&H legal team, Sahib Softic thinks that "the most important thing is to establish that the FRY, for the sake of implementation of its Greater Serbia state project, initiated the war in which 200,000 citizens of B&H, mostly Muslims/Bosniaks, lost their lives...By way of deportations and brutal mass killings non-Serbs were eliminated from certain B&H areas. For the sake of the past and the future, we need a ruling confirming that genocide has taken place. Then we shall be able to pre-empt new, megalomaniac state projects executed via mass atrocities. The issue of money is of lesser importance."<sup>9</sup>

We fully respect all the aforementioned arguments, but nonetheless think that the process of dispensation of justice by

legal means is a key component of the post-conflict situations. Namely we think that only by establishment of responsibility of states for war campaigns, determination of individual responsibility and punishment of all perpetrators of war crimes, a sound basis for the future, normal cohabitation between nations may be laid down.

<sup>9</sup> *Danas*, 4 February 2002.

## Social Reactions to the Rise in Juvenile Delinquency in Serbia

System of social reactions to juvenile delinquency includes activities aimed at prevention and curbing of that negative social phenomenon. The system has at least two components: prevention and intervention. Although they are under authority of different bodies, they should be co-ordinated and mutually complementing and stimulating. Unfortunately those two components to date have been treated as separate and unrelated.

Prevention represents the first step in this tiered system. Programs of prevention should be complex and comprehensive in order to include a large number of the young from the general "normative" population or the delinquency-prone young. Prevention programs as by rule are within competence of health, social, judiciary and social organisations and institutions tasked with taking care of children and the young. Dysfunctional state institutions and a host of system contrarities directly affect preventive potential of the aforementioned factors. Crisis in schools, social protection institutions, medical care institutions were engulfed was minimally alleviated by active engagement of NGOs and humanitarian organisations in our country.

In the sphere of juvenile delinquency-prevention the absence of common strategy and ideas and of joint activities of competent institutions and bodies is evident. There are few preventive programs (almost exclusively implemented by NGOs and humanitarian organisations) in several municipalities, schools and other institutions, but their target groups are small in size, and effects, due to absence of systematic support, are minimal.

The second-tier of the system encompasses the young who have manifested delinquent behaviour.

There is a number of options applicable in specific cases. Some cases shall be dismissed, and some shall be subjected to criminal sanctions. Non-pursuance of criminal proceedings in some cases does not necessarily entail disinterest in the future conduct of a convict. In Serbia there are many medical, social and

other services which take a pro-active stance in such cases. However, it bears stressing that the absence of a comprehensive strategy makes those services uncoordinated, fragmented and even ineffective in resolution of juvenile delinquents problems.

There is another form of social responses to juvenile delinquency: criminal sanctions for juveniles (8 disciplinary measures, punishment in the shape of juvenile prison and security measures). Interventions depend on the assessed needs for treatment and level of peril posed by conduct of juveniles.

In order to show the basic trends of juvenile delinquency phenomenon and social reactions to them, we shall present unfortunately only the data on juvenile delinquency in the 1990-1991 period, and data on the most important indicators for the 1990-91 period for Central Serbia without Kosovo.<sup>1</sup>

One of the key indicators of the social and judicial responses to the juvenile delinquency and social responses to it is a ratio between registered, accused and convicted juvenile delinquents.

Table 1. Number of registered, accused and convicted juvenile delinquents

year	registered		accused		convicted	
	No.	index	No.	index	No.	index
1990	3630	100	2497	100	1828	100
1991	3163	87	1818	73	1347	74
1992	3632	100	2525	101	1801	98
1993	4743	131	2871	115	2118	116
1994	3740	103	3341	134	2228	122
1995	3173	87	3416	137	1961	107
1996	3210	88	2789	112	1353	74
1997	3137	86	2432	97	1264	69
1998	2677	74	2589	104	1725	94
1999	1942	53	2211	88	1518	83

We shall first try to describe general trends. In the post-1991 there was a decrease in the number of registered, accused and convicted juvenile delinquents. In 1993 the number of registered delinquents increased as did the number of accused and convicted in 1994 and 1995. From 1994 the number of registered

<sup>1</sup> Federal Bureau for Statistics (1991-2001) *Juvenile Perpetrators of Criminal Offences-Charges and Convictions*, Statistical Bulletin, No. 1902, 1912, 1948, 1949, 1992, 1993, 2034, 2032, 2065, 2117, 2162, 2207, 2245, 2280.

delinquents steadily fell, and in 1999 it was by 50% index points lower than in 1990. Number of accused and convicted delinquents kept decreasing since 1996 (12 or even 17% index points lower than in 1990). By and large, judging by the official statistical data, juvenile delinquency has steadily decreased since 1990.

Interesting data are related to the ratio between the number of registered, accused and convicted juveniles. In the analysed period of the total number of registered delinquents 80% were on average accused and 52% convicted. This means that half of registered juveniles were in one way or another criminally sanctioned, while the other half were considered candidates for some interventions outside the criminal law system.

It is also worth noting that every year criminal sanctions were meted out to over 1,700 juvenile delinquents.

Our criminal legislation foresees a total of 8 disciplinary measures divided in three groups: disciplinary measures (reprimand and admission to a disciplinary centre for juveniles), strengthened surveillance measures (by parents or custodians, foster families and social institutions) and institutional measures (admission to juvenile remand centres or correctional facilities). Juveniles who have committed criminal offences may be also sentenced to juvenile prison or punished by security measures.<sup>2</sup>

Table 2. Structure of criminal sanctions meted out to juveniles in the territory of Central Serbia in 1990-1999 period

year	total	disciplinary measures		reinforced surveillance measures		institutional measures		juvenile prison measures		security measures	
		No.	%	No.	%	No.	%	No.	%	No.	%
'90	1828	751	41,22	983	53,95	88	4,83	6	0,33	1	0,05
'91	1347	490	36,43	809	60,15	46	3,42	2	0,15	3	0,22
'92	1801	606	33,97	1066	59,75	112	6,28	17	0,94	28	1,55
'93	2118	706	33,54	1306	62,04	93	4,42	13	0,61	9	0,42
'94	2228	718	32,41	1413	63,79	84	3,79	13	0,58	26	1,17
'95	1961	581	29,86	1283	65,93	82	4,21	15	0,76	18	0,92
'96	1353	530	39,82	742	55,75	59	4,43	22	1,63	22	1,63
'97	1264	506	40,45	694	55,48	51	4,08	13	1,03	15	1,19
'98	1725	622	36,57	1034	60,79	45	2,64	24	1,39	13	0,75
'99	1518	586	39,54	835	56,34	61	4,12	36	2,37	15	0,99

Share of meted out disciplinary measures is very large (36%). When compared to the results of earlier research in recent years there was a considerable increase in determination of

<sup>2</sup> *Ibid.*

disciplinary measures with respect to the 60's and 70's. Stakic says that in Serbia, in the 1960-1976 period pronouncement of disciplinary measures increased by 19.3%.<sup>3</sup> It bears saying that the quoted data reflect mostly reprimand measures, due to non-existence of disciplinary centres.

In the 1960-196 period measures of strengthened surveillance were meted out in 61.6% cases (in the 90's in 59.40% cases). Measure of strengthened surveillance by parents or custodians was meted out in 60% of cases, while surveillance by social centres was meted out in 40% of cases.<sup>4</sup>

In the 90's the share of institutional measures was 4%. In the 1960-1976 period that share was 19.1%. That measure covers admission to a correctional facility, for special institutions for juvenile delinquents don't exist.

Share of juvenile prison sentence was about 1% in the 90's. But in 1999 that measure was seven times more often delivered than in 1990. According to Stakic in the 60's that share was 5%, while in 1989 it fell to 1-2%.

The following security measures may be also delivered: mandatory psychiatric treatment, and hospitalisation, mandatory out-patient treatment, mandatory treatment of substance abusers and alcoholics, ban on driving, seizure of personal belongings and expulsion of foreigners. Share of security measures in the total number of sanctions was on average 1%.

In summing up the structure of criminal sanctions meted out to juveniles, we may say that of 8 legally prescribed educational measures only 5 are enforced: reprimand, strengthened surveillance by castodians ad parents, strengthened surveillance by social institutions, admission to correctional facility, and admission to juvenile educational centres. Other measures are not put in place due lack of conditions for their enforcement. A lesser number of sentences envisaging stay in juvenile prisons and security measures are also meted out.

<sup>3</sup> Stakic Đ (1980) *Educational Measure: Strengthened Surveillance by castodians, Methods and Treatment Techniques*, doctoral thesis, Faculty of Defectology in Belgrade.

<sup>4</sup> Milosevic N (1997), Educational measure of strengthened surveillance, dynamics of pronouncement, enforcement, problems, suggestions, Bulletin of Judicial Practice of the Supreme Court of Serbia, 3/97.

Ministry for Social Protection supervises the work of centres for social labour and educational/correctional facilities, while the Justice Ministry is in charge of operations of juvenile remand centres and juvenile prisons.

In the territory of Central Serbia in each large municipality there is a centre for social work which employs teams tasked with strengthened surveillance of delinquents and enforcement of juvenile delinquents-related criminal sanctions. But the general crisis of social protection system has affected the work of those teams. Most marked problems are: under-staffing, poor work conditions, under-funding, shortage of equipment and material, long and frequent strikes.

Reception centre in Belgrade operates as a special unit within the Institute for Education of Children and the Young "Beograd", but their activities often collide. The building which housed that centre has been renovated, but other services have been moved there. Reception centre deals with temporary reception, observation and classification of juvenile delinquents, and they are supposed to stay there temporarily during the diagnostics regime. But due to non-existence of special purpose institutions, juvenile delinquents often stay in the centre several years.

In Serbia there are 3 educational/correctional centres, in Belgrade, Nis and Knjazevac.

Institute for Education of Children and the Young "Beograd" has been founded in 1954 as a social protection institute for 10-16 years old educationally retarded children. A four-grade primary school started operating immediately within the Institute, and in the late 1955 the school for industrial activities was launched (its work was suspended in 1955). Initially 120 children divided into 11 educational groups were accommodated in that institute. Several years ago the Institute moved to a new building in the Belgrade suburb of Vozdovac. Currently it takes care of 50-60 youngsters. A special primary and secondary school "Vasa Stajic" operates within the Institute.

Institute for Education of Youngsters in Knjazevac was founded in 1948. In 1945-47 period it operated as a reception centre for war orphans. In 1979 the Institute moved to the special-purpose compound (5,000 m<sup>2</sup>, in the vicinity of Knjazevac) with 11 housing units/buildings accommodating schools and educational groups. That institute also has a primary school. It currently takes care of 60 very young children.

Institution for Educationally Retarded Youngsters and Over 15 Delinquents was founded in Nis in 1961. That special-purpose compound consisting of three buildings (delinquents accommodation building, educators accommodation centre and management-administrative building,) is located in downtown Nis. Youngsters attend Nis schools, notably Popular University (extraordinary night classes). About 50 youngsters are accommodated in the Institution, but another special purpose building as of late has been converted into the refugee accommodation centre.

In the 70's there were 7 such institutions, in Belgrade, Nis, Knjazevac, Novi Sad, Negotin, Zrenjanin and Sremska Mitrovica. But in the past 30 years half of them have been closed. That trend continues, as closure of Knjazevac centre is under consideration.

The only correctional facility in Serbia is the one in Krusevac. It was founded in 1947. It is located in an area of over 30 ha, and has 15 buildings. Part of buildings are used by the Pristina University. That facility has currently 200 juvenile delinquents (of whom 10 are of female sex). Their age ranges from 14 to 23. The facility has a reception centre, woman department, open department, semi-open department and closed department, and 2 schools.

The only juvenile prison in Serbia is in Valjevo. It was founded in 1965. Since 1968 it has been only taking care of juvenile delinquents from Serbia and Montenegro. In that prison there are 250 juvenile convicts of whom over 90% are over 18.

### Institutions for Social Re-integration of Juvenile Delinquents

*Basic characteristics of convicts:* Most of them come from lower social-cultural classes, dysfunctional and broken homes. 40% are Romany. Most of them have committed thefts and burglaries, but in recent years the number of perpetrators of grave criminal offences, notably murders, is on the rise (especially in correctional facility in Krusevac).

Most wards are those with arrested development and various conduct disturbances (22.49%, or every 4.5 juvenile) In Knjazevac their share is 37.93%, in Belgrade and Nis, 25% and 27.66% respectively, and in Krusevac-22.49%. (See Zunic-Pavlovic,

Ilic, 2002).<sup>5</sup> By and large all those wards are eligible for being placed in special institutions.

*Living conditions:* Most institutions for re-integration are short of space, for some of their buildings or premises are used for other purposes. Most of them are inadequately designed. Despite partial adaptations and renovations, they are in a poor state and provide for an inadequate accommodation (heating is bad, as is sanitation).

*Manner of operation:* Newly-arrived wards are placed in the reception centre for a 30-day period. That centres engages in observation of wards, programming of their treatment, and adjustment of wards to the new living conditions.

Diagnostic work is also carried out in the reception centres, as the earlier data from centres for social work are usually unusable and incomplete (they don't contain information on physical and mental state of wards which have a bearing on future treatment).

Observation work is carried out by an expert team made up of a psychologist, pedagogue, and social worker. They also take into account earlier conduct, gravity of offences committed, current behaviour. That expert team submits a summarised report with the plan and program of future treatment, assessment of necessary stay in the institution, plan and program of education and vocational training. That report is analysed and approved with rare modifications by the council of educators. Wards are usually released after a successful implementation of individual plans and programs.

After evaluation wards are classified in educational groups (10-15 members each) according to the criteria of conduct manifestations and consequences, and educational level, and not according to the criteria of different treatments, or individual psychological characteristics. Thus one educational group may wrongly include wards of different age and different levels of conduct disturbances.

*Education:* The focus of the treatment strategy is on education and vocational training. Youngsters staying in re-integration institutions attend schools in broader local community, schools within institutions' compounds, or special classes in local communities or in institutions for re-integration. However such a

<sup>5</sup> Zunic-Pavlovic, V.Ilic (2002), Juveniles with arrested development, *Socijalna misao* 33-34, Beograd.

fragmented educational system makes more difficult transfer of knowledge, exchange of experience and co-operation between institutions.

In view of the contemporary trend of inclusive education of all persons with special needs, existence of special primary and secondary schools in institutions, and attendance of courses for elderly at the Popular Universities is quite debatable.

Personnel problem is salient in all schools. Teachers often lack expertise and skills for dealing with wards.

Schools are under-equipped (shortage of contemporary teaching aids is sorely felt) and under-funded.

*Counselling/psychotherapy:* Despite good ratio between wards and educators, the latter being mostly special pedagogues, no group or individual, systematic or regular counselling is carried out. In fact individual counselling is imparted only in case of incidents or problems with wards, and the group one is not practised on grounds of "danger of criminal infection"! There are no special programs for certain categories of offenders (sexual, property, etc.)

Substance-abusers make up 20% of total population of those institutions, while nearly 90% of wards had some experiences of that kind. Not a single institution employs special teams for work with that kind of wards.

*Recreation:* Free time is not structured and no high-quality contents thereof are envisaged. All institutions have sports grounds, but no indoor pools or gyms, though most wards are in an age which requires much exercise. Sports are good for channelling aggression, and familiarisation with co-operation and positive competition.

All institutions have libraries, but most of them have small number of books and only old editions.

In communal premises there are TVs and videos.

Institutions don't have screening rooms and halls for artistic and other manifestations.

Artistic workshops and sections are rare.

Institutions rarely provide daily and week-end press.

Visits to theatres or sports competitions with local schools are rarely organised.

Institutions don't have computers let alone computer centres available to wards.

*Religion:* There are no pastoral visits or religious services.

*Contacts with outside world:* In general wards have the right to unlimited receipt of letters and parcels, and to 1 weekly visit. They are entitled to 15 day leaves, and week-end and holidays visits to families. But as most of them come from broken homes or other social protection institutions, they rarely exercise the aforementioned rights.

Educators very rarely manage to realise a successful co-operation with families of wards.

Co-operation with the competent centre for social work is also weak. Institution is duty-bound to submit to courts every 6 months reports on enforcement of punitive measures and judges of competent courts and representatives of social work centres must make a mandatory visit to the institution every 6 months.

Co-operation with the local community is weak and insufficient, in all areas (education, work, recreation, sports, religious activities, arts and culture).

*Personnel:* All educators have university degrees, but have not been trained for work with this category of juveniles. Competitions for new educators are frequent, due to frequent resignations on grounds of poor work conditions.

*Post-institutional reception:* The weakest link in the entire process of re-socialisation is the post-institutional reception of juveniles. Even when co-operation is good with centres for social work, they can rarely help former wards resolve their existential problems. This practically means, that after release, wards with limited funds provided by the institution-must fend for themselves. Their prospects are very bleak for they are jobless, unable to rely on broader social and family ties/net, and without permanent accommodation.

## Conclusion:

The above summary indicates that the system of social responses to juvenile delinquency is in a profound crisis. All the concerned parties agree that something should be urgently done in that respect, but measures taken so far have not yielded good results. But concerns about the current state of re-socialisation of delinquents, without a genuine insight into the causes of recent failures, lessen the likelihood of finding genuine solutions. We hope that imminent reforms are well-founded and based on good analysis of past mistakes.

## Elections in 2002

Two presidential elections were held in 2002. The first took place in September-October period. First round of presidential elections was held on 29 September and the runoff on 13 October. As the turn-out in the runoff was under 50%, President of Serbia was not elected and under the Election Law in place new elections should have been scheduled. The 50% census was scrapped under the new amendment passed in November. However the second, 8 December presidential elections failed too due to under 50% turnout in the first round. In the last year local elections were held in some municipalities too.

Serbia faces new presidential and probably parliamentary elections in 2003.

### PRESIDENTIAL ELECTIONS

September elections have clearly delineated political scene in Serbia, and the new balance of powers is likely to become fully manifest at parliamentary elections. DOS coalition, whose common goal was ouster of Milosevic regime, in the post-5 October period slowly fragmented because of Đinđić-Kostunica conflict. In fact it split into three large right-wing blocks including also several opposition parties (Socialist Party of Serbia, Serb Radical Party, and Socialist Alliance of Yugoslavia): Miroljub Labus heads the centre right block, Vojislav Kostunica the block of conservative nationalists and Vojislav Kostunica the block of the far-right parties.

Due to DOS's failure to effect lustration and a clean break with the Milosevic era political legacy, the routed forces managed to stage their political comeback and regain confidence of their voters. Thus Vojislav Šešelj, President of Radical Party won 22% of votes (one fifth of electorate). He has scored similar results at nearly all elections, barring the ones held in 2000. Šešelj's victory was boosted by Milosevic's open support. Candidates of Socialist Party of Serbia (which in the meantime split into three fractions)



got a small number of votes. During the presidential race no-one pointed out that one of the contenders, that is Šešelj, faced the Hague Tribunal indictment. The aforementioned indicated that war crimes still were not tackled properly, or that the old policy was still pursued. Not a single contender ran on the ticket of regionalisation and decentralisation (which are key points of demands for new republican Constitution). Kostunica's and Labus campaigns received most media coverage. Polls also favoured the two aforementioned contenders. Thus Šešelj's strong showing was the biggest surprise of both elections.

### Vojislav Kostunica's Ticket

During his campaign Kostunica clearly manifested his adherence to the old policy, that is, "keeping Montenegro within the joint state, unification with Republika Srpska and maintenance of status quo in Kosovo." In those terms most indicative was his statement (at a rally) that "Republika Srpska is part of the family...temporarily separated from Serbia." As regards Kosovo Kostunica tried to get across the following message: "We should not accelerate the settlement of Kosovo's final status...our struggle for Kosovo must continue and it shall be long..."<sup>1</sup> During the presidential race Kostunica insisted on multi-ethnicity, but his words that "Labus won support of Hungarians and Bosniaks" implied a different position on minorities. High official of Democratic Party of Serbia Zoran Sami<sup>2</sup> confirmed that "DPS candidate did not fare well in places inhabited by ethnicities" and stated "Labus made it to the run-off primarily thanks to votes of Vojvodina Hungarians and Sandžak Bosniaks". Kostunica extolled his success of "preserving the common state of Serbia and Montenegro." According to Kostunica "Belgrade and Podgorica hampered preservation of the common state." He garnered support even of his parliamentary opponents, when Đinđić stripped DPS MPs of their mandates. His campaign way by and large "anti-Government" on grounds of "ties between Serb governments and mafia." In his vocal attacks he mostly targeted Prime Minister Đinđić and Finance Minister Bozidar Đelic, for "they failed in their collection of extra-profit tax...or rather took some kickbacks from those supposed to pay that legally prescribed tax." He even vilified

<sup>1</sup> Interview to Fonet.

<sup>2</sup> *Danas*, 1 October 2002.

some members of government on grounds of their dual citizenship: "Experts from backwater places like Bolivia."

### Miroljub Labus Campaign

In his campaign Labus focused on reforms and economic issues, and criticised Kostunica's anti-reform position. He pointed at Kostunica's hypocrisy: "Before the international community Kostunica assessed reforms as positive, while at home he said that Serbia turned into the Balkans Columbia." Labus also ran on pro-European ticket: "By 2007 our country may become an EU candidate." According to Labus: "the gist of reforms is continuation of privatisation and profitable sales, the money from which could lead to creation of new jobs. All this could ensure Serbia's leading position in the Balkans."<sup>3</sup> His stance on Montenegro was flexible: "I have failed to convince Montenegrins that we have a strong federation, and having a strong federation is better than the state disintegration." Labus thus commented Kostunica's remark on Republika Srpska: "Such statements are made by individuals who take their people to woods and not to modernity. I am a man who would like to take my people to Europe. for I am an anti-border man." He added, "In 2004 Serbia and B&H shall trade without any customs barriers."<sup>4</sup>

### Other Candidates

**Vojislav Šešelj** gave the impression of the most articulate and precise candidate. His priority was anti-crime campaign and "rooting out mafia in Serbia". He stated, "Mafia rules Serbia and all gangland leaders are friends of Prime Minister of Serbia Zoran Đinđić."<sup>5</sup> He assessed Milosevic's backing as "invaluable" and stated "I shall never renounce the idea of a common Serb state...that objective may be attained peacefully, at negotiating table."<sup>6</sup>

Other candidates only took away votes which would have otherwise gone to the two key contenders. **Velimir Ilic**, at the very outset of campaign took a pro-Kostunica position. Hence his

<sup>3</sup> Fonet, 7 September 2002.

<sup>4</sup> Banja Koviljaca Rally, source: B 92.

<sup>5</sup> *Politika*, 26 September 2002.

<sup>6</sup> *Politika*, 21 September 2002.

campaign was stridently anti-Labus for "he is the favourite contender of national minorities in South Serbia and Sandžak. The candidate preferred by Riza Halimi or Sulejman Ugljanin is not a good candidate for Serbia. Only the majority people have to right to chose their president." Ilic was against the concept of civil state, hence his assertion that "Svilanovic cannot pursue the civil kind foreign policy...such a policy does not hold water in Serbia."<sup>7</sup>

**Nebojsa Pavkovic**'s candidacy was a last-ditch attempt at taking away pro-Kostunica ballots. In his speeches Pavkovic promised suspension of military service and professionalisation of army. He counted upon support of co-fighters "who together with me put up resistance to NATO aggression against Yugoslavia."

**Vuk Draskovic** is the longest running presidential contender. But it became evident that his discourse and image symbolised the past era (but he is yet to accept that fact.).After a decade-long vacillation between the far-right nationalism and civil options, this time round he opted anew for extreme nationalism. He continued his demonisation of Serb Prime Minister Zoran Đinđić.

**Borislav Pelevic and Vuk Obradovic** ran on the ticket of glaring social and economic problems affecting population at large, but their discourse was not as convincing as Kostunica's. **Branislav Ivkovic** and **Velimir Bata Zivojinovic**, the two candidates of the fragmented Socialist Party of Serbia, did not fare very well (it is indicative that Slobodan Milosevic did not render his support to any of them).

**Reformers of Vojvodina** backed Kostunica for "he was the most likely candidate to press ahead with adoption of the new Constitution...defining the constitutional position and contents of autonomy of Vojvodina." **Dragoljub Micunovic** of Democratic Centre and **Nebojsa Covic** of **Democratic Alternative** in explaining their support to Kostunica, stressed that "his victory would be a boost to the necessary balance of political power and corruption-curbing campaign, as well as to the efforts to preserve a common state and to establish the rule of law." Other DOS members backed Miroljub Labus as did, in a discreet way, Sandžak-based Party of Democratic Action.

During the run-off neither Kostunica nor Labus offered anything new to voters. Šešelj called on his voters to abstain from voting for "the electoral boycott is a legitimate means of political

<sup>7</sup> Beta, 8 September 2002.

struggle." Vuk Obradovic encouraged his voters to back Kostunica, while other contenders refrained from any such support-related recommendation. Prime Minister Đinđić on several occasions called on voters to go to the polls and vote for Labus, but his covert message was in fact-stay home!

## Results of Presidential Elections

Held on 29 September and 13 October

According to results of the Republican Electoral Commission (REC) of 6.553,042 registered voters, the turn-out was 55.50% or 3.637,062 voters. In first round Vojislav Kostunica got 1.123, 420 votes, Miroljub Labus 995,200, Vojislav Šešelj 845,308, Vuk Draskovic 139,047, while 74.534 ballots were declared invalid. As no candidate got the necessary majority (50% plus 1 vote), the run-off was held on 13 October. In the run-off Kostunica got 1.991,947 votes, and Labus-921,094. Turnout in the run-off was 45.46% or 2. 979,524 voters.

## Regularity of Elections (Voting Lists and the Real Number of Voters)

After elections Democratic Party of Serbia accused the authorities of electoral rigging, and maintained that Kostunica was in fact elected the new President of Serbia. DPS ranted that "there was no central electoral list, and that the figure of 6.553,042 voters was doctored". According to DPS that figure should have stood at 5.950,000, which in turn implied that in the run-off the turnout was above 50% of electorate. DPS appealed to the REC, accused the republican authorities and competent ministries of that oversight, and announced street protests in case of REC's dismissal of DPS appeal.

CESID<sup>8</sup> stated that "the voters' list was incomplete, but DPS must have been aware of that fact when the elections were called. However they decided to take part in the elections under conditions clearly indicating the absence of the central voters' list".<sup>9</sup> Prime Minister Đinđić stated that "voters' lists<sup>10</sup> are within

<sup>8</sup> CESID-Centre for Free and Democratic Elections (NGO).

<sup>9</sup> *Nacional*, 16 October 2002.

<sup>10</sup> Remark of author.

competence of municipalities which are run by DOS."<sup>11</sup> Hence the attempts to accuse government or REC of irregularities is not grounded in facts."<sup>12</sup>

REC dismissed DPS appeal and the Supreme Court of Serbia confirmed the official results of election, that is, called for their repeat. Supreme Court of Serbia's justification reads: "DPS has unfoundedly accused REC of poor management of electoral lists. We confirm that management and updating of electoral lists is exclusively within competence of municipal administrative bodies. Copies of said lists were forwarded to REC 15 days prior to commencement of elections, and the originals were available to all presidential contenders at all municipal polling stations."

According to OSCE "elections were by and large regular, in keeping with international standards." But it also remarked in its communique "election legislation is still rife with shortcomings inherited from the Milosevic era." It was also noted that "much progress was made with respect to previous elections" and "democratisation is under way." That remark is partly accurate, but Helsinki Committee thinks that those elections were also an expression of principled resistance to reforms and transition and of pursuance of the much-defeated idea of the national project." All contenders advocated ideas of modern state, but their campaigns were bereft of principles thereof.

## DECEMBER PRESIDENTIAL ELECTIONS

### Election Campaign

Interest in the presidential function was obviously on the wane, for only Kostunica, Šešelj and Pelevic put up their candidacies anew. In view of such a constellation of powers it was pretty obvious that Kostunica was headed for an outright victory. Therefore in his campaign he tried to encourage voters to go to the polls. On the other hand the success of elections was uncertain, for 50% census plus one voter rule was still in place.

In the meantime Labus abandoned Democratic Party for turning its back on him. By this move he tried to convince voters

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<sup>11</sup> A reference to the old DOS coalition, whose member at municipal administration level was DPS. (Remark of author).

<sup>12</sup> *Politika*, 17 October 2002.

that he was not sufficiently backed by DOS and Democratic Party in the first round and that they in fact coveted the failure of elections. His opinion by and large corresponded to reality, for that non-support was in fact DP's tactical move prompted by awareness of slim chances of Labus to score a victory. On the other DP accused Labus that the underlying goal of his campaign was promotion of G17 Plus, that is, of its morphing into a political party.

Đinđić's conditioned his backing to Kostunica by demanding a reciprocal move, but Kostunica refused that "assistance" by saying "I don't need support of DP loyalists." Thus Kostunica was backed once again by Democratic Centre (Micunovic), Democratic Alternative (Covic), Reformers (Isakov), New Serbia (Velja Ilic), Social Democracy (Vuk Obradovic) and other non-parliamentary and new parties<sup>13</sup> notably: Civil Alliance of Serbia (Svilanovic), Social Democratic Party.

Orlic was pro-Kostunica, while Korac had his reservations), Serb Resistance Movement (Trajkovic), Sandžak Democratic Party (Ljajic), G17 Plus. New Democracy shilly-shallied in this regard. Kostunica was openly backed by the two leading trade unions: Alliance of Independent Trade Unions of Serbia and "Nezavisnost". A group of prominent, non-party, public figures (artists, athletes, rock musicians) also launched a pro-voting appeal, as did some academicians and Prince Aleksandar Karađorđević. The Church and Patriarch Pavle repeatedly warned of "the gravity of situation" and significance of election of a new President. OSCE conducted voter-animation campaign while EU, Council of Europe and other international dignitaries reiterated the importance of elections.

In his campaign Kostunica failed to project the image of an energetic contender and did not offer new ideas. As he was fully aware of his good chances for scoring an outright victory he launched a virulent anti-Đinđić campaign.

Šešelj did not encourage his voters to go to the polls. Aware of his slim chances, he engaged in smear-campaign against Đinđić, Kostunica and Covic (alleging their connections with

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<sup>13</sup> Some parties openly and unreservedly backed Kostunica, while others called on citizens to go to the polls "for Serbia should finally get a President".

mafia). Targets of his criticism<sup>14</sup> were often victims of the recent wars. His pre-election spots also included coverage of meetings between Radovan Karadžić and Radical Party paramilitary forces.

Campaign of Borislav Pelevic did not receive much media coverage.

### Results of 8 December Presidential Elections

According to the REC 45.17% of registered voters cast their ballots, and due to such a low turnout, elections were declared invalid in the first round. Kostunica won 57.77% or 1,699,098 votes, Vojislav Šešelj won 1,063,296 votes or 36.08%, and Branislav Pelevic 3.53% or 103,926 votes. 2.73% of ballots were declared invalid.

### Regularity of Elections

DPS refused to recognise final election results, for in its opinion "In Serbia there are less than 6 million voters. 415,715 were wrongly registered, and 112,000 were twice registered. ID numbers of a large number of voters have not been entered (in one municipality of over 3,000 voters). DPS representatives also stated that they were banned from accessing a compact disc with voters lists, and "the Republican Electoral Commission, contrary to law, burned down many ballots from September elections." DPS twice appealed against the REC decision, but both times the Supreme Court of Serbia dismissed those appeals. Finally DPS submitted 12,000 pages of evidence to the Supreme Court of Serbia and in its appeal maintained that "the accurate number of registered voters is 5,690,207, that is, 835,553 voters were not properly registered. In line with the foregoing, turnout was -51.8%. "When that appeal was dismissed too, DPS stated that it would respect the Supreme Court's decision."<sup>15</sup>

<sup>14</sup> During an Art TV interview he said: "As regards refugees, returnees to Croatia... Honest people don't go back. Only criminals return to Croatia."

<sup>15</sup> The reasoned opinion in writing of the Supreme Court reads: "The fact that an ID number was wrongly entered, did not imply that the owner of ID was excluded from voting, that is from going to the polls, presenting another ID and casting his/her ballot."

Kostunica accused the government, agencies for public opinion polls, CESID and independent analysts of those irregularities. According to him "their predictions of most likely failure of elections directly discouraged voters to go to the polls."

According to OSCE "Serbia proved that it was capable of organising elections in keeping with international principles" and "DPS' complaints about irregularities were tardy."<sup>16</sup>

Helsinki Committee takes the stand that both rounds of presidential elections had been organised in line with democratic principles. Hence they may be fully considered fair and regular. All contenders were accorded the same media treatment (obviously in line with their financial status and political power). During the voting process there were perhaps minor oversights, but they did not have a major impact on the final results. By the way minor oversights also happen in countries with long election tradition. As regards DPS complaints, we share the opinion of the Supreme Court of Serbia<sup>17</sup> (see previous paragraph Regularity of elections-Electoral Lists and Genuine Number of Voters). We would like to remind the public that most municipalities are run by DPS and other DOS members. Therefore the perceived irregularities resulted from disinterest and sloth of the ruling parties local officials. As the DPS contender ran for president twice, its members had enough time to check the lists and if necessary to update them.

### Parliamentary Election of President

Most vocal advocates of this idea are the Christian-Democratic Party of Serbia and Democratic Party, as well as several parties from the current DOS. According to Vladan Batic

<sup>16</sup> In his interview to "Nacional" Hrair Balian, Head of ODIR department of OSCE or of Commission for Democratic Institutions and Human Rights, stated. "All parties were aware of status of voters' lists at the time of election calling. This is, in fact the third round, so they must have been aware of problems beforehand. By putting up his candidacy V. Kostunica in fact agreed to electoral conditions, so his complaints are belated. On the other hand DPS has the legitimate right to challenge the electoral process... We cannot now strike off citizens who had cast their ballots just because of the wrong entry of their ID number. The foregoing would threaten their fundamental rights."

<sup>17</sup> The court made it clear that management and updating of electoral lists was within an exclusive competence of municipal administrative bodies.

"We should first institutionalise the state, pass the new Constitution, and introduce the system in which parliament elects president."<sup>18</sup> Arguments which favour that option indicate that it is time-saving, money-saving, provides for protection of voters from indecent conduct and smear-campaigns by many contenders during electoral race, reduces influence of charismatic, untouchable leaders with sweeping presidential powers. DPS, is against that idea, although its candidate won presidential elections twice. Media polls indicate that the majority of citizens want to elect president directly, at regular elections, but are not ready to turn out in sufficient numbers.

### Acting President of Serbia

Nataša Mičić, president of Serb Parliament and member of the Civil Alliance of Serbia took on the post of the Acting President of Serbia on 30 December 2002. She is the first woman in Serbia to occupy this highest state office. She announced that on 6 March 2003 she would decide on the date of the new presidential elections.

Reasons behind the failed elections are many: the split in DOS resulting in double smear- campaign (top contenders accused each other of connections with gangland, shady deals, misuses of power, etc); vague programs of contenders, (some of them tackled the issues outside the competence of President of Serbia), non-existence of the left, or centre left; absence of Democratic Party candidate at December elections; popular discontent with results achieved so far and citizens' lack of credence that elections could improve situation in the judiciary, police, education, social sphere; preoccupation of citizens with their own, existential, day-to-day problems (the last reason is perhaps the most important, and voters large abstinence should be also seen as a message to all politicians in the Serb political arena that they should try harder to improve life of population at large.)

### LOCAL ELECTIONS

Emergency local elections were held on 22 December 2002 in five Serb municipalities. They were held under the new Act on Local Self-Rule stipulating direct elections of municipal presidents/mayors. Elections were held in Leskovac, Despotovac, Razanj, Ub and Barajevo. SNP candidate won in Despotovac, while the DPS candidate became a mayor of Barajevo (one of Belgrade's suburban municipalities). The run-off winner in Ub was a candidate of a group of citizens "Zavicaj". Leskovac, the fifth largest municipality in Serbia, did not get a new mayor even after the second round. The winner of runoff elections in Razanj was a DOS candidate.

DOS and DPS were not successful at local elections, for voters, disgruntled with the work of their officials, turned again to former SPS cadres.

<sup>18</sup> *Nacional*, 17 October 2002.

from the poor work of administration. Ombudsman should help strengthen the rule of law and democratic processes.

## Act on Popular Lawyer (*Ombudsman*)

The 25 November 2002 session of the Serb Parliament Committee for Motions backed the Bill on Ombudsman. The Bill stipulating power, elections and procedure of Ombudsman should be shortly debated by Parliament. Thus in early 2003 Serbia shall get its first Popular Lawyer and citizens disgruntled by administration and public services work shall be able to appeal to him to help them right the wrongs incurred in previous proceedings, or to investigate their complaints against government departments. That institute is known in legislation of West European countries as *Ombudsman*, and it boasts a specially long tradition in Scandinavian countries.

### Reasons Behind the Adoption of the Said Act

The need for introduction of the institute of Popular Lawyer arose from the Pact for Stability of South East Europe obligations of our country. Added to that our country is also duty-bound to fine-tune our legislation with international standards in the province of human rights and freedoms.

In many democratic countries Ombudsman became one of the most efficient institutes for extra-judicial control of administration and protection of human rights. It reflects the need of individuals to efficiently protect themselves from misuses of officialdom, and contributes to striking a fine balance between the executive and legislative power. Ombudsman also represents a possibility for an equitable treatment of citizens before the law. Its role is to help individuals protect their rights and to protect them from injustice incurred by the exercise of discretionary rights of administration whenever an administrative act is resembling a law, and hence is not disputable before the court of law. To put it briefly, Ombudsman is an instrument for protection of civil rights

## Explanation of Some Provisions

### *Introductory Provisions*

Key role of Popular Lawyer is to control law-enforcement by state bodies, notable management and administrative bodies and public services in the name of parliament and thus protect human rights. Pursuant to the above, Article 1 of the Act, establishes the institute of Popular Lawyer as an independent body for protection of human rights and freedoms and determines the circle of subjects whose work shall be controlled by Ombudsman. Popular Lawyer cannot control the work of legislative bodies, as it is established to exert control over work of other non-parliamentary bodies by parliament proper. Exempted from Ombudsman control are also courts of law, notably in view of the constitutional principle of judiciary independence.

Article 2 spells out: "anyone who deems that his or her right has been violated by an administrative body procedure may appeal to Ombudsman." Hence the existence of personal interest is a necessary condition for turning to Popular Lawyer.

In keeping with Article 1, "Popular Lawyer is an independent body", Article 3 lays down that "in his work he must adhere to the letter of constitution, laws and certified international pacts and treaties...no-one has the right to influence his procedure and decisions."

### *Competence and Powers*

Popular lawyer controls enforcement of laws and other provisions by management/administrative bodies. But his control duties go beyond legal control and investigation of legality of management/administrative work, for they encompass full control of efficiency and purposefulness (article 5). Therefore Ombudsman deals with both infringed rights resulting from wrong law enforcement and violations or breaches of rights incurred by inadequate and non-purposeful enforcement of provisions or by inefficient work. By and large his role is to protect individuals from bad administrative work. Ombudsman is not entitled to take decisions relating to quality of any administrative matter, or to

repeal administrative acts. At the most he can give recommendation as to removal of infringement and criticise the oversights and errors. He can also institute disciplinary, misdemeanour and criminal proceedings against administrative employees and officials and also proceedings for their dismissal (Article 6)

He is authorised to institute proceedings before the Constitutional Court and those relating to adoption or amendments to the laws and provisions in force. Ombudsman's opinion must be obtained in the process of adoption of laws and provisions relating to protection of human rights and freedoms. He is empowered to submit amendments to Bills and to take part in parliamentary sessions (Article 7).

He has access to all data available to administrative bodies. He also has access to all administrative bodies premises. Ombudsman is authorised to effect control over institutions for law-enforcement measures (prisons) and to have private interviews with those deprived of liberty (Articles 8-9). Top power-holders are duty-bound to receive him whenever he so requires within the legally prescribed timeframe. (Article 10).

#### *Procedure*

Popular Lawyer has the right to act upon his own initiative or on received complaints. Procedure was stripped of unnecessary formalities and excessive costs, which made the institute of Ombudsman more accessible to citizens. . But the institute's position within the system imposed some conditions for the right to address Ombudsman. Proceeding before Popular Lawyer are instituted only when all other legal remedies for removal of breach have been exhausted or when they are not stipulated under the law. Hence Ombudsman's intervention is subsidiary and is not a proxy for the existing institutes and protection mechanisms. In exceptional cases he can institute proceedings before all other remedies have been exhausted, notably if he assesses that a complainant could sustain major damage. Deadline for submitting a complaint is at the latest one year from the commission of breach or passing of the last decision on the disputed matter. (Articles 11-14)

Ombudsman shall dismiss a complaint which does not meet conditions for proceedings-institution, and duly notify the complainant of the foregoing, and of other possibilities for the

protection of his right. (Article 15). If the complaint is not dismissed, Ombudsman starts the procedure of establishment of facts. During that procedure he may ask administrative bodies to forward him all the necessary data. Upon establishing that there were no violations of rights or other irregularities in the work of administrative bodies, Ombudsman notifies of the foregoing both the complainant and administrative body which had been subjected to investigation. But if Ombudsman establishes that certain breaches or certain irregularities in the work of administrative bodies, have not affected individual rights, he writes down his opinion and recommendation for future procedure to be pursued by administrative bodies. 15 days after the receipt of that opinion, administrative body is duty-bound to notify Ombudsman on measures taken in line with his recommendation. If administrative body fails to do either, Ombudsman notifies of those failures a monitoring body. But if that last warning fails to elicit a good response by administrative body, then Ombudsman may notify the public of the whole matter. (Article 20)

Once a year Ombudsman submits a report to Parliament on the status of human rights in the Republic, and he may also submit a special report if situation so requires. Report is published by the "Official Gazette of the Republic of Serbia" and by print media. (Article 22 and 23). The public play an important role in the functioning of Ombudsman institute. Since he is not empowered to pass legally binding decisions, he ensures his public influence by publication of his recommendations.

#### *Election and Dismissal*

Ombudsman is elected by the two-third parliamentary majority for a five-year term of office, at the proposal of parliamentary Committee for Justice and Administration. Limited mandate should pre-empt political influences on that institute, and subjugation thereof to private interests and other negative phenomena. By rule in the comparative legal solutions that mandate lasts longer than the one of MPs. This makes the election of that institute less dependant on the parliamentary political will. Ombudsman is eligible for another term of office. He is relieved of his duties by parliament, at the proposal of one third of MPs. Reasons for dismissal are determined by the competent parliamentary commission.

Ombudsman has maximum 5 deputies. They are elected for a five-year term of office by parliament at Ombudsman's proposal. Powers of deputies are equal to those of Ombudsman and their duties are determined by Ombudsman. (Articles 25 and 26)

Ombudsman and his deputies are not allowed to discharge any other public function, or professional activity or to be members of political organisations and trade unions. (Article 29).

#### *Expert Services*

Popular lawyer sets up expert services tasked with performing administrative and technical jobs. Those services are headed by a Secretary, appointed by Ombudsman. Ombudsman takes decisions relating to employment and dismissal of employees and passes an internal act on organisation of those services. Funds for the work of Ombudsman are provided from the republican budget.

#### Conclusion

Initially opinions were divided over the number of so-called specialised Ombudsmen. But finally the law-maker opted for one Ombudsman for the whole Serbia. It is realistic to expect that his office at the very outset of his work shall be swamped by letters/complaints of citizens. Hence it shall be interesting to monitor his work, in order to see how successfully he copes with quite a workload.

## Status of Non-governmental Organisations in Serbia

There are no changes in the area of registration of NGOs and legislative framework for the work thereof. The Act on NGOs has not been passed. NGOs are still registered as associations of citizens. Hence equal registration conditions are applied to patriotic or kinologic organisations, on the one hand and organisations dealing with the protection of human rights, on the other hand. Bill on NGOs was drafted long time ago, but it is yet to be debated by parliament. Procedure of registration of NGOs as association of citizens is simple and cheap. Aside from formal, law-stipulated conditions, the executive bodies don't have discretionary rights to limit the NGO activities. We don't know the exact number of NGOs because of the aforementioned reasons, or rather because a distinction cannot be drawn between registered NGOs (in the narrow sense of the word) and associations of citizens (*grassroot*). But the fact is that the number of registered NGOs is very large, and well above several thousand.

NGOs face no obstacles in communication, association and co-operation with akin organisations outside Serbia. The only obstacles are the visa regimes, poor transport routes, etc.<sup>1</sup>

Activists of human rights organisations are not subjected to organised persecution by the state bodies. On the contrary, the state endeavours to provide for an adequate protection of NGOs. They are free to engage in their activities, and their members and activists have not been arrested or detained on grounds of nature of their activities. But NGO activists have been repeatedly targeted by both some informal and registered associations and organisations. The clerical, far-right organisation "Obraz" has used both verbal and physical violence against NGOs. Moreover some incidents provoked by "Obraz" and akin, violent and aggressive organisations have been encouraged and backed by parties in

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<sup>1</sup> This citation and further text concern Serbia without Kosovo.



power, opposition parties, church dignitaries and prominent intellectuals.

Some prominent organisations, including the Helsinki Committee, received threats by phone, and on the walls of the building housing their premises derogatory graffiti were written ("We don't want sects in Serbia", "Out with Helsinki Committee"). Such incidents were frequently encouraged by NGO smear campaigns launched by some media. Most of the smear campaigns were highly intolerant, and even life-threatening. Hate speech directed against some NGOs is still a favourite tool of some former Milosevic political cronies, but some opposition and liberal politicians and their parties engage in it too.

Serb authorities and state bodies have taken a double tack to co-operation and support to the third sector. The authorities did not legally restrict NGO activities, on the contrary numerous meetings with a view to enhancing co-operation between NGOs and authorities were organised. But what is evident is the regime's division of NGOs into "good" and "bad" ones, or those "which work in the interest of Serb society" and those whose activities and underlying concepts have been assessed as "counterproductive and harmful for the state." In fact the criterion for that unofficial division is the NGOs position on authorities: those critical of government work are deemed "less compatible or suitable" than those sitting on the fence. The authorities don't hamper activities of "incompatible" NGOs, but they try to minimise their importance and to favour the loyal NGOs whose members often occupy high governmental posts. By extension some "loyal" NGOs are subsidised by the state. In collusion with some "co-operative" NGOs the authorities floated the thesis that "NGOs should primarily engage in those sectors and areas in which their work could be more efficient than the one of governmental organisations." It is in fact a blatant attempt to reduce NGOs work to mere services of the governmental sector. The authorities are not willing to recognise that one of key roles of NGOs, is the criticism of some negative social phenomena for the sake of betterment of general social situation. In Serbia, unlike in many democratic countries, the state-funding of NGOs is still inconceivable.

The reasons behind non-adoption of the NGO Act are not quite clear, but many suspect that key one is the state's intention to keep a firm control over the third sector in an "unregulated" milieu. Namely the budgetary allocations for the non-governmental sector in 2003 amount to YUD 2 billion. Any new act on NGOs

would have to determine the criteria for distribution of those - meagre funds. And in absence of any pertinent act the Serb government may distribute the funds according to its "likes and dislikes" and mostly to NGOs deemed most co-operative to date.

And finally the authorities introduced a stricter regime of control of NGOs financial operations, but failed to introduce tax relief measures for individuals and organisations financially supporting the NGO work. Moreover the government tried to put in place the Act on Donations stipulating that only those organisations deemed to be working in the public interest be exempted from taxes on donations. The foregoing amply demonstrates the persisting bias of the authorities, or rather, their favouring of "compatible" NGOs. In the face of the international pressure, the authorities backed down on the idea of the Act on Donations. But the bitter fact remains that that they had previously turned a deaf ear to all domestic NGOs protests against the proposed Act.

## PART FOUR

### National Minorities

The desire to normalize relations with the international community and to improve the position of Serbia and Yugoslavia within it, the need to secure not only foreign finance but also foreign political support for reforms, and the wish to see Yugoslavia as a member of respectable associations, have made it imperative for the new Serbian government to adopt a fresh attitude toward the national minorities. The authorities have demonstrated their readiness to participate in creating a new policy on national minorities above all by their efforts to underline their break with the old regime. This need is quite understandable, for whereas the old regime pushed the country into isolation and conflict, the new one is eager to project itself as a respectable and co-operative member of the international community. With this aim in view, the new authorities have come to realize that the task of addressing the minority question has presented them with the opportunity to put across two messages: the one, addressed to the international community, is that the new elite is prepared to abide with international standards; the other, addressed to the minorities themselves, is that the attitude toward them is changing, that they are no longer considered a public enemy but a partner and a valuable collaborator in building a different and more tolerant society.<sup>1</sup> To be sure, Serbia's minorities have had less and less cause for fear ever since the October 5 change of government. For one thing, widespread repression of minorities is a thing of the past though, of course, this does not mean that all ethnically motivated violence has disappeared. The key question is whether such violence as still obtains is sponsored by the state and its agencies or is the doing of private individuals acting out of

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<sup>1</sup> 'This law is our clear message to the minorities that we shall treat them as an integral part of the state and society,' Rasim Ljajić, Federal Minister for National Minorities and Ethnic Communities, *Večernje novosti*, 27 January 2002.

ethnic motives. Nationalism, a force which exerted such a strong influence on developments in Serbia and on the position of its minorities, is still in evidence because it has not been defeated once and for all. Today it strives to accommodate itself to the new situation, to consolidate, and to clothe itself in a liberal, democratic rhetoric. What Serbia can offer Europe and its own minorities today is precisely the normalization of the various nationalisms. These nationalisms, above all that of the minority nation, are no longer as bloody, brutal and violent as they were. Although Serb nationalism continues to be obsessed by its pet subject of territory and borders, it has realized, under outside pressure, that it does not do to harp upon such themes; therefore its fight for ethnic borders has assumed the form of a struggle for the preservation of culture, language and alphabet. In view of this, its preoccupation with the past, manufacture of new moral paragons such as Nikolaj Velimirović, reinterpretation of history, and rehabilitation of the Chetnik movement are not unexpected and surprising. Nationalism has permeated every pore of society and established itself as part of officially-promoted culture. For all their occasional protestation of sovereignty, the nationalists are forced to make continuous concessions and meet the conditions imposed on them by the international community.

The demand to co-operate with the Hague Tribunal is beyond doubt the most important of the conditions being put to Serbia and Yugoslavia.<sup>2</sup> One might say that co-operation with the Hague Tribunal is a reality of Serbia's 'new policy' in general and therefore also of its policy toward minorities, for the minorities cannot possibly be fully integrated if all who have participated in crimes against their members are not extradited to the Hague Tribunal. The readiness for full co-operation with The Hague is clearly one of the elements which lend credibility to the new policy toward the minorities. However, the contradictory statements being made regarding this co-operation are rather confusing and raise doubts as to the real intentions and the sincerity of the new elite. Other than co-operating with the Tribunal, the country must

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<sup>2</sup> According to a poll conducted by the Norwegian organization International Idea at the beginning of the year, only 8 per cent of the citizens of Serbia, 22 per cent of those of Croatia and 4 per cent of those of Republika Srpska have confidence in the Hague Tribunal. *Danas*, 14 October 2002. The finding is highly disturbing considering that the poll was taken after the democratic changes there.

fulfil other conditions before it becomes a member of the Council of Europe, i.e. it must ratify the Charter of Regional and Minority Languages, adopt a constitutional charter for the state community, reform its judiciary, etc.

At the beginning of the year the Federal Republic of Yugoslavia (FRY) was presented with a major condition for being admitted to the Council of Europe when, at the end of February, the Federal Assembly adopted a Law on the Protection of Rights and Liberties of National Minorities. The adoption of the Law drew a favourable response particularly from the international community: for instance, in its letter to Minister Ljajić, the OSCE Mission hailed the Law as 'one of the most liberal and comprehensive in Europe'.<sup>3</sup> Domestic politicians were also full of praise: Tamas Korhec, the provincial Secretary for National Minority Rights, declared that 'the FRY could be said to have the most advanced minority law in Europe'.

Nevertheless, a number of objections have been raised about the Law above all by minority representatives themselves. But before these objections are specified and the substance of the Law explained, it is necessary to consider a very important fact if only very briefly. This fact, which must not be overlooked, is that the Federal Assembly passed the Law without a dissenting vote. How is one to account for this sudden consensus of opinion between the otherwise discordant factions of the political elite? Had the deputies become finally aware of the importance of the minority question and its strong potential to undermine the legitimacy of the authorities? Or was it perhaps that, in view of the facts that the federal state would not survive the New Year and that its administration wielded no real authority in some domains of importance for minorities, the deputies pushed through a piece of legislation in the belief that it would serve as mere window-dressing for the eyes of the Council of Europe?<sup>4</sup>

Adhering to either of the above possibilities would be too simple and partial. An ethnically heterogeneous state clearly must

<sup>3</sup> *Danas*, 2-3 March 2002.

<sup>4</sup> These observations were made by Bajro Omeragić, vice-president of the Coalition for Sandžak, in an interview with Radio B92. Andras Agoston, the DSVM leader, was equally sharply critical, saying that the Law suited only the OSCE whose chief concern, he said, was that no more fighting should occur in these parts, and the Alliance of Vojvodina Hungarians. *Danas*, 22 October 2002.

attach considerable importance to solving its minority question because problems in this sphere, if neglected, tend to generate frustration and radicalize minority demands. Radicalization of minority demands itself is a bad sign that a country lacks the political will to address such problems, indicating a weakness of its democratic potential and therefore impeding its integration into the international community and its associations – in this case into the Council of Europe. While there is no doubt that some members of the political elite are aware that solving the minority problem is of great importance for the general democratization of the country, one wonders how powerful and influential they are, in the present correlation of forces, to translate the need for a new policy on minorities into a living, valid concept.

The new DOS government has pointed out repeatedly that although the passage of the Law on the Protection of Rights and Liberties of National Minorities was a necessary step, it alone was not sufficient for creating a new policy toward minorities. Federal Minister Rasim Ljajić says that the new policy must entail establishing new institutions, reforming the educational system and eliminating from it everything which encourages discrimination, and transforming the complete social climate.<sup>5</sup> The last consideration is very important in view of the pronounced ethnic distance characterizing Serbian society. A public opinion poll commissioned by the Federal Ministry of National Minorities found an extreme distance toward minorities in 3.3 per cent of respondents, a pronounced distance in 28 per cent, a moderate distance in 54.8 per cent, and none whatever in only 10.3 per cent. Over 70 per cent of respondents in central Serbia, Belgrade and Vojvodina believed that one should be on one's guard with Albanians, 50 per cent with Croats and Bosniaks, and 30 per cent with Roma. In the south of Serbia, for instance, 73 per cent of Albanians and 61 per cent of Serbs exhibited ethnic distance: 56 per cent and 43 per cent respectively did not think they could be friends, and as many as 96 per cent and 95 per cent respectively would forbid their children to intermarry.<sup>6</sup> Minister Ljajić found it particularly disturbing that people between the ages of 20 and 29 should exhibit greater ethnic distance than those between the ages of 50 and 57.<sup>7</sup>

<sup>5</sup> *Danas*, 12 April 2002.

<sup>6</sup> *Gradjanski list*, 16-17 March 2002.

<sup>7</sup> *Danas*, 23 July 2002.

It comes as no surprise that, in a society weighed down with considerable mistrust and hatred of foreigners, certain politicians like Velimir Ilić should seek to make political capital of such problems. Instead of striving to bridge the distance and build confidence, they appeal to the prejudices of the most conservative segment of society, insisting that the key posts in the state be made the ethnic monopoly of members of the largest nation to which they belong. 'Who on earth are [Miro] Labus, [Mlađan] Dinkić and little [Božidar] Đelić, where do they come from? Who's Kori Udovički to land in a minister's armchair right out of nowhere? I'm with Voja [Vojislav] Koštunica because he's a Serb and comes from Šumadija,' Ilić, leader of the New Serbia party, once said. 'Since Serb national interests are at stake, all the patriotic forces must rally under one, Serb banner...If we from the patriotic bloc remain disunited, the Serb-haters alone stand to profit.' Ilić accused the TV channel B92, whom he called traitors, of paying attention 'only to that Antichrist Labika [Miro] Labus and his Dinkić and Đelić. The only thing that's important to them are those anti-Serb and sectarian organizations which...are tearing Serbia to pieces under the bogus banner of a civil option.'<sup>8</sup> During a visit to Australia, Ilić went on to discredit people on the basis of their ethnicity, attributing the allegedly poor performance of the Serbian government to, among other things, the Croat origin of the Minister of Energy, Goran Novaković, and the Muslim origin of the husband of the Mayor of Belgrade, Radmila Hrustanović. Srđa Trifković, the former secretary of the office of the Crown Prince Aleksandar Karađorđević and another Serb nationalist who appears every bit as vigilant as Ilić, is concerned about the 'questionable loyalty of Tito's Croats Vatroslav Vekarić and Vladimir Vereš, high SMIP [Federal Ministry of Foreign Affairs] officials, Ivo Visković, the Yugoslav ambassador to Slovenia, Dejan Janča, the ambassador to Hungary, and others.'<sup>9</sup> Although the liberally-minded public and politicians have strongly criticized this intention to capitalize on prejudice and negative political sentiments, as well as condemned the appearance of neo-Nazi symbols and messages,<sup>10</sup> the competent bodies, notably the

<sup>8</sup> *Danas*, 6 September 2002.

<sup>9</sup> Statement by the Helsinki Committee for Human Rights in Serbia, 15 January 2002.

<sup>10</sup> The cross adopted by the Horthy Guard as its symbol, the Greek letter Ω and the slogan 'Let's cancel [the Treaty of] Trianon'

prosecuting authorities, have unfortunately failed to react appropriately. Punishment for hate speech still appears to be frowned upon as an undemocratic measure and a relic of the Communist past rather than endorsed as a something which must be strictly enforced if one is to build a well-ordered society.<sup>11</sup> The failure of the state authorities to act appropriately was criticized by, among others, the Society for Truth About the Anti-fascist National Liberation Struggle, in connection with an incident during which copies of the dailies *Danas* and *Politika* were publicly torn up in the main square in Čačak by members of the Ravna Gora Movement 'Sloboda' [Freedom] commemorating an anniversary of the death of General Draža Mihajlović.<sup>12</sup>

'We're not against media freedom,' members of the Movement said and justified their gesture by alleging that 'these newspapers say the vilest things about the Serb traditions, religion and nation. They are anti-Serb newspapers imbued with hate speech. Their hatred is directed in the first place against Bishop Nikolaj and the Ravna Gora Movement of General Mihajlović.' Another reason why the newspaper copies were destroyed, according to Vladimir Stegnjajić, the president of the District Board, was that *Danas* and *Politika* wrote critically about the Mayor of Čačak, Velimir Ilić. 'We regard any malicious article about him as an attack on Čačak,' he said. Stegnjajić described his appeal to the residents of Čačak to boycott *Danas* and *Politika* as 'just a beginning'.<sup>13</sup> The sequel that came shortly afterwards bore witness to how rife right-wing radicalism was in Čačak.<sup>14</sup>

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appeared on several buildings in the main street of Bačka Palanka, *Građanski list* reported on 20 September 2002. Graffiti expressing national and racial intolerance, e.g. 'Serbia belongs to Serbs. Out with the Hungarians', 'This is no place for Jews, out with them', 'Adventists get out', 'Gypsies are not people', forced the mayors of several towns including Novi Sad to roll up their sleeves, pick up brushes and paint out the slogans.

<sup>11</sup> Biljana Kovačević-Vučo, *Dnevnik*, 28 August 2002.

<sup>12</sup> 'This time it was the newspapers that bore the brunt...tomorrow books will be burning at the stake, and after that attacks on people with different views will become increasingly frequent and brutal,' the Society said in a statement, *Danas*, 19 July 2002.

<sup>13</sup> *Danas*, 18 July 2002.

<sup>14</sup> On June 20, a group of skinheads provoked a fight at a concert given by the band Eysburn, alternately raising their hands in a Nazi salute to Hitler and yelling 'Serbia!'

First a panel discussion on anti-Semitism was disrupted by visitors who not only opposed such a topic being discussed in Čačak but called Jews the most corrupt and filthiest race on earth.<sup>15</sup> Another incident followed shortly when a member of the local extreme Right, who objected to the staging of an exhibition of works by the American photographer Ron Haviv under the title 'Blood and Honey', beat the exhibition organizer and activist of the Civil Parliament of Serbia, Ivan Zlatić.<sup>16</sup>

Similar incidents occurred in other towns in which the exhibition was staged, notably in Užice and Kragujevac, where supporters of Radovan Karadžić chanted nationalistic slogans, insulted visitors and prevented the opening of the exhibition. There were also incidents in Novi Sad where, according to *Dnevnik*, some twenty young members of the Fatherland Movement 'Obraz' [Dignity] and the Serb National Movement 'Svetozar Miletić' were prevented by a strong police force comprising both uniformed and plainclothes officers from disrupting the opening ceremony. Before and during the opening of the exhibition, protesters distributed leaflets stating 'This exhibition is in the service of filthy anti-Serb propaganda' and scrawling various messages on the exhibition boards next to the photographs such as 'Suck them off, Ustashas!', 'Kill the balija [a derogatory term for Muslim]!', 'Down with [Nenad] Čanak!', 'We are Serb children', 'The more of them are killed, the less work there is for us', 'What about Serb churches and icons?', 'Death to the traitors!', 'Death to Čanak!' and so on. Next to a caption asking 'How long should wars go on?' someone wrote 'Until the minorities realize that the Serb people are the majority people in the Serb state and that they do not want to become a minority'; also the board displaying a photograph of Arkan bore the messages 'May his memory live' and 'The Serb hero – we're all Arkan's'. The Novi Sad exhibition was opened by Nenad Čanak, the president of the Vojvodina Assembly, and Slaviša Grujić, editor of the TV channel Apollo. After the exhibition was declared opened,

<sup>15</sup> *Danas*, 20-21 July 2002.

<sup>16</sup> Čačak police said in a statement that the brawlers were neither skinheads nor members of any extremist group but hooligans and people given to causing trouble. *Danas*, 20-21 July 2002. The attackers were fined 5,000 dinars each except their ringleader, Igor Ivanović, who also received a 10-day prison sentence.

Grujić was insulted by a group of protesters for 'not being a true Serb' and for 'having a Hungarian wife'.<sup>17</sup>

Indicatively, the New-York-based organization Human Rights Watch also found it necessary to react to the activities of extreme nationalists and their efforts to disrupt the exhibitions of Ron Haviv's works. In the opinion of Elizabeth Anderson, HRW executive director, the failure of the authorities to react to such abuse meant that they tolerated it. The HRW attributed the problem to the government's refusal to get to grips with the issue of war crimes committed in the former Yugoslavia.<sup>18</sup> Indeed, incidents accompanying the Haviv exhibition as it toured Serbia – in Prokuplje, for instance, the difficulties of the organizers to find appropriate premises amounted to an unofficial ban – bore evidence that every effort to publicly debate and raise the question of responsibility for recent crimes was not only resisted but came up against a campaign in support of people accused of war crimes. In all large towns, for instance, the Serb Fatherland Movement 'Obraz' put up Radovan Karadžić's portraits bearing the caption 'Every Serb is Radovan'.

After the opening of the exhibition, the organizers<sup>19</sup> addressed a letter to the highest officials of the country – federal President Vojislav Koštunica, Serbian Prime Minister Zoran Đinđić, Serbian Justice Minister Vladan Batić, Serbian Public Prosecutor Siniša Simić and RTS editor-in-chief and managing editor Bojana Lekić – in which they informed them about the incident and posed the question: 'Why do you keep silent in the face of such nationalistic and chauvinistic outbursts? Why do you ignore this problem, which obviously is not an isolated incident but a well-considered, financed and organized campaign?'<sup>20</sup>

The revival of radical nationalism prompted a group of intellectuals at the end of October to issue a 'Letter of Warning to the Serbian Public' in order to draw attention to a number of disturbing developments. The authors warned against the unjustifiable delay in confronting the evil and condemned in particular the encouragement of a school of historical and historiographic revisionism, the promotion of conservative

<sup>17</sup> *Dnevnik*, 11 September 2002.

<sup>18</sup> *Danas*, 29 August 2002.

<sup>19</sup> The exhibition was staged by the regional women's initiative group 'Vojvodanka', Mediapact and the Centre for Political Education.

<sup>20</sup> *Dnevnik*, 14-15 September 2002.

organicistic thought, the rehabilitation of collaborationists of the occupying forces, and the shift toward 'a new conformity...marked by the totalitarian and undemocratic ideology of Milan Nedić and Dimitrije Ljotić and by the triumph of the provincial philosophy of Nikolaj Velimirović.'<sup>21</sup> Addressed to the Serbian intellectual elite and public in general, the letter elicited various response: some who do not even live in Serbia, i.e. Predrag Matvejević and Mirko Kovač, agreed while others tried to refute the allegations.<sup>22</sup> The Serbian Orthodox Church (SPC), which was specifically named in the letter, dismissed all the arguments and accused the authors of having brutally attacked the SPC and all its believers. The SPC Information Service stressed in a statement that the authors had made absurd allegations, charged the SPC, the Serbian Academy of Sciences and Arts (SANU), the Army and political leaders with conspiring against their own people, and accused the people of nationalism and Nazism. The SPC also charged that these intellectuals were out to remodel cultural values on themselves and those whom they consider as representing the Serbian intellectual elite, rather than following the examples of St Sava, the composer Stevan Mokranjac, the scientist Mihajlo Pupin, the rebel Hajduk Veljko, the violinist Stefan Milenković and the basketball player Dejan Bodiroga.<sup>23</sup> The SANU too published a statement in which it condemned the letter as a pamphlet and denied any connection between itself with the ideologies of Ljotić and Nedić. It also told the authors that it did not consider them qualified to discuss the topics raised.<sup>24</sup>

The nine authors stressed that a change of the cultural model was a precondition of all change, as in the spheres of politics and economy, so too in the sphere of culture itself. Until such time as this model is transformed, they said, Serbia will go on responding inadequately to the challenge of modernization,

<sup>21</sup> *Danas*, 29 October 2002. The letter was signed by Mirko Đorđević, Milan Đorđević, Filip David, Dragan Velikić, Predrag Čudić, Vladimir Arsenijević, Bogdan Bogdanović, Radmila Lazić and Laslo Vogel.

<sup>22</sup> Nikola Milošević, for example, detected in the letter a Communist-Nazi method of polemizing. *Danas*, 12 November 2002.

<sup>23</sup> *Danas*, 6 November 2002.

<sup>24</sup> *NIN*, 21 November 2002.

thus condemning itself to backwardness, provincialism, nationalism and strife.<sup>25</sup>

Federal Minister for National Minorities Rasim Ljajić told a panel discussion in Bački Petrovac that the trial of Slobodan Milošević before the Hague Tribunal was partly to blame for the radicalization of the social climate in Serbia because it had caused distrust, frustration and a distance in the relations between the majority nation and the minorities. The grave economic situation also fuelled nationalism by causing individuals to turn to manipulated identity references as a way out of their present difficulties. This trend became obvious following the entry into force in Hungary of the Status Law, a law designed to protect Hungarians living in neighbouring countries. The Status Law, adopted by the Hungarian Parliament,<sup>26</sup> seeks to preserve the national identity of Hungarians living in Slovenia, Croatia, the FRY, Romania, Slovakia and Ukraine, to slow down or halt their emigration, and to promote their spiritual and political integration without a rectification of frontiers. The Status Law provoked a stormy reaction abroad<sup>27</sup> and was resisted on three grounds: first, that it was extraterritorial in character; second, that it was designed to differentiate between and discriminate against citizens on the basis of their ethnicity; third, that its implementation had been entrusted to a non-governmental organization instead, as had been expected, to a government agency.

<sup>25</sup> Nenad Daković holds that the overthrow of October 5 was essentially a clash between nationalists, not a civil conflict at all. He contends that the regime was overthrown for losing the wars it had launched during the 1990s. *Danas*, 2-3 November 2002.

<sup>26</sup> The Law took effect on 1 January 2002.

<sup>27</sup> While in some countries the Status Law was received favourably, in others political passions ran high, leading to very strong accusations. The Romanian government, for instance, announced counter-measures to prevent discrimination against Romanian citizens, and the Slovak government announced similar measures. A number of Slovak deputies went so far as to put up a banner in Parliament bearing the message 'Don't turn Slovakia into another Kosovo'. The Slovak Parliament even passed a resolution rejecting the Status Law and proposing that the Hungarian minority be accorded only such benefits as were granted in Hungary itself. Unlike in Slovakia, a compromise was finally reached in Romania leading to the signing of a Memorandum of Understanding which contains, among other things, provisions relating to the Status Law.

Unlike the sharp reactions of the Slovak and Romanian governments, the response of the Yugoslav authorities was one of utmost reserve. At the middle of the year, media reported, without elaborating, that at a conference in Belgrade Federal Foreign Minister Goran Svilanović had set out certain objections to the Status Law. When asked explicitly by a number of non-governmental organizations to declare its position on it, the federal government failed to respond. Participants in a round table meeting in Novi Sad, organized by the local office of the Helsinki Committee for Human Rights in Serbia to discuss its implications of the Status Law after it had taken effect, found it inexcusable that the citizens of this country should be better informed about the opinion of Bratislava and Bucharest than about the position of their own government on the issue. They complained that the government's policy of ignoring non-governmental organizations in this respect was incompatible with its oft-repeated assurances of transparency,<sup>28</sup> and warned that such an attitude on the part of the government could hardly be expected to offset the spread of anti-Hungarian sentiments. That anti-Hungarian feelings were on the rise was testified to by, among other things, inquiries made at the Helsinki Committee's Novi Sad office, with callers seeking information about the Status Law and asking questions such as 'How long will Serbs continue to be discriminated against in this country?' and, considering that the Status Law provides for certain benefits including the possibility of temporary employment in Hungary, 'What kind of democracy is this, given that Hungarians can work in both Hungary and Serbia while there is no work for Serbs even in Serbia itself?' Of the six offices set up to deal with applications for Hungarian documents, those in Bečej and Sombor received anonymous threats, their employees being warned that bombs would be thrown into the premises unless they stopped receiving applications.<sup>29</sup> The opening of the KMH office at Temerin was resisted by the local Radicals who saw the move as a ploy to 'wrest land from Serbs.'<sup>30</sup>

A similar concern about the future of the country was expressed by the anonymous authors of a leaflet distributed in a

<sup>28</sup> The complaint was made by the Banat Forum, *Danas*, 31 October 2002.

<sup>29</sup> The six offices are located at Novi Sad, Senta, Zrenjanin, Temerin, Subotica, Sombor and Bečej.

<sup>30</sup> *Građanski list*, 12 February 2002.

part of New Belgrade, in which they warned the residents against 'the yellow peril'. Urging the residents to 'boycott immigrants', the authors insisted that 'foreigners from Asia are getting rich on our troubles' and that no one may remain indifferent to 'mixed marriages between Chinese and Serbs being financially encouraged although there are fewer than ten million of us and more than one billion of them'.<sup>31</sup> During the first four months of the year, an organization calling itself the Patriotic Wing of Young Serb Skinheads circulated in Belgrade a proclamation insisting that skinheads were 'neither beer-guzzlers nor haters, but young people who champion the interests of the healthy Serb community'. The objectives of this 'healthy' segment of Serb youth, enumerated under the slogan 'Serbia for Serbs', include regeneration of the Serb family, survival of the white race and restoration of its racial pride, and a crusade against the new world order, drug addicts, homosexuals, the mixing of races and the deluge of coloured people.<sup>32</sup> The nature of this struggle became clear when two Chinese shops were burned in Kragujevac at the end of the year. The violent attitudes and undisguised racism in relation to foreigners bear out the findings of the sociologist Srećko Mihajlović presented at a round table on ethnocentrism. Mihajlović drew attention to the fact that 'hatred of foreigners is more common among Serbs than fear of them. The attitude that all things foreign are dangerous and suspicious, and that therefore one should have no close connections with foreigners, is in evidence in nearly all research into the matter so far. For instance, the assertion that foreign influence is dangerous for our culture is shared by as many as half the citizens of Serbia...The height of absurdity is the fact that one-quarter of the citizens look upon foreign investment as a danger to our country.'<sup>33</sup>

Nationalism, hatred of foreigners, hate speech and ethnic violence were widely in evidence: at the beginning of the year, a girl conversing with a friend in Hungarian was slapped in the face in a bus in Novi Sad;<sup>34</sup> at the middle of March, a certain Momir Vujić, who had been harassing the Gojak family of Petrovaradin for three years and threatening to 'burn their house because it resembles a mosque', assaulted Aziz Gojak with an axe and hit him in the

<sup>31</sup> *NIN*, 21 November 2002.

<sup>32</sup> *Glas javnosti*, 24 March 2002.

<sup>33</sup> *Danas*, 14 October 2002.

<sup>34</sup> *Građanski list*, 14 January 2002.

face.<sup>35</sup> Prompted by such incidents, the Ministry for National Minorities decided to devote efforts to promoting tolerance in society. As part of a well-advertised campaign, the Ministry produced an attractive spot,<sup>36</sup> put up billboards and provided T-shirts and other promotion material. Furthermore, brochures on tolerance were promoted at a number of panel discussions of which the one in Novi Sad was addressed by quite competent people. Nevertheless, one should not expect the campaign to produce spectacular results especially because the target society rests on a political culture which did and does not set much store by tolerance as a social value. According to Županov, tolerance may produce beneficial, prophylactic and therapeutic effects only within the framework of a non-authoritarian political culture,<sup>37</sup> whereas within an authoritarian culture its effects are practically nil. Admittedly, people in the Ministry for National Minorities are also aware of this. At the panel discussion in Bački Petrovac mentioned above, Minister Ljajić said that constructing a legal foundation for advancing minority rights was the easiest part of the job. 'We may have the best laws, but unless we have democratic institutions and change the social climate and culture, they will remain a dead letter,' he said.<sup>38</sup>

The foregoing relates above all to the Federal Law on the Protection of Rights and Liberties of National Minorities adopted early in the year. The Law itself was both criticized and commended. The arguments of its critics were as follows: the debate on the draft was not broad enough; the Law itself is excessively declarative; its lack of punitive provisions throws doubt on the determination of the drafters to enforce what is nominally granted; the Law does not identify the national minorities by name; the term 'national minorities' is not appropriate and should be replaced by the term 'minority nations'; the implementation of the Law presupposes the adoption of the new Serbian Constitution; the minimum requirement entitling a national

<sup>35</sup> *Danas*, 18 April 2002.

<sup>36</sup> The logo was the image of a cow and the slogan read 'May the neighbour's cow live and be healthy'. Soon afterwards, a rhymed counter-slogan began to circulate, saying 'May the neighbour's cow [krava] be as large as a Chihuahua'.

<sup>37</sup> *Tolerancijom protiv mržnje* (Opposing hatred by tolerance), HHO, Zagreb, 1997.

<sup>38</sup> *Dnevnik*, 22 July 2002.

minority in a basic self-governed unit to the official use of its language and alphabet was set too high at 15 per cent of the population; the exercise of fundamental human rights must not be made conditional on the numeric strength of a minority; the state must undertake the obligation to provide minority-language information as a form of positive discrimination; the matter of cultural autonomy is entrusted to the republics; literal application of the Law might be construed as violation of the federal and republican constitutions and statute. Considering that Montenegro does not implement federal provisions, doubts were also raised as to the territory in which the Law would be implemented.

On the other hand, the most favourable verdicts were pronounced by representatives of minorities participating in the exercise of government at all levels, as well as by those who either took part in the drafting of the final version of the Law or those whose word carried the most weight during that stage. Admittedly, some of the provisions deserve to be upheld and commended. This applies above all to the provision granting equal status to national minorities and ethnic communities; this means that the Roma community's demand to be elevated to a national minority has finally been met. Incidentally, the Roma are the only minority the Law mentions by name; professing a disinclination to arbitrate, the legislators missed this opportunity to specify the minorities to which the Law applies. Another very important matter concerns the members of those communities which were recognized as nations before the former state fell apart but are now in the position of unrecognized minorities. The Croats, for example, were granted the status of a national minority, but this immediately caused an asymmetry of rights between the 'new' and 'old' minorities. A third important feature of the Law is the establishment of a Federal Council for National Minorities,<sup>39</sup> a Federal Fund for National Minorities<sup>40</sup> and, most importantly,

<sup>39</sup> Article 18 provides: 'For the purpose of preserving, promoting and protecting the national, ethnic, religious, linguistic and cultural peculiarities of members of national minorities, and for the purpose of exercising their rights, the Federal Government of the Federal Republic of Yugoslavia will establish a Federal Council for National Minorities. The composition and the competence of the Council will be laid down by the Federal Government. Representatives of national councils of national minorities will be members of the Council.'

<sup>40</sup> Article 20 of the Law provides: 'A Federal Fund to promote the social, economic, cultural and general advancement of national minorities



National Councils of National Minorities.<sup>41</sup> The Law also guarantees the following minority rights: choice and use of proper names (Article 9), use of the mother tongue (Article 10), official use of the language and alphabet (Article 11), fosterage of culture and traditions (Article 12), education in the mother tongue (Article 13), use of national symbols (Article 16) and information in the minority language (Article 17).

As regards the right to education in the mother language, members of a national minority are entitled to be trained and educated in their language, the requirement being that the instruction programme deal extensively with the history, art and culture of the national minority. Where instruction is given in Serbian, the instruction plans and programmes are expected to include, for the purpose of encouraging tolerance toward national minorities, subject matter dealing with the history, culture and situation of national minorities as well as subject matter promoting mutual tolerance and life-together. The Law also stipulates that, where a minority language is in official use, educational institutions and schools providing instruction in the Serbian language should also teach the language of the national minority.

The National Councils are the key institutions established by the Law because it is through them that minorities exercise their self-government rights in spheres of great importance for the preservation and development of their national identity, i.e. education, information, culture and official use of the language. As Article 19 of the Law stipulates, the Council represents the national minority in all spheres, participates in the decision-making process or decides issues falling within these spheres, and establishes relevant institutions. A council may be entrusted with some other responsibilities connected with these spheres on condition that the state provide the necessary funds. Article 19 states that the rules for the election of national councils will be

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is hereby established. The Fund will contribute budgetary resources towards financing activities and projects designed to improve the situation of national minorities and to promote their cultural production. The Federal Government will enact specific regulations to determine the composition and activities of the Fund.<sup>7</sup>

<sup>41</sup> See Article 19 of the Law on the Protection of Rights and Liberties of National Minorities. Rules on the election of national councils will be regulated by a law.

regulated by a law; however, Article 24 provides that, until such a law is enacted, the national councils will be elected by the national minority electoral assemblies. This indirect method of election has been most criticized as impermissibly flawed. Thus the conclusions of the first regional conference of national minority non-governmental organizations<sup>42</sup> underline that the election of a national council through such electors is neither democratic nor free nor direct, and that it gives too large a role to political parties at the expense of the civil sphere and the citizens. In the opinion of the conference participants, national councils should be elected at general, free and direct minority elections, and the election rules should be laid down by the present Law and not a separate one.

Among the many commentaries and criticisms were charges that the national councils would serve to legitimize the final division of the post-October plunder of Serbia and that in addressing the minority question priority had been given to satisfying the interests of the minority elites. Some of the warnings that the constitution of national councils might lead to a polarization within minorities themselves and challenge their very legitimacy were soon borne out. Even before the Law was adopted, the Democratic Party of Vojvodina Hungarians (DSVM) warned against a 'political compromise existing between a part of the Serbian political elite and the Alliance of Vojvodina Hungarians (SVM)' whereby the latter strove to achieve lasting political dominance within the Hungarian community itself. According to the DSVM, a pattern of relations between government and minority communities was being established in order to effectively legalize firm state control over the latter.<sup>43</sup> In support of its demand for another model, based on personal autonomy,<sup>44</sup> the DSVM petitioned the Federal Constitutional Court asking it to verify the constitutional validity of Article 24 of the Law on the Protection of Rights and Liberties of National Minorities.<sup>45</sup> The intention of the

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<sup>42</sup> The conference was held in Subotica at the end of January.

<sup>43</sup> Andras Agoston's letter to the Federal Ministry for Minorities.

<sup>44</sup> According to this model, registered voters of Hungarian nationality would elect a small Hungarian parliament in Vojvodina at a democratic multi-party election. The parliament would be legitimate and have competence to identify, articulate and champion the fundamental political interests of the community. *Gradanski list*, 22 October 2002.

<sup>45</sup> The Federal Constitutional Court voted unanimously to set aside the request to determine whether or not certain provisions of the Law on the Protection of Rights and Liberties of National Minorities and of

DSVM had been to challenge the legal grounds for the operation of the National Council set up by the Vojvodina Hungarians in Subotica on September 21. Of the 541 electors present at the electoral assembly, the list of proposed council members headed by Laslo Joza, vice-president of the SVM, was upheld by 421 electors. The election of the first minority National Council in the FRY was attended by Rasim Ljajić, Federal Minister for National Minorities and Ethnic Communities, and numerous guests from the country and abroad.<sup>46</sup>

Soon after the Vojvodina Hungarians, the Ruthenians, Romanians and Croats elected their national councils on November 2 and December 7 and 15 respectively.<sup>47</sup> As was to be expected, the Vlach question was raised at the Romanian electoral assembly. A spokeswoman for the Federal Ministry for National Minorities replied on that occasion that 'Yugoslavia does not recognize Vlachs as Romanians' and advised them to establish a Vlach national council. Her reply, however, raised another issue: if the Ministry does not recognize Vlachs as Romanians, why did it grant them over 30 mandates to elect the constituent assembly of the Romanian minority's National Council?<sup>48</sup>

It is quite clear that the Ministry has no transparent and firm position on this issue, as well as that the establishment of national councils is bound to be accompanied by problems. In an interview with the daily *Danas*, Minister Ljajić discussed the difficulties and said that, in his opinion, 'the chief problem is not the Law nor the Ministry nor the Government nor the state, but the political disunity within the minority communities and the impossibility of reaching consensus of opinion. In the logic of things, political parties in a dominant position within some communities wish to have a monopoly in their national councils. This is something we can't avoid. We for our part have created a

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the Rules of Procedure governing the election of national minority councils by electoral assemblies were compatible with the FRY Constitution. The Court ruled that the provisions in question were compatible with the Constitution. *Danas*, 22 November 2002.

<sup>46</sup> The guests included the former Hungarian president, Arpad Genz, the ambassadors of Austria, Hungary, Bulgaria and Romania, and chargés d'affaires or officials from Albania, the Russian Federation, Slovakia, Ukraine and the Council of Europe.

<sup>47</sup> The Slovak national minority announced the establishment of its National Council for January 2003.

<sup>48</sup> *Dnevnik*, 9 December 2002.

legal framework for the minorities to organize themselves through their national councils. The responsibility now rests with the national communities themselves.<sup>49</sup> Having read this explanation by Minister Ljajić, one cannot help being astonished and worried by the fact that the Ministry is not only prepared to disown all responsibility but to shuffle it off onto the minority communities themselves. The chief problem is not the disunity of the minorities, as the Minister suggests, but the legal foundation which perpetrates this disunity by formalizing the aspirations of some political parties to dominate and monopolize. Whatever the Minister may say to the contrary, the fact is that the aspirations of some political parties are thus not only formalized but also favoured. 'We don't favour anybody. The fact that the SVM more or less played the chief role in the formation of the National Council of the Hungarian community and that it dominates it does not make us happy, but that is not our problem. The Law gives equal chances to all parties but, in the logic of things, the party with the most councillors and deputies has better chances of having more seats than others.' The reference to equal chances is not clear in view of the fact that the legal framework makes it possible for political parties with the most councillors and deputies to dominate a national council.

One also wonders whether the procedure for electing national councils is not incompatible with Article 19 of the Law on the Protection of Rights and Liberties of National Minorities. The Law stipulates that the 'councils will be formed on the principle of free choice, eligibility, proportionality and democracy.' The indirect method of electing members through electoral assemblies is flawed precisely because it prevents the realization of the above principles.<sup>50</sup> An alternative solution insisted upon by some minority political representatives and calling for the preparation of separate minority voter rolls and the holding of special direct elections of national council members was rejected because, in the opinion of Minister Ljajić and some members of the expert group, it would be 'lead to the segregation of minorities, a view also

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<sup>49</sup> *Danas*, 25 October 2002.

<sup>50</sup> In this connection, many other questions remain to be answered such as: Are the national councils to be formed by the electoral assemblies of a temporary nature? When will the law determining the procedure for their election be adopted? Is it going to be a federal law, or is each member state going to adopt its own?

supported by the OSCE.<sup>51</sup> As regards the OSCE position on the matter, a number of conflicting statements were made. In contrast to the above allegation, the view was put forward at a round table organized by the Helsinki Committee that while the OSCE was not opposed to making minority voter lists, it did not recommend taking this step without the consent of the minorities in question, an indication that such lists could be established on the principle of free choice.<sup>52</sup>

Finally, one may ask why the establishment of national councils constituted the very first step in implementing the Law. Two considerations – one political and the other utilitarian – appear to have been of decisive importance in determining the priorities. The first can be attributed to the authorities' dire need to establish an address in minority territory for communication and dialogue while not bothering too much about the legitimacy of such a body. The other reflects the aspiration of the minority elites to get hold of some of the post-October booty in order to reward their following with editorial, managerial and administrative positions. Naturally, one cannot help wondering whether this internal distribution of prestigious appointments, privileges and sinecures will appease the various appetites or whether it will cause further frustration and bickering, and what its real objective is. There is no doubt that it has already produced many malcontents and critics. As to the objective itself, it is apparently to buy the loyalty of the elites and through them the allegiance of the minorities. In other words, the priority in dealing with the minority question is to satisfy the interests of narrow groups within the minorities themselves. In all probability, the manipulation of the minority problems by elites bent on pursuing their narrow selfish interests is that 'logic of things' Minister Ljajić talked about, a policy whereby society as a whole is relieved of inter-ethnic tension by generating intra-ethnic tension within minorities themselves.

The Law on the Protection of Rights and Liberties of National Minorities, passed in 2002, is doubtless the most significant law concerning national minorities. The Serbian Assembly also passed several other laws that year which are of interest to national minorities. The Law on Self-government provides for the establishment in a nationally-mixed municipality

<sup>51</sup> *Danas*, 25 October 2002.

<sup>52</sup> Statement by Andras Agoston at the round table.

of a council for inter-communal relations made up of representatives of all national and ethnic communities concerned. The council considers questions of realization, protection and promotion of national equality and may institute proceedings before the Constitutional Court with the object of verifying the constitutional validity and legality of a decision or another general enactment of the municipal assembly if it believes that a right of a national or ethnic community represented on the council is thereby directly violated. The council may also, under the same conditions, institute proceedings before an administrative court where it believes that a decision or another general enactment of the municipal assembly is incompatible with the municipal statute. The Law on Broadcasting was another law passed by the Serbian Assembly. Since the situation in this sphere, which is of great importance to all including the minorities, had often been described as chaotic and compared to a jungle, the determination to regulate it and wrest broadcasting from the centres of political power is quite justified. Nevertheless, some of the provisions have given rise to concern, especially the one providing for the obligatory privatization of municipal media, its critics fearing a reduction of minority language programmes in the conditions of widespread commercialization.<sup>53</sup>

Republican laws as subordinate legislation ought to be compatible with the Federal Law on the Protection of Rights and Liberties of National Minorities but unfortunately this is not always so. The Law on Local Self-government and the Law on Amendments and Supplements to the Law on Elementary and Secondary Education ignore some provisions of the federal law on minorities. Article 16 of the former ignores the right of minority members to use national symbols and Article 15 of the latter their right to establish private educational institutions, schools and universities. Both these laws were adopted after the Law on the Protection of Rights and Liberties of National Minorities was passed by the Federal Assembly. The Federal Ministry for National Minorities petitioned the Federal Constitutional Court because

<sup>53</sup> Admittedly, different views were presented at the round table organized by the Helsinki Committee and the Centre for Anti-war Action on 6 August 2002 to discuss this law. In the opinion of Rade Veljanovski, president of the working group which drafted the law, the minorities would only now get an opportunity to create programmes in keeping with their interests and needs.

such legislative practice prevents the implementation of the federal law on minorities.<sup>54</sup> It should be noted that the aforesaid laws are not the only ones which infringe the rights of national minorities. A study conducted last year by the Helsinki Committee and the Humanitarian Centre for Integration and Tolerance identified several other laws which either contain discriminatory norms or enable discrimination indirectly. The reader is referred for details to the book *National Minorities and the Law* published by the Helsinki Committee last year.<sup>55</sup> The laws in question are the Law on the Election of National Deputies, the Law on the Official Use of Language, the laws regulating the right to receive education in minority languages and those on elementary, secondary and high schools, the Law on the Promulgation of Federal Laws and Other Regulations and General Enactments, the Law on State and Other Public Holidays in the Republic of Serbia, the Law on the Establishment of a Museum for Victims of Genocide, and the Law on Underdeveloped Regions in the Republic of Serbia Until 2005. Identification of these laws and their disputable provisions is important not only because they obstruct the implementation of the Law on the Protection of Rights and Liberties of National Minorities, but also because a wider issue is involved: the existence of discriminatory norms and laws calls into question the constitutional principle of the equality of citizens because, if the citizens are not equal, the idea of human rights comes to nothing. Other than bridging the gap between the normative and the actual, elimination of discriminative norms and acts would improve the performance of the legal system and strengthen the integrative capacity of Serbian society.

The last consideration is especially important with regard to members of the Roma national minority. The question of their integration is very important, the solution of their position being among the requirements for admission to the EU. This minority community languishes on the fringes of society in conditions unworthy of human beings living at the end of the twentieth century.<sup>56</sup> For example, a report published in *Dnevnik* describes

<sup>54</sup> *Dnevnik*, 25 July 2002.

<sup>55</sup> *National Minorities and the Law*, Helsinki Committee for Human Rights in Serbia and the Humanitarian Centre for Integration and Tolerance, Belgrade-Novı Sad, 2002, pp. 19-26.

<sup>56</sup> In the assessment of Kevin Menyon, head of the EU Humanitarian Aid Office, the situation of the Roma population in the FRY

the conditions in which Roma live as follows: 'The settlement of Veliki rit in Novi Sad houses some 4,000 Roma and Ashkalis in improvised mud or cardboard huts without electricity, water and heating...They eat from refuse bins. However, they say that even such food is not easy to come by because skinheads are given to attacking and beating them in the urban parts of the city. Lately, they say, it has not been easy even to beg. The police arrest and keep them up to ten days in prison. The children do not go to school and their parents say the schools would not admit them anyway because, as there is no access road, water and electricity, the children are dirty and muddy.'<sup>57</sup> It would, of course, be totally wrong to generalize and believe that this description applies to the whole Roma population. In common with other minority communities, the Roma are highly differentiated in terms of their lifestyle, means, housing, integration and assimilation, religion, etc. Nevertheless, unlike other communities such as Hungarians, Slovaks, Romanians and Ruthenians, the Roma are distinguished by stronger population resources.<sup>58</sup> On the other hand, they are handicapped in many other ways and are especially deficient in education. According to the Roma Cultural and Publishing Society, as many as 80 per cent Roma are totally or practically illiterate while 78 per cent Roma children drop out of elementary school, 37 per cent do not speak any Serbian, and 46 per cent have only the most rudimentary general knowledge.<sup>59</sup> Many Roma children have their first contact with the exercise book and pencil in school, a place where, regrettably, they are subjected to numerous indignities both by their peers and by their teachers. The local correspondent of the daily *Danas*, in an article describing the harsh realities of the Roma in Prokuplje, writes that 'in nearly

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is 'very bad', their treatment by society is unsatisfactory and they are more vulnerable than other groups such as refugees, internally displaced persons and the poor. *Građanski list*, 26 April 2002.

<sup>57</sup> *Dnevnik*, 13 December 2002. The conditions described above are harsh indeed. At the middle of November, the Roma and Ashkalis from the settlement gathered outside the Novi Sad municipal assembly and chanted 'We want water, electricity, road, sewer!' Dina Toplica, the president of the Ashkali Association, says that the residents' demands have repeatedly been ignored by the city officials. *Građanski list*, 13 November 2002.

<sup>58</sup> They have a high birth rate but, due to poor living conditions, only one Roma in a hundred lives to be sixty. *Danas*, 22 November 2002.

<sup>59</sup> *Danas*, 18 January 2002.

every class in which there are Roma children, the back desk or “dunce’s seat” is reserved for them. Disorderly non-Roma children are punished by the teacher by having to sit there next to a Gypsy.<sup>60</sup> Roma children are also abused, insulted and maltreated by their peers: for instance, O.Š., a pupil at the ‘Đura Jakšić’ primary school in Kikinda, was forced by a group of boys, on pain of being beaten, to kiss the sneakers of one of them.<sup>61</sup> Roma parents are inclined to withdraw their children from school because they do not want them to be ridiculed, humiliated and discriminated against, but also because their aspirations and expectations are low.<sup>62</sup> Because Roma children start their education from a very low social and cultural level, and because they are illiterate and linguistically handicapped, they often end up attending special schools. According to YUROM, young Roma account for between 50 and 80 per cent of entrants of these school, which further aggravates their social handicap and reduces their chances of escaping the vicious circle.<sup>63</sup> This vicious circle, which keeps the Roma down and consigns them to the fringes of society, must be broken by someone who has the power to do so, and this someone is the state.

At the end of September, representatives of the Federal Ministry for National and Ethnic Communities, OSCE, UNHCR and OCHA signed an agreement on setting up a group of experts to work out a comprehensive strategy for Roma integration in the FRY. In the words of Minister Ljajić, the strategy should help find adequate solutions to Roma problems in education, housing, health care and social insurance, as well as problems facing the Roma refugees from Kosovo.<sup>64</sup> Although the deadline for completing and adopting a draft strategy was set for the end of the year, it is not clear whether it was met. Unofficially the strategy is

<sup>60</sup> *Danas*, 21 November 2002.

<sup>61</sup> *Danas*, 23 January 2002. The pupil’s father, Andrija Šajn, said: ‘I’m a musician. Of late the proprietors of some restaurants have stopped admitting bands with a Roma player to the premises. Before hiring one they want to know whether there are any Gypsy members in them and they call me “chocolate”’.

<sup>62</sup> Roma parents themselves are not very helpful as far as their children’s education is concerned. They consider schooling too long, uncertain and unproductive because their children cannot earn a living while they attend school. *Danas*, 18 January 2002.

<sup>63</sup> *Danas*, 18 January 2002.

<sup>64</sup> *Danas*, 28-29 September 2002.

said to have been completed. Jelena Marković, Assistant Federal Minister for Minorities, announced in November that the Ministry and the British organization Oxfam had launched a campaign entitled ‘Rom means man’ to help create a more tolerant climate toward the Roma. No matter how attractive such campaigns appear when advertised, one should not place too much hope on their changing the general attitude of the non-Roma environment, for attitudes developed over years or decades under the strong influence of prejudice are not easily discarded. Deeply ingrained prejudices not only generate hatred of Roma but are cited as an excuse for frequent violent acts committed against them.<sup>65</sup> Roma are the victims of violence committed both by private individuals – early in November a Roma named Istvan Ziga was brutally beaten by two hooligans in Vase Stajića street in Novi Sad<sup>66</sup> – and by members of the police force. For instance, the Humanitarian Law Fund filed a criminal complaint against unidentified policemen from the police station in Petrovaradin who on November 11 and 14 abused Jovan Nikolić while trying to make him confess the theft of a television set, a power generator, tyres and other items. Nikolić was slapped on the face, batoned on the shoulder and beaten on the buttocks and thighs with a shovel. When he threatened to take the policemen to court, he was detained for 48 hours.<sup>67</sup> Another Roma, Stevan Dimić of Lok came off worse when Novi Sad police tried to make him admit to raping a fifteen-year-old girl. The policemen made him lie on the floor and positioned a chair on his back; one policemen sat on the chair and struck him repeatedly with a baton and an iron rod while another stepped on his head. Next he was forced to keep his handcuffed hands on a clothes rack and spread his legs so he could be kicked in the testicles. During detention, which turned out to be unlawful, he was repeatedly insulted on account of his ethnic background; while other detainees were handed their food properly, he had to pick up his from the floor where it had been thrown.<sup>68</sup> Besides

<sup>65</sup> Marković said that the campaign, directed at both the Roma and their environment, will address the three key problems of health care, education and unemployment. *Danas*, 22 November 2002.

<sup>66</sup> *Građanski list*, 25 December 2002.

<sup>67</sup> *Danas*, 13 December 2002.

<sup>68</sup> Although the incident took place in 1998, the judicial proceedings were brought to an end only in 2002. The Municipal Court in

being verbally and physically abused, Roma are also widely discriminated against; according to Nataša Rašić, who provides legal counsel to Roma, there is not a Roma who has not been humiliated in some way or another at least once in his life. Discrimination starts at the nursery and the primary school and continues at the place of work. Rašić says that a Roma woman doctor who had applied for work at a health centre in Niš was told by the governor quite openly that he would give her a job 'when a health centre is opened in the gypsy quarter'.<sup>69</sup> At the end of December, a Belgrade resident of Cuban descent, Jenny Grant, was discriminated against on account of her colour while trying to enter the Greek-owned hypermarket Veropoulos in New Belgrade. A guard mistook her for a Roma woman, barred her way and directed her to the junk-market across the road because, he said, 'that's where the gypsies do their shopping'.<sup>70</sup>

Roma disunity makes it even harder to deal with the problems facing the Roma population today. The mutual envy and unhealthy competition of the Roma leaders is one of the reasons why the minority has not yet formed its national council. Another reason, according to Dragoljub Acković, spokesman for the Anglupine coalition of Roma organizations and societies,<sup>71</sup> is lack of adequate help from the competent Ministry. Instead of helping to overcome the present conflicts and disagreements, he says, the Ministry's officials 'merely deepen our disunity by supporting now one and now the other'.<sup>72</sup>

## Emancipation of Vlachs

There is a considerable controversy about the origin of the Vlachs. While some contend that the Vlachs are a separate ethnic identity, others insist that they are Romanians; and there is, of

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Novi Sad ordered the Republic of Serbia to pay Dimić 240,000 dinars in compensation for the torture he underwent at the police station.

<sup>69</sup> *Danas*, 5 February 2002.

<sup>70</sup> *Danas*, 23 December 2002.

<sup>71</sup> At present there are four large coalitions of Roma organizations in the FRY: Anglupine, the Independent Roma Union, the New Road and Roma Unity in FRY. The coalitions were formed for the purpose of protecting Roma national interests. However, Acković describes the relations between these coalitions as very bad.

<sup>72</sup> *Danas*, 3 October 2002.

course, a third answer, namely that they are romanized Serbs. Interestingly, during the last population census, there appeared in the media a text alleging that 'certain Vlach leaders are today picking up where the local Communists left off shortly after the [1945] liberation of the [Vlach-inhabited eastern Serbian region of] Timok Krajina. At that time a party commission was set up in [the town of] Zaječar with the task of studying the Vlach question, producing a Vlach grammar and making sure, with a view to suppressing alleged Serb hegemony, that the Vlachs should become a nation. The members of the commission had, by virtue of their assignment, to designate themselves Vlachs...but the drive fell through owing to lack of popular support'.<sup>73</sup> The above passage bears out the observation in the Helsinki Committee monograph on national minorities that the Vlach question is subject to rather earthy politicization, with some media going so far as to charge the Vlachs with separatism. Thus, in a highly sensationalist article, *Nedeljni telegraf* accused them of threatening armed rebellion, saying they are buying arms in Romania and are merely waiting for a signal from their leaders to use Kalashnikovs.<sup>74</sup> Quite naturally, some Vlach leaders dismiss such allegations as 'nonsense and absurdity'.<sup>75</sup> All the same, articles which accuse the Vlachs of plotting to destabilize Serbia on the lines of the Kosovo model, bear out a deep and far-reaching problem, i.e. the lack of readiness of Serbia, or at least of a part of it, to come to terms with pluralism, to respond productively to the process of national diversification, acknowledge national emancipation and support the political promotion of minorities in order to rid itself of an unnecessary and burdensome nationalistic encumbrance.<sup>76</sup>

What do the Vlach representatives actually want? The non-governmental and political organizations of Vlacho-Romanians of north-eastern Serbia, at a meeting in Zaječar early in May, adopted a Declaration stressing that the solution of the 'Vlach

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<sup>73</sup> *Danas*, 2 April 2002.

<sup>74</sup> *Nedeljni telegraf*, 13 March 2002.

<sup>75</sup> Slobodan Đurđević, leader of the Vlach Democratic Union, *Glas javnosti*, 15 March 2002.

<sup>76</sup> The Serbian Orthodox Church is no exception in this regard. In a public statement issued at the beginning of April, the Eparchy of Timok warned that, in order to further their political ambitions, some people are manufacturing a Vlach problem in the Timok Krajina by insisting that its Vlach population is endangered.

question' presupposes instruction in the mother language at school,<sup>77</sup> use of the mother language in the media and in public, the introduction of worship in the mother language, and state participation in the financing of activities and projects aimed at improving the position of the Vlacho-Romanians of the region and promoting their culture.<sup>78</sup> As the Declaration points out, the Vlachs attach great importance to worship in their mother tongue. During a ceremony commemorating the tenth anniversary of the Movement of the Romanians of Yugoslavia, a member of the Christian Democratic Party of Serbia prevented a priest from Vršac from carrying out the wish of the organizers to read service in Romanian in an adapted church at Slatina.<sup>79</sup>

The Declaration was also addressed to the office of FRY President Vojislav Koštunica and to other federal, republican and local authorities with a request for help in dealing with the Vlach question. Having been subjected to assimilation for decades, the Vlachs are justified in requesting assistance so that they could preserve their identity. A study carried out in the course of the year by the Helsinki Committee reveals an appalling state of affairs as far as their collective rights are concerned: the Vlach language is not in official use in any municipality in eastern Serbia; there are no schools providing education in this language; the state has never helped them to exercise their right to be informed in their language; there are no Vlach primary and secondary school

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<sup>77</sup> The Declaration states that the Vlacho-Romanians of north-eastern Serbia speak Romanian and will use the Latin alphabet. It also says that the ethnonym 'Vlach' is to be regarded as a synonym for 'Romanian' and that the mother country of the Vlacho-Romanians is Romania.

<sup>78</sup> The Declaration further states that the Vlacho-Romanians are not an ethnic group but a national minority and that they intended to 'constitute together with the part of our national minority in Banat...a joint national council'. The Declaration was addressed to the SPC, the Romanian Orthodox Church, non-governmental organizations and Romanian officials. It should be noted that the Zaječar meeting was not attended by those who regard the Vlachs as a separate ethnic entity, notably Slobodan Đurđević, leader of the Vlach Democratic Union.

<sup>79</sup> Danas, 14 April 2002. The gathering was attended unbeknown to the municipal authorities by members of the Romanian embassy. The mayor of Bor intervened and the 'guests' soon apologized.

governors.<sup>80</sup> The granting of these and other rights would not only enable the Vlachs to preserve and promote their identity but bring Serbia's society closer to the ideal of ethno-cultural justice.

### New Minorities

Unlike the Vlachs, the members of the Croat national community are better organized though they are yet to achieve unity. Their problems include lack of institutions and organizations, vain leaders, reluctance of young and educated people to commit themselves, no consensus of opinion on what is to be done.<sup>81</sup> But these are not their only problems: before and during the war in Croatia, prejudices were encouraged and negative stereotypes manufactured to fan an anti-Croat hysteria and incite persecution of Croats. Commemorating on May 6 the tenth anniversary of the expulsion of the Croat population of the village of Hrtkovci – this name being 'synonymous with the expulsion of the Croats from Srem' – the Vojvodina Reformers evoked the days when the state did nothing to protect its citizens of other nationality or religion and urged the authorities to hold the engineers of the 'humane population transfer' to account.<sup>82</sup> It should be noted that prejudice and hatred engendered by this sinister policy toward the Croats are unfortunately still in evidence.

The most drastic incident involving an outburst of anti-Croat sentiments occurred on the centenary of the Croat cultural-educational society 'Stjepan Radić', established in Novi Slankamen in 1902. The society was resuming its activities after eleven years and the organizers of the commemoration had prepared a varied cultural-artistic programme. However, no sooner had the tamburitza ensemble struck up than Serb neighbours responded by singing 'Get ready, Chetniks'. More Chetnik singing was heard coming from the balcony of the local hospital, where several women in hospital uniform stood and chanted 'Down with the Ustashas!', and firecrackers were thrown around. Reporters saw the banners of the Serbian Radical Party and some Chetnik unit

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<sup>80</sup> *National Minorities and the Law*, Helsinki Committee for Human Rights in Serbia, Belgrade, 2002.

<sup>81</sup> Tomislav Žigmanov, interview with *Građanski list*, 9 September 2002.

<sup>82</sup> *Dnevnik*, 7 May 2002.

being paraded through the village. A score of youths wearing Serb military hats and badges of the Fatherland Movement 'Obraz' and another badge bearing the message 'Every Serb is Radovan [Karadžić]' argued that 'as soon as there is a Serb club in Borovo Selo [in Croatia] named after Puniša Račić [the deputy who assassinated Radić in the National Assembly in 1928] they can have their own club in Serbia, on the principle of reciprocity.'<sup>83</sup> Dinko Palmar, the local parish priest, said that these excesses could be understood but not justified. He is nevertheless of the opinion that things have been improving since October 5. This view is shared by other members of the Croat community, who describe the provincial administration's attitude toward them as positive. Croatian was the fifth language to come into official use in Vojvodina;<sup>84</sup> an enterprise called 'Hrvatska riječ' (Croat word) was established to publish a newspaper and a scientific-cultural journal in Croatian; and classes were opened in several schools so that Croat children can be taught in their mother language. The community's leaders view the adoption of the national minorities law as a positive move and even a 'revolutionary turning point'<sup>85</sup> and believe that for all its flaws and contradictions it would help them to improve their position.

For all the efforts to improve the position of the minority, certain problems persist. For instance, the *Divani* television information programme for the Croat minority in Vojvodina was twice suspended by the Novi Sad TV channel. On the first occasion it decided not to show a report on the incident coinciding with the resumption of work of the Stjepan Radić cultural-educational society in Novi Slankamen, the oldest Croat society in Vojvodina, on the absurd excuse that the nationalistic slogans which could be seen and heard in the report amounted to hate speech.<sup>86</sup> The second time, the broadcasting of a *Divani* programme entitled 'Are the Bunjevacs and Šokasc Croats?' was banned because there were no Bunjevacs among the guests, the explanation being that the programme was partial and that the Bunjevacs had been denied they right to say who they are. However, Karlo Blesić, the

<sup>83</sup> *Građanski list*, 5 August 2002.

<sup>84</sup> It is officially used in Subotica, Sremska Mitrovica and the Vojvodina Executive Council (government), *Dnevnik*, 7 October 2002.

<sup>85</sup> Dujo Runje, vice-president of the Croat Academic Society, *Danas*, 16-17 March 2002.

<sup>86</sup> *Dnevnik*, 13 August 2002.

president of the Bunjevac Cultural and Publishing Society, says that although he and other Bunjevac representatives were invited by the production team, they agreed not to respond because the invitations had not been extended 'in the proper manner'.<sup>87</sup>

The justification of the first ban is of some interest although any detailed discussion of it would be beyond the scope of this report. One cannot help wondering, however, whether or not reporters are to be prevented from informing the general public about nationalistic slogans which incite hatred. This may be answered in the affirmative only if the intention of the reporters is to humiliate or frighten a particular group. Whether there was such an intention on the part of the *Divani* crew is hard to say. If so, the ban was justified; if not, then action ought to have been taken against the hate-mongers, not against the people who recorded the sights and sounds of what went on.<sup>88</sup> The second ban raises the delicate question of who the Bunjevacs are. Are they a separate, distinct ethnic identity or are they a part of the Croat national body? In common with the Vlachs, the Bunjevacs themselves are divided on this score. The controversy was heightened during the 2002 population census with both Croats<sup>89</sup> and Bunjevacs<sup>90</sup> regarding each other as the favoured group. The two camps, both drawing on history to support their arguments, are actually telling basically the same story: the Croats insists that the Bunjevacs are being manipulated to fragmentize the Croat community and to facilitate its assimilation;<sup>91</sup> the Bunjevacs for

<sup>87</sup> *Građanski list*, 9 April 2002.

<sup>88</sup> See Branislav Milinković, *Medijske slobode* (Media Freedom), Belgrade, 1996.

<sup>89</sup> 'Throughout the census the Bunjevacs were accorded exceptional coverage from local television...through to federal media. However, the members of the Croat community were not given such an opportunity,' said Franjo Vukov, president of the Croat National Alliance, *Danas*, 11-12 March 2002; 'A relentless campaign is being waged by both state and local media, as well as by means of handbills, with the object of forcing the Croats to designate themselves Bunjevacs,' said Bela Tonković, president of the DSHV, *Građanski list*, 8 April 2002.

<sup>90</sup> 'The object of the forthcoming population census in Subotica is to show that there are no Bunjevacs in these parts,' the Bunjevac-Šokac Party said in a statement, *Građanski list*, 30-31 March 2002.

<sup>91</sup> 'The attitude towards the members of the Croat community has not changed at all, for the trend towards breaking up the community



their part complain that their individuality is stifled through their assimilation into the Croat national body.<sup>92</sup> Determined to preserve their particularity, the Bunjevacs have announced that they will demand the same rights as other minorities, including separate schools in the Bunjevac language, and establish their own national council.<sup>93</sup> The Bunjevac question is obviously largely politicized. In dealing with it, one must bear in mind that a person's nationality is the result of both objective and subjective criteria and that therefore it is entirely up to each individual to register either as a Bunjevac or as a Croat.

During the 2002 population census the members of the Bosniak national minority were entitled to choose a name by which they wished to be identified and recognized. Unimportant though it may seem, the issue is highly explosive because if the name chosen by a community is ignored, its members may construe this as a negation of their identity. On the other hand, the decision to allow the Bosniaks to identify themselves was a sign of both political prudence and respect because it will facilitate their integration and give them a feeling of being accepted and equal with the rest of society. At a meeting in August, representatives of non-governmental organizations based in Sandžak recognized the intention of the authorities to improve the position of the Bosniaks by enlisting their help within the Commission drafting the Constitutional Charter.<sup>94</sup> However, a number of problems were also indicated concerning the exercise of the collective rights of the Bosniaks to use their language officially, promote their culture, and be adequately represented in relevant

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remains as topical as ever,' says Franjo Vukov, president of the Croat National Alliance, *Danas*, 11-12 March 2002.

<sup>92</sup> 'We've been reduced to the point of being arrogated as Croats on account of our Catholic faith,' says Nikola Babić, president of the Bunjevac-Šokac Party, *Danas*, 11-12 March 2002.

<sup>93</sup> *Građanski list*, 14-15 September 2002.

<sup>94</sup> The willingness of the authorities to improve the situation of the Bosniaks was borne out by, among other things, a letter addressed by the Yugoslav Army (VJ) General Staff to the Sandžak Democratic Party (SDP). Earlier in the year, the SDP had started collecting signatures in support of a demand that food for Bosniak soldiers be cooked in separate pots without using pork meat and lard. The VJ General Staff replied that the SDP demand was in line with the Constitution and gave assurances that the possibility of providing special food for personnel of the Islamic faith would be closely examined. *Danas*, 26-27 October 2002.

institutions. For instance, the obligation to bring the language and alphabet of a national minority into official use where applicable was not carried out in all Sandžak municipalities (Priboj and Prijepolje), nor did the municipal authorities carry out their statutory duty to determine the minority languages and alphabets in official use in their territories. It should be pointed out that the use of the Bosniak language and alphabet is a very delicate issue because it is primarily a political, not a scholarly problem. The misunderstanding stems from failure to acknowledge the right of the Bosniaks to call the language they speak and write after their name. That language as a means of mutual understanding and communication can become a source of misunderstanding was borne out at the session of the Novi Pazar municipal assembly held early in May: the Serb deputies walked out in protest at the decision to bring into official use, on terms of parity with Serbian and the Cyrillic alphabet, the Bosnian language and the Latin alphabet as the language and alphabet of the Bosniaks.<sup>95</sup> Obviously, the policy of identification and the obsession that a language must be named after the nation speaking it produce bad consequences. On the other hand, in view of the consensus of political opinion that Serbian and Croatian are two languages, there is no reason why a Bosnian language or even a fourth language, i.e. Montenegrin, should not be recognized. Insisting on the establishment of a special, artificial language and then on special rights on that account is more dangerous than merely naming a language. The Bosniaks also lack a network of institutions to help them preserve as well as develop and promote their culture and identity.

An analysis carried out in the second half of the year by two non-governmental organizations, the Helsinki Committee and the Humanitarian Centre for Integration and Tolerance, established that the Bosniaks are inadequately represented in certain important institutions.<sup>96</sup> For instance, Serbs occupy more judicial and prosecutorial offices in Sandžak than Bosniaks do

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<sup>95</sup> 'The deputy representing a group of citizens, Milan Stevović, asked whether from now on all judicial decisions are to be typed in the two languages and whether it was now necessary to engage translators.' *Danas*, 30 April 2002.

<sup>96</sup> *National Minorities and the Law*, Helsinki Committee for Human Rights in Serbia and Humanitarian Centre for Integration and Tolerance, Belgrade, 2002.

although the opposite could be expected in view of the ethnic composition of the population. The preponderance of Serbs in the police force at all levels is the result of the policy of the previous regime, which not only suspected the loyalty of the Bosniaks but also employed the police to torture and harass them. That this policy continues is testified to by the case of a Bosniak by name Murat Pepić, who was beaten without cause by policemen on January 1.<sup>97</sup> In the second half of August, Bosniak non-governmental representatives were told that some 17,000 Bosniaks were beaten, detained, maltreated in various ways and dismissed from work under the Milošević regime. Such personnel changes as had been made in the police force were regarded as inadequate because the bullies kept their jobs and only a few had been criminally charged. A similar situation prevails in the economic and banking sectors. The predominance of Serbs in banks and the republican administration may be viewed as a leftover from the previous period when key posts were apportioned by the central government. Data on the ethnic composition of representative and executive government bodies also bear out the fact that Bosniaks are underemployed.<sup>98</sup>

This state of affairs is the source of discontent among Bosniaks, who complain that 'it still does not appear that this state accepts us as its citizens'<sup>99</sup> and that Sandžak is being neglected as a region.<sup>100</sup> Sandžak was and still is synonymous

<sup>97</sup> The policemen beat Pepić for twenty minutes. One of them fired a shot above his head and then proceeded to hit him on the head with the pistol. *Danas*, 9 January 2002.

<sup>98</sup> The proportional representation of Bosniaks is higher at municipal than either republican or federal level. For example, while Bosniaks account for 3.28 per cent of the population of Yugoslavia, there are only 0.056 per cent of them among the federal deputies. The respective percentages for Serbia and the Serbian Assembly are 3.1 per cent and 0.08 per cent.

<sup>99</sup> In the opinion of the Mufti of Sandžak, Muamer Zukorlić, at least one minister in the Serbian government 'should be a Bosniak, with one Muslim as Assistant Minister of Religion and another as Assistant Minister of Culture. This is the bottom line, for despite the occasional or individual signal that exists, it still does not appear that this state accepts us as its citizens.' *Danas*, 7-8 December 2002.

<sup>100</sup> Esad Džudžević, spokesman for the Sandžak List coalition, insists that a colonial attitude toward Sandžak continues. *Građanski list*, 20 June 2002.

with underdevelopment and backwardness in terms of economy, culture and education. In the aforementioned discussion with non-governmental organization representatives, the backwardness of Sandžak was attributed to, among other things, the policy of the previous and present governments. A participant in the meeting had no other explanation for the fact that the law is designed and implemented in such a way as to favour Serb settlements.<sup>101</sup> Why is there no commercial court in Sandžak although one is long overdue? Why is the territory of Sandžak divided between the districts of Raška and Užice instead of being a district in its own right with a full complement of institutions? In the opinion of the participants in the meeting, the institutional neglect of Sandžak and the discrimination against Bosniaks call into question the efforts of post-October Serbia to constitute itself democratically and to gain legitimacy. An even greater obstacle to these efforts is the unwillingness to review the policy of the former regime and to punish all who committed crimes against Bosniaks in pursuit of that policy.<sup>102</sup> Doubts were aroused by the fact that only two of the four persons indicted in connection with the October 1992 kidnapping and murder of 17 Bosniaks from Sjeverin had been arrested,<sup>103</sup> as well as that only one person had been convicted in connection with the February 1993 kidnapping at Štrpce station and later execution of 19 passengers from a Belgrade-Bar passenger train.<sup>104</sup> Šefko Alomerović, president of the Helsinki Office for Human Rights in Sandžak, accused the authorities that, in connection with Sjeverin, they did not want to try all the kidnappers; he also perceived in the fact that Ranisavljević alone

<sup>101</sup> Alija Halilović of the non-governmental organization Civil Forum, Novi Pazar.

<sup>102</sup> 'The numerous reprisals against Bosniaks in Sandžak over the past ten years – the kidnappings in Štrpce and Sjeverin, the killings and expulsions in Bukovica area of Pljevlja and in Kukurovići and Sjeverin villages near Priboj – were committed by units of the Army of Republika Srpska with the knowledge, backing and assistance of the present military and civil authorities in Yugoslavia.' Dragoljub Todorović, *Danas*, 16 December 2002.

<sup>103</sup> The indictments were brought against Dragutin Dragičević, Đorđe Šević, Milan Lukić and Oliver Krsmanović. Dragičević and Šević are in detention while Lukić and Krsmanović are wanted by the police.

<sup>104</sup> Nebojša Ranisavljević of Despotovac was sentenced to 15 years in prison.

was tried in connection with Štrpce<sup>105</sup> the 'intention of the authorities to cover up the real motives for the kidnappings and the identity of the chief perpetrators and the people who gave the orders', i.e. 'to cover up the policy in implementing the programme of the state – the ethnic cleansing of Sandžak.'<sup>106</sup> In a meeting with S. Sanino, the OSCE ambassador, representatives of the Sandžak List coalition aired many Bosniak grievances such as underemployment, inadequate participation in government, tardiness in solving crimes and processing perpetrators, neglect of the region. They warned that the Serbian government's quiet boycott of Sandžak and Bosniak interests was causing frustration<sup>107</sup> and giving rise to discontent, which could easily turn Sandžak into a new, very serious hotbed of crisis. The incidents which occurred in Novi Pazar during 2002 are a clear indication of a radicalization of the situation. The scandalous rooting by the local Bosniak audience for Turkey in a women's handball match against Yugoslavia was condemned in a flood of statements by political, civil and religious organizations. On the other hand, The Party of Democratic Action of Sandžak saw the outcry as a demonization of the Bosniaks as Muslims, alleged that the statements had been commissioned, and observed that their authors had neglected to mention the 'fact that, during the playing of the [official] anthem "Hey, Slavs" before the final match with Greece, a part of the audience sang the [Royalist] anthem "God give us justice" and went on to sing [the Chetnik song] "From Topola to Mt. Ravna Gora"'.<sup>108</sup> A new incident occurred nearly two months later, when police had to intervene to break up clashes between groups of Serb and Bosniak nationalists in the centre of Novi Pazar after Yugoslavia had won the gold medal in the world basketball cup. Next day two Serb youths were beaten outside a cafe in the town centre, 'for which reason Serbs blocked a cross-road in Šestovo suburb the same night and kept it closed until 3 a.m. Tuesday passed as the Novi Pazar municipal leaders, political

<sup>105</sup> Alomerović said the court knew the names of another 14 kidnappers, six of them in Serbia and Montenegro and eight in Republika Srpska. *Danas*, 27 February 2002.

<sup>106</sup> *Danas*, 27 February 2002.

<sup>107</sup> 'The government should say publicly what it holds against the self-government organs in the towns in which the Sandžak List exercises government,' Bajro Omeragić, *Danas*, 9 May 2002.

<sup>108</sup> *Danas*, 26 July 2002.

groupings and parties and non-governmental organizations talked, negotiated and issued statements. All of them were unanimous in condemning the incidents<sup>109</sup> but not as to who was to blame. While the Bosniak National Council of Sandžak talked of a 'planned and co-ordinated action of Serb extremists from the ranks of the Novi Pazar police department and nationalists who had arrived from the direction of Raška in vehicles with Kraljevo and Kosovska Mitrovica licence plates,<sup>110</sup> the Committee for Protecting the Rights of Serbs blamed the incidents on extremists belonging to the Party of Democratic Action (SDA), saying the party wanted to win back voters and sympathizers by provoking disorders.<sup>111</sup> In a joint statement the 'Serb parties' – the Democratic Party of Serbia (DSS), the Party of Serb Unity (SSJ), the Serbian Radical Party (SRS) and the Serb National Party (SNS) – found it deplorable that 'we are not free to rejoice in our own state.'<sup>112</sup> At a meeting of municipal committee representatives of the New Democracy party, the Sandžak Democratic Party, the Democratic Party, the DSS, the SDA of Sandžak, the SSJ, the Party for Sandžak, the Liberal Bosniak Organization, the Social Democracy Party and the Democratic Alternative party, as well as of representatives of the Sandžak Intellectual Circle, the Helsinki Committee and G-17, it was concluded that the 'incidents were aimed at provoking disturbances and creating sore spots'. The participants called on cultural workers and public figures, non-governmental organizations, religious communities and other institutions to 'make an effort toward creating the conditions for a life-together and tolerance'. In the opinion of Žarko Korać, the Serbian Deputy Prime Minister, the incident was engineered outside Sandžak and deliberately provoked 'because a strong radicalization of young Muslims in Serbia suits somebody's book.'<sup>113</sup>

That such radical young Muslims exist and operate was testified to by leaflets found by the residents of Priboj, Prijepolje and Nova Varoš in their letter-boxes; the leaflets urged Muslims to boycott their Christian neighbours' festivities so as 'not to serve Shaitan [Satan] by celebrating the Christmas holidays'. These

<sup>109</sup> *Danas*, 14-15 September 2002.

<sup>110</sup> *Danas*, 11 September 2002.

<sup>111</sup> *Danas*, 12 September 2002.

<sup>112</sup> *Danas*, 11 September 2002.

<sup>113</sup> *Danas*, 11 September 2002.

leaflets, signed by the Organization of Active Islamic Youth, were condemned by both political and religious organizations as provoking inter-confessional and inter-ethnic intolerance.

The emigration of Serbs from Sandžak is a development which ought to be pointed out. Neither Serbs nor Bosniaks deny this as well as the fact that Serbs are moving out also under pressure. In an interview with *Danas*, the Mufti of Sandžak, Muamer Zukorlić, confirmed this undeniable fact but attributed it to the 'vulnerability of the minority, something which obtains in all situations', an 'atmosphere of economic competition' and fears of a 'great many people who behaved badly toward and even beat Bosniak people in the time of Milošević.' Economic reasons for the emigration were also cited by the prior of Sopoćani Monastery, Mihajlo Tošić: 'Land is being sold on a massive scale at 10,000 euro an are, and a flat in Novi Pazar is worth three in Belgrade and five in Kragujevac. But there are also pressures of other kinds, starting with the harassment of children.'<sup>114</sup> The British Institute for War and Peace Reporting (IWPR) was among others to draw attention to the Serb emigration from the region, noting in a report that the process accelerated following the October changes in Serbia, after the SDA had emerged victorious in local self-government elections. A thousand Serbs or so have emigrated from Novi Pazar alone in the past two of three years. The IWPR warned that intensive Serb emigration might bring about a major Balkan crisis.<sup>115</sup>

### The Position of Religious Minorities

Multinational communities are all the more complex because they are often religiously heterogeneous. This is why the position of religious minorities is important and must be mentioned in this report. This all the more necessary as religious minorities and their facilities were the target of frequent attacks in the course of the year. On St John's Day, a Sunday, one or several unidentified persons broke into the Adventist church in Bačka Palanka and wrecked its interior. *Građanski list* wrote that religious intolerance in the town had assumed alarming proportions and that a similar incident occurred almost every week. Of the twenty or so religious communities operating in the

<sup>114</sup> *Danas*, 12 September 2002.

<sup>115</sup> *Danas*, 1 August 2002.

territory of the municipality, most were attacked. Interestingly, none of these communities nor the authorities condemned the Adventist church attack.<sup>116</sup> The next incident occurred in Nova Pazova, where posters bearing the word 'Sect' had been pasted on the facades of several small religious community buildings during the night, the same word having been scrawled in spray on the yard walls. In Sremska Mitrovica in May, a drunk man named Žarko Vukovac jumped over the fence of the local parish office, smashed the windscreen on the parish's car with a metal bar and tried to light a rag sticking from a bottle containing some petrol. Having failed to make it burn, he tossed the bottle under a window and walked off.<sup>117</sup> Early in May a group of unidentified youths stoned the front door of the Adventist church in Borča and smashed the glass. Hooligans struck again at the middle of July, permanently damaging the aluminium church door and writing on it 'Get out of Serbia' and 'Seventh-day sectarians'.<sup>118</sup> Small religious communities were often branded as sects which resort to all kinds of insidious practices. When early in April Olga Ivaniš of Indija jumped from a third storey, media quoted people as saying she had been under pressure from a sect but nobody could say which.<sup>119</sup> A particularly serious incident occurred in Belgrade towards the end of the year when a group of some thirty youths prevented an Anglican priest and about twenty adherents including the British ambassador, Charles Crawford, from entering the Serbian Orthodox Church Patriarchate to attend a traditional Christmas Eve service. The incident was given wide media coverage and condemned by the SPC, non-governmental organizations and political parties. Interestingly, the Serbian Minister for Religious Affairs, Vojislav Milovanović, inexplicably<sup>120</sup> called the affair a 'left-over from the Communist past' although the youths gathered outside the building did not chant Communist slogans but sang church canons and hymns. Were they taken for Communists merely because they did not back down when the

<sup>116</sup> In October 2001, someone had written the following messages on the churchyard walls: 'May God curse you, you filthy degenerates', 'Soul-poisoners' and 'Our love of the Cyrillic is written on our faces'. *Građanski list*, 24 January 2002.

<sup>117</sup> *Danas*, 26 April 2002.

<sup>118</sup> *Danas*, 16 July 2002.

<sup>119</sup> *Dnevnik*, 7 April 2002.

<sup>120</sup> *Danas*, 26 December 2002.

Patriarch himself came out to intervene? Does Mr Milovanović see vestiges of Communism each time a demand by the Church is ignored? If his criteria are anything to go by, then Serbia is still deep in Communism. However, during the drafting on the Law on Broadcasting, nobody objected when the SPC insisted on being allotted air-time by the state RTS channel; it also wanted the drafters to throw in a provision making it obligatory for republican and provincial broadcasting authorities to reserve four hours of prime-time broadcasting a week for religious programmes anytime between 4 p.m. and 10 p.m. on Fridays, Saturdays and Sundays. The request, signed by Patriarch Pavle, also insisted that service broadcasts should not be interrupted by commercials.<sup>121</sup>

These and similar demands should be viewed within the context of the general post-October clericalization of Serbian society, with the SPC in particular striving to go beyond its purview and impose itself as an influential social and political factor. The SPC dropped all pretence and caused a scandal marring the commemoration of the anniversary of the World War Two 'Novi Sad raid' when it threatened to stage an event of its own if the scheduled gathering were addressed by Nenad Čanak, the President of the Vojvodina Assembly. The determination of the SPC to arbitrate and to decide which state official may or may not speak at a public event testifies to its manifest political ambitions.

When the Serb National Movement 'Svetozar Miletić' held its second assembly in Novi Sad at the end of the year, it was addressed by, among others, the Bishop of Bačka, Irinej. He alleged that the 'idea of Serb unity and assembly has been imperilled from within' by 'people devoid of conscience, by impious ones who treat the Serb people with the epithet fascist and who blaspheme their holy Church by calling it clero-fascist.'<sup>122</sup> The statement provoked stormy reactions above all from the ruling DOS parliamentary floor group in the Vojvodina Assembly, which asked 'the Church to desist from interfering in politics...and to apologize to the citizens of Serbia for the insult and calumny.'<sup>123</sup> The SPC replied in a statement released by its Information Service that it failed to see justification for the reaction of the Vojvodina Assembly because the words of the Bishop of Bačka 'could not

<sup>121</sup> *Danas*, 18 January 2002.

<sup>122</sup> *Građanski list*, 16 December 2002.

<sup>123</sup> *Građanski list*, 20 December 2002.

have related to the Vojvodina Assembly, which is not Serb since Serbs are in a minority there.'<sup>124</sup>

## Changes in Ethnic Structure

One can refute the above allegation in the SPC Information Service statement if one merely looks up the national structure of the Vojvodina Assembly: of the 120 deputies, seventy-eight or 65 per cent designate themselves Serbs. Therefore, neither are Serb deputies in a minority in the Vojvodina Assembly, nor are Serbs in a minority in Vojvodina. In a study of Serb population trends in Vojvodina between 1888 and 1991, Miroslav Samardžić asserts that the process of Serb ethnic preponderance in Vojvodina had been completed during the 1990s, having reached 50.4 per cent already in 1948 and increased to 56.8 per cent in 1991. According to the latest data of the Serbian Statistical Office, Serbs at present account for 65.05 per cent of the province's population, which is for all intents and purposes identical with the percentage of their deputies in the provincial Assembly.

The demographic picture of Vojvodina was inevitably affected by the warlike policy pursued during the previous decade. While the population as a whole increased, reflecting an increase in the number of Serbs, the minority population decreased in numbers. Apart from the above reason, the decrease may be attributed to a negative birth rate, economic migration and other causes. It should be borne in mind that the minorities themselves have paid the price of ethnic homogenization and the completion of nation-states. Compared with the population census of 1991, the number of Hungarians fell from 339,491 to 290,207, Croats from 74,808 to 56,546, Romanians 38,809 to 30,419, Slovaks 63,545 to 56,637, Ruthenes 17,652 to 15,626, Germans 3,873 to 3,154, etc. In the case of minorities, the cultural and intellectual drain is no less important than demographic decline. Emigration of young and educated people has thinned the minorities' intellectual elite necessary for the preservation and development of their identity and culture.

But nowhere was the decrease as drastic as in the case of Yugoslavs, once the third largest community after Serbs and Hungarians. Their number fell from 174,295 (8.56 per cent) in

<sup>124</sup> *Građanski list*, 20 December 2002.

1991 to only 49,881 (2.45 per cent), rendering them less numerous than Serbs, Hungarians, Slovaks and Croats. It would be interesting to find out what caused 124,414 Yugoslavs to 'disappear' between the two censuses. The assumption that a great many Yugoslavs were among those who had emigrated is not to be ruled out. Compounded by other causes, repudiation of war and of narrow-minded nationalistic policies, existential uncertainty and fear must have caused many Yugoslavs to leave the country. The population movements in the former Yugoslavia set into motion by war and spurred by violence and threats assumed a strong ethnocentric character: Serbs left for Serbia and Croats for Croatia. However, an ethnic structure can be changed without people actually leaving their homes: at a time when nationalistic conflicts gain in intensity and the public is manipulated to turn against particular ethnic communities, individuals resort to ethnic mimicry after weighing the pros and cons of their declared nationality. For a threatened member of a minority group, changing over to Yugoslav nationality provided a refuge from persecution.

There is nevertheless yet another thing, which should be borne in mind: a regular concomitant of nationalistic policies is an inverse nationalism manifested as hatred of 'renegade' members of one's group. Nationalists tend to regard Yugoslavs as such renegades and consider them even more dangerous than their ethnic rivals because, in their opinion, Yugoslavs undermine the nation from within, weaken it demographically, contaminate it culturally and deprive it of political clout.<sup>125</sup> It therefore comes as no surprise that, during the preparation of the population census, the ethno-nationalists referred to the Yugoslavs as an invention and a fraud<sup>126</sup> and offered to take them back into the warm ethnic fold. Apart from nationalistic considerations, they were prompted to adopt this line by the law on minorities, which makes the use of a minority language and the exercise of other collective rights conditional on certain percentages.<sup>127</sup> The disappearance of

<sup>125</sup> In order to woo Yugoslavs in Subotica, Hungarians put up numerous posters bearing the message 'We count on you so that we may be reckoned with' while the Croat message said 'Smaller people, fewer rights; larger people, more rights'. *Građanski list*, 2 April 2002.

<sup>126</sup> *Dnevnik*, 9 April 2002.

<sup>127</sup> An interesting text on this matter was published by *Građanski list* on 2 April 2002.

Yugoslavs is not only a sign of a changed ethnic structure of the population but of the rise and victory of chauvinist (ethno-)nationalists.

Today, two years since the October 5 overthrow, it is clear that the debacle of the Serb greater-state project has not brought about the collapse of nationalism. There is always a future for nationalism in a society plagued by a devastated economy, great ethnic distance, massive pauperization and severe welfare problems. What is more, nationalism is consolidating, with political, church and civil actors working hard at its normalization. Today's Serbia is truly a multi-cultural society if by that one means a society of nationalists of all kinds. Some analysts say that nationalism has lost in intensity but has gained in breadth. It is penetrating the very depths of society and spreading among all the ethnic communities. There is some 'consolation' in the fact that the nationalists as not as prepared as they were before to enter into mutual conflict and confrontation; instead, they are forced to compromise, form pacts and share material and political gains. Their ambitions are directed above all toward their own ethnic space, the object being to put it under their control, eliminate all competition and establish themselves as the true champions and interpreters of their respective communities. These days they preach pluralism within society as a whole while promoting one-party rule within their own communities. The league of multi-nationalists is leading Serbia towards a state of apartheid where small ethnic communities will fall prey to deals between larger, stronger and better organized nationalists and nationalisms.

## Conclusions and Recommendations

Despite the political turnaround which brought about positive changes in the area of protection of minority rights, nationalistic stances of the majority population still prevail in normative regulation of minorities status. Xenophobia, intolerance of 'other' peoples and ethnic centrist-position are the main hurdles to implementation of the Act on Minorities. Added to that a series of legal acts contrary to the spirit of the Act on Minorities are in place.

Radicalisation of the majority inevitably led to radicalisation of minorities, entailing their closing of ranks and in within the narrow ethnic framework. Consequently social ties are weakening and inter-ethnic solidarity in the society is growing

feeble. In such a situation mediation of the international community, notably of Council of Europe and OSCE is necessary.

Extremist incidents staged by some groups notably, Obraz, Svetozar Miletic, Skinheads, are on the rise, and remain unsanctioned. Added to that the broader community has failed to adequately respond to such incidents.

Prevailing over the entrenched positions of minorities and majority is feasible only if a comprehensive strategy is put in place. That strategy must be geared toward building of confidence measures through education and creation of new political culture and values with the focus on tolerance and dialogue. In those terms a co-ordinated action by domestic and international institutions is necessary.

## Status of Refugees

### Introduction

In resolving the refugee issue in the territory of former Yugoslavia the authorities are primarily guided by their interest to round the ethnic territories. This also applies to repatriation to domicile states. In view of enormous humanitarian aid earmarked for that most vulnerable category of population, the authorities in all the newly-emerged states had enough manoeuvring room for constant manipulation. In the past decade the Belgrade authorities engaged in twofold manipulation: firstly they depicted Serb refugees as victims and encouraged their integration, and secondly, obstructed their return. Such a tack proved to be lethal for refugees, for it increased their confusion and prevented them from taking a firm decision either on return or integration. Such persistent instrumentalisation of which refugees have been fully aware, produced their sanctimonious relations with the authorities, for the latter was to the only viable means of survival and adjustment to the circumstances.

DOS emulated the refugee policy of the Milosevic regime, although that ruling coalition accelerated the citizenship-granting proceedings. DOS strategy heavily reliant on foreign donations, proved to be unrealistic. As regards refugees the new authorities showed only interest in having a large number of refugees permanently settle in Serbia, but failed to tackle in a comprehensive way a host of refugee-related problems. DOS turned a deaf ear to refugees' wish to return, and consequently did not adequately engage in repatriation-related talks with domicile countries.

Results of the March 2002 census in Serbia best illustrated the fear of national masterminds and strategists of Serbs "becoming a national minority" and consequently their wish to keep all refugees in Serbia. Vojvodina which for decades has been recording a sharp fall in birth rate, according to the last census had 58, 120 more citizens, thanks to an enormous influx of

refugees.<sup>1</sup> What makes the Serbian policy paradoxical are consistent efforts of national strategists to retain large parts of territories, regardless of an ever-dwindling number of Serb inhabitants living in them. Thus the reality is at odds with the vision of an ethnically clean Serbia. Belgrade's Kosovo policy should be also viewed in that light. Hence insistence on the return of Serbs to Kosovo is also part of hypocritical policy of Belgrade. It aims at discrediting and blackmailing the international community, and effecting the division of Kosovo.

Prospects for a satisfactory resolution of refugees' problems are bleak, in view of Serbia's poor transition potential. Unresolved state status of Serbia additionally compounds the refugee problem, for ambivalent signals and messages sent to the refugee population only increase their confusion and make them unsure of direction of their orientation. However it bears saying that the loss of image or status of "innocent victims" in the wake of numerous testimonies before the Hague Tribunal has created psychological problems in relations with both the refugee and indigenous population (the latter has been trying to shift the blame for the wars in Bosnia and Croatia on the former).

### Refugee-Related Legislation

Socialist Federal Republic of Yugoslavia (SFRY) acceded to the Convention on the Refugee Status on 15 December 1959, and to the Protocol on the Refugee Status on 15 January 1968. The Federal Republic of Yugoslavia, FRY, accepted all the international acts which constituted the SFRY legal order. Hence its legal obligation to implement and honour both the Convention and Protocol on the Refugee Status. In view of non-promulgation of the Asylum Act,<sup>2</sup> provisions of the 1980 Act on Movement and Stay of Foreigners<sup>3</sup> are enforced in cases of all asylum-applicants. In the chapter titled "The Right to Asylum" the Law spells out all conditions for asylum-granting, the body granting that right to applicants/asylum-seekers, accommodation, social and health care, and bodies granting right to both social and health care and

<sup>1</sup> "Vecernje novosti", 24 November 2002.

<sup>2</sup> 2001 UNHCR ECRE Report titled "Federal Republic of Yugoslavia" accessible on site [www.ecre.org/country/01/FRY.pdf](http://www.ecre.org/country/01/FRY.pdf).

<sup>3</sup> Act on Movement and Stay of Foreigners published in the "Official Gazette of the FRY" 56/80, 53/85,30/89 and 53/91.

extent thereof, and second-instance body dealing with applicants appeals.<sup>4</sup> This Act does not contain the rules of "the safe country of origin" and "the safe third country", nor it is fine-tuned to the Convention's and Protocol's provisions on conditions under which some persons may seek protection in the territory of the Federal Republic of Serbia.<sup>5</sup> If the asylum appeal is rejected, final decision is to be taken by the FRY government.<sup>6</sup> Due to evident incompatibility between the FRY legislation and international standards, notably European ones, in the area of protection of asylum-seekers and immigrants, the Federal Interior Ministry as early as in 2001 started working on the Asylum Bill and amendments to the Act on Movement and Stay of Foreigners.<sup>7</sup> However both the Bill and amendments are yet to be adopted. The FRY is a transit area for immigrants on their way to the Western and Central Europe.

In the course of the year 2000 and 2001 about 200 such individuals sought asylum in the FRY. But before pertinent decisions were taken, they had continued their journeys to the aforementioned countries.<sup>8</sup> Because of an unstable economic and political situation in the FRY it still does not represent a country fit for asylum-seekers and other kind of protection envisaged under the international acts.

In 1992 the Republic of Serbia passed the Act on Refugees.<sup>9</sup> It covers only refugees of Serb and other descent/nationality who had residence permit in the territory of the former Yugoslavia (SFRY)<sup>10</sup> Refugee status of individuals who did not have residence permits in the territories of other republics

<sup>4</sup> *Idem*.

<sup>5</sup> Article 44 of the 1980 Act on Movement and Stay of Foreigners defines conditions for asylum-granting: "A foreigner persecuted on grounds of his democratic views, and advocacy of democratic movements, social and national liberation, freedoms and rights of individuals, and freedom of scientific and artistic creation shall be recognised the right to asylum in the Socialist Federal Republic of Yugoslavia."

<sup>6</sup> Article 49 of the Act on Stay and Movement of Foreigners.

<sup>7</sup> 2001 ECRE Report of the UNHCR.

<sup>8</sup> 2001 ECRE Report of the UNHCR.

<sup>9</sup> Act on Refugees of the Republic of Serbia published in the "Official Gazette of the Republic of Serbia," no. 18/92.

<sup>10</sup> Article 1, paragraph 1 of the 1992 Act on Refugees of the Republic of Serbia defines which individuals under this act have the right to be granted or recognised the refugee status in the Republic of Serbia.



of the former Yugoslavia is covered by the 1980 Act on Movement and Stay of Foreigners.<sup>11</sup> Regulations of that Act are not fully compatible with the provisions of the Convention and Protocol on the Refugee Status. The 1980 Act on Movement and Stay of Foreigners only regulates the right to obtaining the status as defined under Article 50: "A foreigner who has abandoned the country of residence, or the country whose citizen he or is, or who was a permanent resident of that country but without citizenship in order to avoid persecution on grounds of his or her progressive political views and leanings or national, religious, or racial descent may be recognised the status of refugee in the SFRY." The Act furthermore envisages the body competent for taking decision on recognition of the refugee status, second-instance body for taking decisions on granting or depriving of refugee status, provision of funds for accommodation and subsistence for two years from the day on which application for the refugee status has been submitted, and conditions governing the loss of the refugee status. Other rights envisaged under the Convention and Protocol are not regulated either by the federal nor or republican rules.

The 1992 Act on Refugees of the Republic of Serbia was applied only on residents from territories of the republics making up the Socialist Federal Republic of Yugoslavia. It was revised by the Federal Constitutional Court decision.<sup>12</sup> Amended were articles relating to the military service obligation of refugees, which used to be equal to the one of domicile conscripts, and those relating to the loss of the refugee status in case of non-fulfilment of military obligation. That Act envisages conditions under which the refugee status is obtained, the body competent for establishing the refugee status and loss thereof, the body in charge of taking decisions on appeals against first decisions, identification documents, provisions on accommodation of refugees, financial assistance rendered to refugees, obligation to register and de-register place of residence, the right to health care, education and employment, the labour obligation, protection of collective and individual rights of refugees, competence and prerogatives of bodies dealing with

<sup>11</sup> The SFRY Act on Movements and Stay of Foreigners, chapter "Refugees", from article 50 to 60.

<sup>12</sup> The said decision published in the "Official Gazette of the FRY" 42/2002-10 establishes that Article 1, para.2, article 18, para. 2 and article 18 para. 1 are not compatible with the FRY Constitution and the Convention of the Refugee Status.

refugees (the Commissariat for Refugees), manner of obtaining funds for the refugee care and accommodation

The republican Commissariat for Refugees is currently working on a refugee-related Bill, while the other bill is being drafted at the proposal of the UNCHR and Association of Refugees. Branko Radujko, adviser to the government of the Republic of Serbia announced the adoption of the new Act on Refugees, and formation of the action group tasked with fine-tuning the pertinent proposals.<sup>13</sup> Dario Karminati, President of the UNHCR in Yugoslavia, announced passing of the new Federal Act on Refugees, regulating the status of individuals with residence permits in the states outside the territory of the former Yugoslavia.<sup>14</sup> The FRY in the meantime was elected a new member of the Executive Board of the UNHCR.

Sandra Raškovic-Ivic, the republican Commissioner for Refugees, in the late June 2002, stated that the republican government was preparing the Act on Displaced Persons, aiming at regulation of property and social rights of displaced persons from Kosovo.<sup>15</sup> This Act like the Act on Refugees, the Federal Act on Refugees, the Act on Asylum, is yet to be passed.

## National Strategy

Sandra Raskovic, the republican Commissioner for Refugees, presented the National Strategy for Resolution of the Refugee and Displaced Persons Issues in June 2002. According to then disclosed data the FRY is the country with the largest number of refugees and internally displaced persons in Europe. According to the last census carried out in 2001 in Serbia there were 377,000 registered refugees from the Republic of Croatia and Bosnia and Herzegovina, about 230,000 internally displaced persons from Kosovo and about 75,000 war-affected persons.<sup>16</sup> The government's strategy is two-tiered: resolution of the status of

<sup>13</sup> "Blic" of 25 September 2002, article titled "Government Disgruntled with the Commissariat Work", page 7.

<sup>14</sup> "Politika" of 9 May 2002, article headlined "Responsibility for the Refugee Care," page 10.

<sup>15</sup> "Glas" of 26 June 2002, article titled "Return Shall Last Many Years."

<sup>16</sup> "Blic" of 26 June 2002, article titled "Return Shall Last Many Years."

refugees and of the status of internally displaced persons from Kosovo.

Strategy related to refugees is based almost exclusively on personal orientation of refugees. During the census refugees faced two options: repatriation/return or stay in Serbia. The census results indicated that over 60% of them wanted to remain in Serbia, while only 5% opted for return. 35% were undecided.<sup>17</sup> On the basis of the said findings the National Strategy laid the emphasis on the resolution of the refugee problem through integration.

As regards internally displaced persons from Kosovo, the strategy does not base resolution of their problems on their wishes/orientation (return or integration) but exclusively on the process of return to Kosovo. This tack is compatible with the strategy of the government of Serbia for the resolution of the status of Kosovo. Prime Minister Đinđić stated: "We demand that Serbs in Kosmet be a constituent element and be granted collective, and not individual rights. I for one think that the time is running out, and that the resolution of that issue in the province must be accelerated. Therefore I demand an immediate debate on the resolution of the status of Kosmet. In two years time, any such solution would turn out to be tardy, in view of Kosovo's gradual morphing into the state."<sup>18</sup>

However the government's position on return of displaced persons from Kosovo is not shared by Sandra Raskovic,<sup>19</sup> the republican Commissioner for Refugees. The forgoing essentially indicates two different views on the problem of Kosovo. According to Sandra Raskovic "the state's insistence on displaced persons' return is immoral, for in the meantime the authorities don't even

<sup>17</sup> "Politika" of 9 May 2002, article headlined "Responsibility for the Refugee Care," page 10.

<sup>18</sup> "Blic" of 17 January 2003, article titled "Kosovo Evolves into the State", page 3.

<sup>19</sup> [www.icty.un.org](http://www.icty.un.org) Sandra Raskovic as a psychiatrist and psychotherapist specialising in traumas of raped women, was a defence witness in the Hague courtroom on 12 December 2000. She then, inter alia, stated: "I could not detect grave consequences of the event described by witnesses. Quid non es in actus non es in mundo, therefore, what is not written in medicine, has never happened." This statement essentially confirmed non-existence of the post-traumatic syndrome among the raped women, or the fact they had not been raped, for they could not present medical documentation on psychiatric treatment."

try to provide them with opportunities to find permanent solutions in Serbia. They are facing the fourth winter of their exile here and they must ponder their own and their children's future instead of waiting for an uncertain return. It is immoral to let people wait for 10 years, and only then tell them: "Results were not good, let's now look for a new solution."<sup>20</sup>

While conceiving its national strategy the government of Serbia failed to consult refugees or their associations. Milorad Muratovic, President of Association for Assistance to Refugees and Displaced Persons, voiced his doubts regarding the veracity of the Commissariat figure on potential returnees. He said that those willing to return outnumbered those officially declared as potential returnees. He said that the "local integration was not successful, therefore the return is the only solution, as indicated by the poll in which 259 refugees of a total of 281 respondents were in favour of return."<sup>21</sup> This Association communicated to the general public that "the conservative practice of exclusion of wishes of refugees continues, although the repatriation process primarily hinges on the will, interests and possibilities of refugees proper."<sup>22</sup> Dusan Banjac, President of Association "Return of Expelled Krajisniks" raised similar objections. Namely he underscored "it is only natural that the majority of refugees opted for the 'local integration' on the census ballot, for they expect assistance from the state. On the other hand it is also natural that the majority of expellees have an ambivalent position on the return."<sup>23</sup>

Belgrade weekly "Vreme" carried out a poll on refugees' views on the national strategy. Neither refugee associations nor psychologist took part in elaboration of the official strategy, although they could have given valuable recommendations on behalf of refugees. That caused major suspicions of refugees and by extension called into question the relevance of the project. Strategy is based only on last year's registration-related figures "when people opted for stay in Serbia or return to Croatia and

<sup>20</sup> "Glas" of 11 October 2002, article headlines "State Turns Displaced Persons into Hostages."

<sup>21</sup> "Danas" of 13 March 2002, article headlined "Authorities Act as if We Were Invisible".

<sup>22</sup> "Politika" of 17 June 2002, article headlined "Representatives of Refugees Should Have a Say Too."

<sup>23</sup> "Politika" of 24 October 2002, article headlined "Young People - Driving Power Behind Advocacy of Return", page A9.

Bosnia and Herzegovina. Those who decided to remain did not inquire about further plans, that is, where they would live, what they shall do."<sup>24</sup>

Radenko Popic, representative of the Regional Committee for Assistance to Refugees living in Vojvodina, was the most vocal faultfinder of the national strategy. According to him that strategy was very bad for it did not reflect problems of refugees, and "every delay produces new problems." He also said, that "the state and competent bodies failed to contact persons familiar with refugees problems and in the provincial government no-one is in charge of refugees and displaced persons issues. That amply indicates the official negligence and disregard for the fact that half of recent refugees live in Vojvodina."<sup>25</sup>

Other indicators call into question 60% refugees inclined towards integration into Serbia. For example by the end of 2001, 17,000 owners of houses and flats applied for restitution of their property in Croatia. Those applicants took on the obligation to return to Croatia if the local authorities repaired and renovated their houses.<sup>26</sup> OCSE maintains that 50,000 Serbs from the Republic of Croatia would go back with their families if their flats were restituted. All the foregoing indicates that a considerable number of refugees are yet to take a final decision on integration or return, pending on their interests in Serbia or in Croatia.

There is still much confusion regarding the number of refugees with refugee status living in Serbia and the number of those who according to the UNHCR, and the government of Serbia have returned to the Republic of Croatia. According to UNHCR of 200,000 Serbs who fled Croatia in the wake of the 1995 "Storm" Offensive, 90,000 have returned in early 2002. In 1996-early 2002 period the Croat authorities have registered about 29,000 returnees from the Republic of Serbia.<sup>27</sup> According to the estimate of the Commissariat for Refugees of the Republic of Serbia in

<sup>24</sup> "Vreme" of 28 March 2002, article titled "Opting for the Social Spotlight", pages 34-36, author Jelena Grujic.

<sup>25</sup> "Politika" of 28 March 2002, article headlined "National Strategy for Refugees", page 10.

<sup>26</sup> Interview with Sandra Raskovic-Ivic ran by "Politika" on 22 July 2002 under the headline "Willing to Remain, Unwilling to Return."

<sup>27</sup> "Reporter" of 23 January 2002, article titled "My Dear, Long-Suffering Friends", pages 19-21, penned by Vesna Tasic and Miodrag Markovic.

1996-2002 period 30,000 refugees from Serbia returned to the Republic of Croatia.<sup>28</sup>

According to January 2002 UNHCR data 425, 307 displaced persons and 385, 788 refugees returned to Bosnia and Herzegovina, that is: 271,078 displaced persons and 352,863 refugees returned to Federation and 146,405 displaced persons and 32,925 refugees returned to Republika Srpska. UNCHR established that among returnees to B&H there were 500,000 Bosniaks, and about 180,000 Serbs. Of minorities, most numerous were Serb returnees to Federation (42,669), while in the course of 2001 16,600 Serbs returned to Sarajevo.<sup>29</sup>

According to UNHCR in 2002 5,600 displaced persons returned to Kosovo from Serbia, Montenegro and Macedonia. 60% of them were Serbs.<sup>30</sup>

On the basis of the divulged data one can note that a large number of refugees shuttles between Croatia and Yugoslavia and B&H and Yugoslavia. This is due to the fact that many refugees who have attained their status rights still face unresolved property problems in Croatia (they were either stripped of those rights or their property has been seized). Thus they still live in Yugoslavia waiting for better repatriation conditions.

However Milorad Muratovic stressed that the official bodies of Serbia and FRY Yugoslavia did not disclose the real number of returnees, or "even tend to intentionally reduce it." According to his estimate the number of returnees is five times superior to the one registered during census. In his opinion the most serious problem is lack of subsistence of refugees upon their return. He mentioned the protest of 25,000 returnees to Sarajevo who in their open letter to the public stated, that "they would be compelled to sell their flats in Bosnia in order to survive."<sup>31</sup>

Obstruction of property restitution process, notably in Republika Srpska affects repatriation in the part of B&H. According to Radenko Popic "the ongoing practice of marginalisation of refugees by official institutions should be

<sup>28</sup> Interview of Sandra Raskovic-Ivic, ran by daily "Novosti" of 24 June 2002, under the headline "Empty Plates."

<sup>29</sup> Idem as foot-note 24.

<sup>30</sup> "Blic" of 28 December 2002, article headlined "Displaced Persons Prioritised Recipients of UNHCR aid.", page 7.

<sup>31</sup> "Reporter" of 25 June 2002, article titled "Aid Ends in Hands of Others," page 35-37, penned by Ejub Stikovac.

stopped."We insist on concrete measures by each municipality aiming at accelerating the return and attainment of property rights of refugees and displaced persons in Republika Srpska and consequently in the whole territory of B&H."<sup>32</sup> He criticised Serb and Yugoslav state institutions for failing to render support to refugees associations. In his words "as uncooperative are institutions in Republika Srpska." His words were backed by the following statement of Drago Vuleta, Deputy Minister for Refugees and Displaced Persons in Republika Srpska "of 105, 554 applications/claims for property restitution in Republika Srpska only 52,974 were resolved by August 2002".<sup>33</sup>

Integration-minded national strategy has two goals: accommodation/housing of refugees and employment of the poorest refugees. The latter is resolved by dint of so called in-kind grants, granting of basic labour means, loans for setting up and developing small-scale companies, employment in the successful companies, interest-free micro-loans and grants given to the young and vocational re-training of workers. The government plans to find permanent housing for 240,000 refugees from Croatia and Bosnia by purchasing land allotments and holdings and distributing building material for adaptation or building of houses.

Refugees who have sold their property in B&H and started building single-handed new houses shall get packages of building material. Refugees from collective centres shall be taken care of through the program of social flats (yet to be built) or through resettling the elderly and infirm in gerontology centres or rest-homes. Financially solvent refugees would solve their housing problem through housing loans/mortgages (up to 20 years). It is estimated about \$ 680 million are needed for implementation of this program and that the process of integration would last 8-10 years.<sup>34</sup>

\$600 million are needed for housing of 170,000 refugees in the next three years. \$500 is expected from the international community, while \$ 100 million shall be provided from the republican budget.<sup>35</sup> In 2002 Serb government earmarked \$ 5

<sup>32</sup> "Danas", of 6 February 2002, article "Unsustainable Sidelining of Returnees."

<sup>33</sup> "Blic" of 2 August 2002, article "Accelerated Restitution of Property to Displaced Serbs," page 6.

<sup>34</sup> "Blic" of 30 May 2002, article "\$ 680 Million Needed".

<sup>35</sup> "Blic" of 26 June 2002, article "Return Shall Last Many Years."

million for housing of refugees. But foreign donations, alike the government funds for that purpose were scarce. Even the earmarked funds were not used for the original purpose, due to a disagreement with the Commissariat for Refugees. Sandra Raskovic Ivic stated that "the government's project was discontinued,<sup>36</sup> for the Commissariat assessed that funds incompatible with the projects of national strategy would be squandered." She also complained that she was under much criticism for allegedly "favouring other projects", which in her words had been agreed upon before adoption of the national strategy.<sup>37</sup>

Commissariat tried to build 100 flats and purchase 230 holdings through the "PMC Engineering" Company. But according to Sandra Raskovic "the government did not want mediation of a military construction company." She maintains that "the project was suspended because she, as a member of Democratic Centre Party supported the DPS presidential candidate Mr. Kostunica."<sup>38</sup> Branko Radujko denied her assertions and stated that the project suspension was due to some vague implementation criteria.<sup>39</sup>

Expected foreign donations (to the tune of \$ 500 million) did not materialise, due to non-holding of relevant donors' conference. EBRD's 20 million EURO (for building of 1,500 flats for refugees accommodated in collective centres) was not granted because of Serbia's failure to accede to Council of Europe. Italian NGO "Cooperazione Italiana" pledged funds for building of 700 social flats in the territory of Republika Srpska, 70% of which would go to refugees living in collective centres. But implementation of that project was postponed for March 2003.<sup>40</sup>

<sup>36</sup> "Novosti" of 22 September 2002, article headlined "Harsh Winter Is Setting In.", page 3.

<sup>37</sup> "Blic" of 25 December 2002, article "Government Disgruntled with the Commissariat's Work", page 7.

<sup>38</sup> Sandra Raskovic actively participated in Kostunica's presidential campaign and called on all refugees to vote for Vojislav Kostunica.

<sup>39</sup> "NIN" of 3 October, article "Prime Minister Versus Commissioner", penned by Biljana Mitrovic.

<sup>40</sup> "Blic" of 12 November 2002, article "Integration Impossible Without Flats and Jobs" page 8.

In the course of 2002 ECHO distributed about 1,000 building material packages to refugees.<sup>41</sup> ECHO and the Norwegian Council for Refugees financed adaptation and expansion of rest-homes in Smederevo, Bečej, Šabac and Kanjiza accommodating about 150 elderly and infirm refugees.<sup>42</sup> German organisation ASB with UNHCR allocated EURO 400,000 for construction of 24 flats, 17 for refugees and 7 for homeless people in municipalities Bujanovac and Medveđa.<sup>43</sup> The Swiss Agency for Development and Co-operation together with UNHCR and Municipality of Nis ensured funds for construction of 20 flats in Nis, to provide housing for 85 refugees.<sup>44</sup> According to Sandra Raskovic Ivic in 2002 200 houses for refugees were built. She failed to name the area and the financier.<sup>45</sup> She added that Commissariat together with Board for Reconstruction and Recovery purchased 50 flats for refugees. However she failed to mention the location, the nature of funds and flats (HP flats or gratis flats).<sup>46</sup>

Results of national strategy in 2002 were very modest. According to Mileta Dakic, President of Association for Assistance to Refugees from the Republic of Croatia, "the core issue are intentions of the domicile state. If the construction of flats for refugees continued at the current pace, housing problems of all refugees would be resolved in 700 years. We know that the FRY, ravaged by sanctions, does not have the funds for helping integration of refugees, but it is doing very little to help the return of of Serbs to their homeland currently under the Croat sovereignty."<sup>47</sup>

National strategy is obviously unrealistic for integration is obviously based on expectations of major foreign donations, amounting to EURO 500 million, geared for housing of refugees.

<sup>41</sup> "Politika" of 17 October 2002, article "No-one Shall Remain Homeless".

<sup>42</sup> "Blic" of 17 May 2002, article "Loans for Refugees" page 7.

<sup>43</sup> "Glas" of 6 July 2002, article "You Are No Longer Refugees".

<sup>44</sup> "Blic" of 15 May 2002, article headlined "20 Flats for Refugees".

<sup>45</sup> "Danas" of 1 July 2002, article headlined "Flats for Refugee Families".

<sup>46</sup> "Vreme" of 19 September 2002, article headlined "Who Am I Bothering?", pages 24-25, penned by Jelena Grujic.

<sup>47</sup> "Nedeljni Telegraf" of 19 June 2002, article headlined, "New Blockade at River Drina Is Being Put in Place", page 33, penned by Radosav Mikic.

Even the amount of \$ 5 million ensured by the government of Serbia was not used for that purpose, because Sandra Raskovic Ivic had tried to implement projects out of sync with the strategy of integration. She stated that "the Commissariat did its best, but the projects were rejected on grounds of their incompatibility with the government's national strategy. But in my mind that strategy is not a constitution. We should first cater to the needs of refugees."<sup>48</sup>

Thus unrealistic expectations of international community's further refugee-target assistance covering 240,000 people are out of sync with the Spirit of Convention on the Status of Refugees, and fundamental logic. Statement of Mileta Dakic that "the media focus on refugees only through the strategy of integration, although that document has not been fully disclosed" best attests to the refugees' perception of the very strategy." According to Dakic "the strategy's principal goal should be preservation of our (Serb) national territories, or our 88% strong- land register in Krajina, for no people on the earth pursue the strategy of renunciation of their lands."<sup>49</sup>

Resolution of the issue of displaced persons from Kosovo is exclusively tied to the return to Kosovo, which indicates that the current, like the former authorities, have accorded the same treatment to refugees. To put it briefly, refugees and displaced persons are treated as an instrument for attainment of political goals and state interests.

## Life in Serbia

Twenty thousand refugees and 11,393 internally displaced persons are currently accommodated in refugee centres.<sup>50</sup> Government of Serbia plans to close down all collective centres by the year 2005 "which presupposes a timely accommodation of current residents of those centres."<sup>51</sup> Commissariat and Serb government plan to close by the end of 2003 98 of a total of 343

<sup>48</sup> "Vreme" of 19 September 2002, article "Who Do We Bother?", pages 24-25, author Jelena Grujic.

<sup>49</sup> Idem as foot-note 44 .

<sup>50</sup> "Politika" of 22 July 2002, article headlined "More Willing to Remain, Then To Return".

<sup>51</sup> "Politika" of 17 October 2002, article headlined "There Shall Be No Homeless."

collective centres in Serbia. 6,363 refugees would be moved out from those collective centres. 1,408 displaced persons would be accommodated in other collective centres, while a permanent solution for housing of refugees would be sought. The Commissariat pledged to those refugees awaiting restitution of their property, monetary assistance, food provisions for three months and paid removal expense.<sup>52</sup>

Government of Serbia and the Commissariat for Refugees announced revision of collective centres and re-assessment of status of refugees. This prompted Sandra Raskovic Ivic to state that "Many refugees with the refugee status managed to have their whole or part of property back. Some elderly refugees even managed to leave their flats in Bosnia to their sons and daughters while still exercising their refugee status."<sup>53</sup>

Life of refugees fits into the general socio-economic picture of Serbia. It has been ascertained that 70% of refugees and displaced persons are black marketeers. Quality of life in collective centres depends on the accommodating capacity and the actual number of refugees living in them. Let us touch on the situation in Kraljevo and Kragujevac, the two towns impacted by the influx of displaced persons from Kosovo. Displaced persons from Kosovo have been recently bringing pressure to bear on the municipal commissariats to accommodate them in collective centres.<sup>54</sup> Situation in those centres is additionally exacerbated by the decision of many international humanitarian organisations to downsize or stop the aid to refugees in collective centres. WFP decided to continue distribution of aid only to most vulnerable refugees in 2003. After that all its aid programs in Serbia would be suspended.<sup>55</sup> Kevin Menion, Head of ECHO in Belgrade announced withdrawal of humanitarian organisations from Serbia, for, as he put it, "we cannot continue to finance humanitarian assistance in Serbia, in view of existence of more threatened areas in Africa and in the Middle East. The fact is that in Serbia the war consequences are still very much felt and that they shall be also felt in the next

<sup>52</sup> "Glas" of 15 December 2002, article titled "New Accommodation for Refugees".

<sup>53</sup> "Glas" of 16 September 2002, article headlined "Imminent Revision of Refugee Status".

<sup>54</sup> "Politika" of 20 June 2002, article titled "Trouble with Rents".

<sup>55</sup> "Politika" of 27 April 2002, article headlined "Assistance Only to Refugees".

five or six years, but that does not justify our further money-spending here."<sup>56</sup>

In the territory of municipality of Zemun three make-shift refugee settlements have mushroomed. They have all been built illegally, without corresponding building licences. They don't have running water, electric power and paved roads. The worst situation is in settlement Grmovac "which cannot be legalised because houses were built on farmland. Its 1,200 inhabitants have been without water and power for six years now."<sup>57</sup>

## Repatriation

Repatriation figures vary, notably as regards the number of returnees to the Republic of Croatia. Restitution in most cases is still not feasible. Issue of tenancy rights and restoration of destroyed houses is yet to be solved. Returnees also face the problem of economic integration. Their predicament is additionally exacerbated by withdrawal of many donors from Croatia. The foregoing shall make more difficult sustainable repatriation of refugees.

The Croat Parliament in July 2002 adopted amendments to the Act on Repeal of the *Act on Interim Take-Over and Management of Property* and the *Act on Compensation for Property Seized during the Yugoslav Communist Rule*. The amendments suspended points 9,10, and 14 of the *Program on Return and Accommodation of Expellees, Refugees and Displaced Persons*, and Article 2 of the Act on Repeal of the Act on Interim Take-Over and Management of Property. This practically indicates suspension of Housing Commissions, and transfer of their tasks and duties to the Ministry for Public Works, Recovery and Civil Engineering. But the novelty is the right of owner of property to file appeals for establishment of ownership and eviction of interim lodgers to the competent municipal court, which is duty-bound to act immediately upon such appeals. The new Act also spells out that that the Ministry for Public Works is duty-bound to take restitution decisions (at the latest by 31 December 2002) relating to all owners who have not filed appeals by 1 August 2002. Under

<sup>56</sup> "Danas" of 8 March 2002, article headlined "Next Year Donations Shall Ebb".

<sup>57</sup> "Danas" of 13 November 2002, article titled "Forgotten in the Wasteland", page 11.

the new provisions those refugees who had lodged appeals before 1 August 2002 should receive relevant decisions by 30 October 2002. But owners who receive the said decisions shall not be able to enter into possession of their property until adequate accommodation is ensured for interim lodgers. As the Ministry for Public Works under the new law is empowered to rent the said property, this is a new window of opportunity for accommodation of interim lodgers who cannot be accommodated otherwise.

Amendments to the second Act relate to the right to compensation of property owners whose property had been seized in the post-WW2 period either by confiscation, agrarian reform or nationalisation. Amendments also relate to the right to property compensation of those owners or heirs who in 1991 had residence in the UNTAES-administered territory. Thus refugees living in Serbia are entitled to file their compensatory damage applications at the latest by 5 January 2003. But that right was not accorded to refugees who in 1991 had resided in the territory of Croatia, outside so-called Republika Srpska Krajina.<sup>58</sup>

One of the most salient examples of successful return is village Cukur in municipality Hrvatska Kostajnica. According to the data of the Norwegian Council for Refugees 80% of the pre-war population, mostly young people, returned to the village. The obvious advantage of that village was complete restoration of all houses by the NCR.<sup>59</sup>

The FRY-Croat ratified agreement on pension insurance (2001) is yet to be implemented. Namely ratification instruments have not yet been exchanged.

In contrast to Croatia, the return to Bosnia is visibly more intensive. That large-scale repatriation was boosted by restitution of property to refugees with tenancy rights, and restoration of destroyed houses financed throughout 2002 by numerous international organisations. Helsinki Committee for Human Rights as an implementing partner of the International Rescue Committee registered in 2002 over 200 families interested in return to municipality Drvar. 80% of registered families have already returned and are waiting for the IRC-and other international organisations-funded restoration of houses.

<sup>58</sup> "Blic" of 31 July 2002, article titled "Restitution of Expellees Property Facilitated".

<sup>59</sup> "Reporter" of 19 September 2002.

Thanks to international donations for property repair, 70% of the pre-war population returned to municipality Grahovo. We have also registered great interest in return of former inhabitants of the current cantons 1 and 10, composed of municipalities Bihac, Krupanj, Sanski Most, Kljuc, Kupres, Glamoc, Drvar and Grahovo. According to Dusan Banjac nearly 80% of the pre-war residents would like to return to their homes if they are repaired.<sup>60</sup>

In 2002 repatriation to Tuzla and Sarajevo was stepped up. According to the Association for Assistance to Refugees 300 families have filed applications for return to Tuzla to municipal authorities in charge of housing issues, while by mid-September thanks to mediation of that association 158 families effected that return. Milorad Muratovic, president of the aforementioned association, said: "My organisation has 94,000 applications for return to Sarajevo canton."<sup>61</sup> But it bears mentioning that repatriation to Bosnia is exacerbated by a grave economic situation and poor employment prospects, all of which lessens refugees chances for full socio-economic integration."

### Position of Resident Population on Refugees and Displaced Persons

Bad economic situation in Serbia, a difficult transition, and all the problems stemming from the recent past, including non-facing up to war crimes and denial of defeat led to massive rationalization, and shifting of the blame for failures and defeat on others, including refugees. Milosevic trial in the Hague and a large number of testimonies by Serbs from Republika Srpska Krajina and Republika Srpska have increased the animosity towards refugees who are being scape-goated for all troubles of Serb people. Added to that hate speech and incidents targeting refugees from Croatia, Bosnia and Kosovo increased.

In Kraljevo one citizen opened fire on the car with Kosovo license plate and wounded four persons. That incident was provoked by interview of Ljubisa Jovasevic, Mayor of Kraljevo to the daily "Pravi Odgovor". Namely Jovasevic objected to employment of displaced persons from Kosovo in customs offices,

<sup>60</sup> "Politika" of 24 October 2002, article titled "Young People-Driving Power Behind Return".

<sup>61</sup> "Politika" of 18 September 2002, article headlined, "Smooth Repatriation to Tuzla and Sarajevo".

PTT, Power-Generation Company, and vocally prioritised employment of 13,000 jobless Kraljevo denizens. He said: "Kosovo Serbs have habits which are totally contrary to habits and mind-set of domicile population. They also brought large quantities of weapons and money obtained through plunder or sale of their own property. They keep buying shops and flats, although they regularly receive aid in kind, notably food provisions, from the Red Cross. But they sell that food at local markets. All the foregoing irritates Kraljevo Denizens and I fear that large-scale conflicts are quite possible in the near future."<sup>62</sup>

Ljubisa Tumbakovic, former coach of football club "Partizan" provoked an incident at the 16 November press conference in Belgrade. He told a sports reporter of RTS, Nedeljko Kovinjalo: "Listen you refugee, I shall be the cause of your undoing here in my Belgrade!" That statement was condemned by management of the football club, Association of Journalists of Serbia and Association of Serbs from Croatia and B&H in Vojvodina, which furthermore assessed that "Tumbakovic's words insulted all refugees in Serbia."<sup>63</sup> Tumbakovic subsequently tried to right the wrong by saying that he personally helped many refugees in Bosnia and Croatia, but the fact remains that such and similar incidents by public figures have an impact on public opinion and heighten the tension and intolerance towards refugees.

## Conclusions and Recommendations

- Refugees are still politically instrumentalised in the face of de facto defeated Greater Serbia project. This is best reflected in the integration-oriented policy of Serb government in the face of wishes of many refugees to return.
- Bad economic situation in Serbia and lack of Serb funds for resolution of the refugee problem led to an ill-designed and unrealistic national strategy exclusively reliant on the international community's funds. But donations hinge on certain

<sup>62</sup> Humanitarian Law Fund press release ran by daily "Danas", weekend-issue, 20-21 April 2004, titled "Mayor of Kraljevo Fans Intolerance."

<sup>63</sup> "Blic" of 18 November 2002, article titled "Sports Journalists Refuse Apologies".

international criteria and standards, which are contrary to Serbia's potential and intentions.

- Due to poor assessments of potential international donations and insistence on integration, refugees were denied possibility for other solutions, notably repatriation. In fact Belgrade is compelling refugees to integration, by insisting on their sale of property and application for tenancy rights.
- Unless economy is revived refugees shall remain part of pauperised population, prone to political manipulation. Therefore the international community, notably EU should draw up a comprehensive strategy aimed at economic revival of the region.
- All the regional governments alongside the international community, notably humanitarian organisations and agencies, should focus on repatriation, due to a large number of refugees being expressly interested in returning to their homes.



## Status of Media

### Introduction

Problems in the media sphere in the second year of the DOS rule were exacerbated and became much more transparent. The legal framework ensuring free work of media and affirmation of journalistic profession was not put in place. In July 2002 the Act on Radio Diffusion was passed, but its implementation is still pending. Despite numerous official announcements the Act on Public Information, Telecommunications, and Free Access to Information is yet to be debated by parliament. Overhaul of the key state-run media., notably of the Radio-Television Serbia, or their morphing into the public services is yet to be effected.

On the other hand radical polarisation between former DOS members ( a camp rallying around Democratic Party and a group of parties rallying around Democratic Party of Serbia) affected the media sphere too. Most media have divided loyalties, that is their editorial policies are either under sway of DP or DPS. Thus numerous media have become instrumental in continuing showdowns of officials of the two parties who tend to leak "exclusive information" to the assorted or rather loyal media, all the while insisting on secrecy of sources thereof. Most of thus disclosed information were run without prior certification of their veracity. Hate speech was much used during the pre-election race last summer, which cast doubt on the professional ethics of journalists.

Various key issues, notably the character of economic reforms, privatisation, corruption, economic wrongdoing during the Milosevic era, co-operation with the Hague Tribunal, war crimes, Kosovo, relations with Montenegro, were overshadowed by those inter-party conflicts and showdowns. Those topics were touched on only through various statements of representatives of the ruling elite, or at official press conferences. This helped create stereotypical pictures, while analytical and research journalism was totally sidelined. Kosovo issue was treated uniformly, only

within the context of problems of the Serb national community. In competing for wider readership and better frequencies the media make concessions to the ruling elite and consciously renounce their key role in this stage of society's development, namely a critical appraisal of the processes and trends which have a key impact on the socio-political scene and the future position of Serbia.

Number of criminal proceedings against the media is very large (about 200), and journalists are tried under the Penal Act envisaging even prison terms or under the Act on Obligatory Relations, envisaging exorbitant fines. Political pressures on the media notably in some provincial milieus are frequent. On the other hand many media engage in gutter journalism in a bid to ensure better sales and wider readership. Uncertified information given by certain interest groups is prioritised in material breach of the journalistic professional code and at the expense of reputation and interests of certain local bodies, parties and individuals.

Research journalism is almost non-existent, not only because of poor media-related legislation, and not very auspicious social climate for that kind of media genre, but because of the situation in the media proper. Other most conspicuous reason is self-censorship. According to Safeta Bišovac, journalist of "Danas"<sup>1</sup>, "Journalist tend to draw a line, and limit the contents and style of their articles. Many journalists are loyalists of the old and new regime, and their positions have nothing to do with the authorities pressures. Thus it is unrealistic to expect more serious media in Serbia."

Mirjana Vujovic, journalist of "Danas" and Belgrade's correspondent of TV B&H explains that "journalists are aware of the fact that certain structures of the former regime have not been placed under control of the new state bodies. Therefore they are not ready to put their lives and careers on the line."<sup>2</sup> Vujovic added: "Recently I was tasked with taking photographs of the house in which Ratko Mladic was allegedly hiding. I was terrified for none of by-passers or residents was willing to let on anything, or show me that house, his hiding place. Thus I don't believe that any journalist would get an adequate protection from his medium, or any other organisation if something untoward befell him or her." She went on to note: "Many journalists say that the riskiest task is

<sup>1</sup> Interview of Helsinki Committee.

<sup>2</sup> Interview of Helsinki Committee.

the one involving writing about alleged connections between the new authorities and mafia. Recently an editor-in-chief refused to publish a scoop, because, in his own words 'why would we disclose it and risk to have a bomb planted in our office, while the Interior Secretary keeps mum.'

On the other hand, underpaid staffers are not motivated enough to tackle certain topics. Large number of journalists employed by the state-run media gained their professional experience only through press conferences and press releases/communiqués.

Numerous media, notably the electronic ones, are barely surviving. In the imminent future, following the enforcement of the yet-to-be-passed Act on Radio-Diffusion, their number shall be halved. Many TV and radio stations face an uncertain future. They don't know if they shall be privatised, transformed into the public service, or closed down due to insolvency. The unresolved ownership issue also burdens development of media, which stand good chances of being greenlighted by the new Act.

The market conditions are not equal, and competition is tough, for many media are in a better position because of the large capital amassed thanks to their close ties with the former regime. On the other hand the new authorities have not taken steps to probe into the origins of that capital. TV Pink is the most conspicuous example of the foregoing. That TV station, unlike other stations, notably the national RTS, thanks to its state-of-the-art technology is in the position to develop constantly. It adjusted its editorial concept to the ideas of the ruling party. The latter shall ensure its survival and good changes for getting the national frequencies. When some media raised the issue of the background of TV Pink's capital, that TV station launched a smear campaign against its opponents. The footage shown included details from private lives of Pink's opponents, and its structure and contents were reminiscent of police files (sources of the broadcast information were not disclosed). Added to that TV PINK tried to demonise its main rival in the competition for national frequencies, and to induce a divide in TV B92, by airing by airing footage on the TV-B92 privatisation scandal.

## Media-Related Legislation

Since 5 October 2002, only one law was passed. Namely in July 2002 the Act on Radio-Diffusion was adopted (but not enforced). The Act on Public Information, Telecommunications and Free Access to Information is yet to be passed.

The last deadline for election of the Council of the Agency for Radio-Diffusion was 27 October 2002.<sup>3</sup> Ivan Andric, president of the parliamentary Committee for Culture and Information, stated in late October that "the reason for this delay was very simple: parliament was not convening."<sup>4</sup> This council shall have 9 members, a mandate for granting of national frequencies, and a series of other important powers.

Originally a 15-member Council (two members to be proposed by the government of Serbia and Executive Council of Vojvodina) was planned. Its subsequent downsizing 9 members, under the final bill, indicates an increased influence of the state (four members are to be proposed by assemblies of Serbia and Vojvodina, government of Serbia and Executive Council of AP Vojvodina.) Other members shall be appointed by University, the SOC and religious communities, NGOs, journalistic, radio-diffusion, and professional associations of journalists, artists and composers. It is paradoxical that professional associations of journalists (three altogether) together with radio-diffusion companies and associations of dramatic artists and composers are entitled to have only 1 appointee to the council, as do representatives of all religious denominations in Serbia. Therefore the voice of the media representatives in the body dealing with media has the same importance and weight as the voice of representatives of church and religious denominations. Final say about the council's members proposed by NGOs and institutions shall have Serbian parliament. That means that the council's composition shall depend on the balance of power in parliament. Eight members are to be elected by parliament. While one, from the Kosovo, shall be elected by Council (and all this in the situation when the law cannot be enforced in Kosovo).

Council of Agency for Radio-Diffusion must be unbiased, for its main task is to halve the existing number of radio and TV station and decide which stations are to be closed down. Ivan

<sup>3</sup> "Danas" 3 October 2002.

<sup>4</sup> "Danas" 26 October 2002.

Andric, President of the parliamentary Committee for Culture and Information stated that in Serbia there were more than 1,200 radio and TV stations, while there is need for only about 200-300. According to estimates those "surplus" stations employ about 10,000 people, who shall consequently become redundant. 3,500 RTS employees shall be axed. In Belgrade currently operate 83 radio stations, while in London there are 17 and in Budapest 23.

The fact is that some stations, former stooges of Milosevic regime, thanks to the amassed wealth and state- of-art technology and production facilities shall be prioritised in frequency-granting. Hence that process may be very manipulative and represent a source of future political influence on the media. Federal Secretary for Information Slobodan Orlic stated that for the time being frequencies are guaranteed only to the two channels of Radio Television Serbia. He added that no radio stations were given guarantees as to getting the wanted frequencies at the tender.<sup>5</sup> According to Orlic there are four national frequencies. The stations competing for the national frequency must meet certain technical, program and financial standards. In Orlic's opinion most likely candidates in that regard are B92, TV Pink, TV BK, YU Info, and the Third Channel. "But as there are only four frequencies, one TV station is in a no-win situation. That is why I suggested a merger between YU Info and of the Third Channel, and their common bid at the tender."<sup>6</sup>

Due to the postponed introduction of subscription for RTS, no transformation of this state-run media house into the public service was effected. It shall be subsidised from the republican budget, which in turn means, that it would remain under control of the republican authorities. According to Vice Prime Minister of Serbia Zarko Korac, the aforementioned delay was due to "a delay in enforcement of the Act on Radio-Diffusion." He noted: "We must first constitute the Council of Agency for Radio-Diffusion and make it take on the role of the state in that area. Introduction of subscription was not adequately presented to the general public and RTS leadership should organise a campaign indicating clearly the whys and wherefores of that civil financing of the future republican and provincial public service (into which RTS and TV Novi Sad would be morphed)."<sup>7</sup> Korac added that "subscription was

<sup>5</sup> "Danas", 30 December 2002.

<sup>6</sup> "Danas" 30 December 2002.

<sup>7</sup> "Politika", 22 January 2002.

unpopular because it had been once introduced by the previous regime. Therefore we must present to citizens new, non-commercial programs of RTS in order to stimulate them to help that media house. Under the radio-diffusion law, 70% of money collected through subscription in Vojvodina would remain in the province and would be used to better the RTV Novi Sad programs, while 30% would go to Serbia."

Ownership status of the state-run media is yet to be defined. Federal Information Secretary Orlic stated that the national news agency Tanjug should be retained in the new, common state, with 51% of the state capital (49% of its shares should be privatised.) He added that the state would continue to subsidise Radio Yugoslavia "for it is a short-wave radio station, whose counterparts exist in many developed countries in Europe." Media house Borba was transformed into three companies: Novosti with 70% private and 30% of state capital, the printing house (80% state owned and 20% in shares) and 100% state-owned "Borba" (but according to Orlic that company would be shortly put on sale.)" We shall learn more about the fate of the federal media, after enforcement of the Constitutional Charter.

Task of elaboration of the Bill on Public Information was taken on by the Culture and Information Ministry of Serbia. According to Deputy Minister for Culture and Information Tamara Luksic-Orlandic legal experts and Independent Association of Journalists of Serbia forwarded to the Ministry two different versions of the Bill.<sup>8</sup> She added that thanks to mediation of international organisations positions of the two groups were finally fine-tuned and the new version was drafted. She also noted that the bill put forward by journalists was "shorter and simpler" Gordana Suša, member of the journalistic team (Media Centre and Independent Association of Journalists of Serbia) thus commented the differences in the two bills: "Bill proposed by legal experts is complicated and self-regulating. Our bill has 40 articles less, is more succinct and -practical."<sup>9</sup>

Public debate on both bills began in June 2002. In the first bill legal experts over insist on copious regulations and judicial arbitration in numerous instances, while the second bill, proposed by journalists, is very much reliant on the code of ethics of the journalist trade. Legal experts' bill foresees ban on distribution of a

<sup>8</sup> "Danas", 20 December 2002.

<sup>9</sup> Idem.

paper, or on broadcast of a program if they incite to violence. According to Rade Veljanovsk and Miroljub Radojkovic, authors of the journalists' bill "those provisions are conducive to censorship and technically not feasible."<sup>10</sup>

### Freedom of the Press

According to findings of Independent Association of Journalists of Serbia<sup>11</sup> 94% of respondents (polled journalists) consider that the print media are restricted in conveyance of information (26% think that those restrictions are minor, 34% both don't see and see restrictions, 28% see considerable restrictions, while 6% talk about large restrictions). Over half of respondents (62%) stated that they personally felt those restrictions (34% saw them as minor ones, while 7% talked about considerable restrictions.) According to respondents principal sources of restrictions were political pressures on editorial policy of their media, auto-censorship (lack of courage, conformity), editorial policy (based on political grounds), editorial policy (based on commercial reasons) and lack of personal courage of editors and editors-in-chief.

President of Association of Journalists of Serbia, Nino Brajovic, argues that "officials if dissatisfied with some articles telephone to journalists and editors to criticise or even threaten them. Our members often mention such occurrences."<sup>12</sup>

Journalists and editors also spoke about restricted freedoms. Vladan Alimpijevic, editor-in-chief of RTV Pancevo, stresses "we are still frequently used as someone's mail-box. Radical shift in politicians' tack to media and journalist is needed."<sup>13</sup> Alimpijevic went on to note that "journalistic freedoms are mostly obstructed by the ownership structure of electronic media, but in Serbia no information TV channel can bring profit to its owner."<sup>14</sup> This means that owners, have private, state or para-state interests and use journalists only as simple bolts in a large

<sup>10</sup> "Danas", 19 June 2002.

<sup>11</sup> Research "Status of Journalists in Serbia" was carried out by "Strategic Marketing" in July 2002. The sample covered 170 respondents from both electronic and print media.

<sup>12</sup> "Glas" 16 December 2002.

<sup>13</sup> "Danas" 16 December 2002.

<sup>14</sup> Interview of Helsinki Committee.

machinery. Very much threatened are informative media of local communities. They often face budgetary threats, politicised editorial boards and inaccessible sources of information.

Daily *Politika* in its editorial<sup>15</sup> underscores that work of journalists under conditions of "legal void" is conducive to self-censorship. "Journalists independently assess how far they can go in their critiques of negative trends and developments in society and political arena."

Research of the Belgrade Centre *Marten Board International*, a licence partner of London-based *British Research Bureau* (done for daily "Blic") indicated that 67.3% respondents thought that media did not have a critical stand on authorities. (Research was carried out in 8-10 April 2002 in Serbia without Kosovo.)<sup>16</sup>

Most institutions have not changed their position on journalists. Although most of them, notably the Interior Ministry (Police) introduced press conferences, they were turned into pulpits for praising successes of institutions proper. Other relevant information are not accessible to journalists. Adoption of the Act on Free Access to Information would help resolve many pertinent problems.

Verbal attacks of local authorities on journalists in some milieus are a salient problem. The next few examples indicate that journalists who touch on "unpleasant topics" or dare pose more in-depth questions bear the brunt of animosity of local authorities. Mayor of Čačak and President of Nova Srbija Party (member of DOS), Velimir Ilic, became renowned for his hate speech and verbal abuses of journalists. On 11 October, in his link-up to the program "Front-Page" aired on TV Čačak he engaged in a lengthy harangue against that station for alleging that the recently murdered Sredoje Šljukic, a criminal, was the member of Nova Srbija. He threw insults at the journalists of that station and threatened to replace them with "true professionals".<sup>17</sup> He also accused them of being under the influence of Democratic Party. That TV stations, part of publishing house *Čačanski glas*, is financed from municipal budget. The presenter interrupted the program and in the first news program the TV station's communique was read. Namely TV Čačak asked the authorities,

<sup>15</sup> "Politika" 2 December 2002.

<sup>16</sup> "Blic" of 13 May 2002.

<sup>17</sup> "Politika", 13 October 2002.

representatives of municipal assembly, president of Management Board of TV station and Director of Publishing House Čačanski Glas, to respond to that incident.

A day later (12 October 2002) Velimir Ilic and his bodyguards forcibly entered the offices of TV Čačak and started insulting journalist and editor Vesna Radovic, and Jelena Katic, presenter of the program "Front-Page". He told Radovic that "she'd better give a wide berth to TV Čačak from now on."<sup>18</sup> That violent behaviour of Ilic was supported by editor-in-chief TV Čačak, Predrag Urosevic, who banned re-broadcast of "Front-Page" and airing of press release related to the second incident. That press release signed by most staffers read: "We appeal to the general public to protect our professional and personal integrity." In the wake of the second incident Ilic continued to insult journalists of TV Čačak and vilify them as "notorious junkies" At a press conference which Ilic held together with director of Čačanski Glas and Acting Editor-in-Chief of TV Čačak Ilic said that "Vesna Radovic and Jelena Katanic tried to discredit Nova Srbija Party and him personally during the electoral silence, because of his pro-Kostunica activities during the presidential campaign."<sup>19</sup> Ilic also said that he would file misdemeanour charges against Vesna Radovic and Jelena Katanic for "breaching the electoral silence" and "divulging misinformation."<sup>20</sup> He added that editor of TV Čačak and director of Čačanski Glas told him they would suspend both women. Ilic also accused the Belgrade news agency Beta of "taking an active part in the whole scandal." Federal Information Secretary Slobodan Orlic admitted in his press release that "unfortunately there are many similar abuses of power in local milieus. That last outburst of Velimir Ilic should be condemned by democratic public opinion and adequately punished by those who are in charge of protection of journalists and respect of laws."<sup>21</sup>

This trend of arrogant and threatening behaviour by the state and officials was best illustrated by the response of Serbia's Interior Secretary Dusan Mihajlovic to the "unpleasant question" of *Radio Belgrade 202* journalist. Namely at Mihajlovic's press conference the journalist asked him: "Is it possible that you, as a member of the Management Board of "Jugoimport" (the state-

<sup>18</sup> "Glas javnosti", 14 October 2002.

<sup>19</sup> "Danas" 15 October 2002.

<sup>20</sup> "Politika" 15 October 200.2

<sup>21</sup> "Danas" 15 October 2002.

owned company dealing in arms exports) , were not informed about illegal arms sales to Iraq?". And Mihajlovic retorted: "If you want to be brazen, I can sue you for slander. I have repeatedly denied my involvement, and now I don't have to prove anything to you. If you have any relevant information, go an disclose them, and I shall be grateful to you for that."

President of the Executive Board of municipality of Pozarevac and member of Democratic Party Zoran Marjanovic slapped "Danas" correspondent Mileta Veljkovic during an impromptu interview. After a shooting incident targeting Robert Vesic, the owner of the jewellery shop, Veljkovic tried to interview at the scene of incident several local DP officials. In view of the recent murder of an unidentified male, Veljkovic asked local power-holders what was happening in the town and how they accounted for the two successive incidents, Marjanovic retorted: "I am sick and tired of you," and then slapped the journalist.<sup>22</sup> Veljkovic said that he would file charges against the local power-holder. Zoran Zivkovic, Vice President of Democratic Party, condemned that incident and told daily "Danas" that Marjanovic would have to be punished for his misdemeanour. Popular Movement *Otpor* publicly demanded that the competent bodies institute proceedings against Zoran Marjanovic, President of Executive Committee of Pozarevac Municipal Assembly and asked the municipal MPs to relieve Marjanovic of his duties.

On 10 May 2002 a hand bomb exploded in front of the family house of Goran Đurđević, Acting Director of Radio-Publishing Company *Novi Put* and MP of Jagodina municipal assembly. According to Đurđević the bomb was planted because of his recent appointment to the post of director of local media house.<sup>23</sup> "Many are against any probe into their past activities. Our staffers received threats too. This is an attempt to intimidate them even more. If the police continue to turn a blind eye to such threats and perpetrators go unpunished, I shall not be able to give sensitive assignments, notably probes into misuses of power and criminal, to my journalists, for it would be too risky.", Đurđević told "Blic". A year ago "Večernje Novosti"'s correspondent Milan Pantic was killed in Jagodina. He was then engaged in a probe into financial mishandling of local power-holders. Police are yet to disclose the results of their investigation into that murder.

<sup>22</sup> "Danas" 28 December 2002.

<sup>23</sup> "Blic" 11 May 2002.

Vojislav Šešelj recently made a statement, carried by daily "Danas" (28 December) on its front-page, which epitomises the most rabid hate speech: " 'Danas' is the prime example of gutter journalism in Serbia. It is the most lurid paper. When I see their obituaries I know that a very bad person has died." Grujica Spasojevic, editor-in-chief of "Danas" filed a slander suit against Šešelj on 13 September 2002 because of Šešelj's statement ran by weekly "Svedok" that " 'Danas' is a US medium edited by the CIA." Spasovic's lawyer Goran Dragicin explained that the lawsuit was filed against Šešelj and not "Svedok" for " 'Danas' does not want any other paper to be punished in view of its recent past which saw it involved in many similar lawsuits and -paying exorbitant fines."<sup>24</sup>

### Judicial Proceedings Against Media Outlets and Journalists

In 2002 many proceedings were instituted against the media and journalists. Of great concern is the fact that some lawsuits filed before 5 October 2000 by members of the former regime were finally handled by courts of law. The foregoing is due to the fact that in Serbia the media-related legislation still has not been put into place. Charges against journalists are filed under the Act on Criminal Proceedings, Article 92 relating to slander. That article envisages fines, but also up to 3-year prison terms. The Act on Contractual Relations foresees non-financial compensation for sustained mental pain and suffering and damages to personal reputation, honour, freedom and rights. The Act on Contractual Relations spells out exorbitant fines. But the aforementioned number of lawsuits indicates that the media are not yet ready to embrace "responsible journalism" and the pertinent ethic code.

According to "Glas javnosti"<sup>25</sup> 200 proceedings against journalists are under way before courts of law in Serbia. The gravest punishment was meted out to Stevan Niksic in January 2002 (the then editor-in-chief of weekly "NIN") in a slander lawsuit filed against him by Aleksa Đilas, a publicist. He was sentenced to five months prison term, that is, 2 year conditional prison term.

<sup>24</sup> "Danas", 14 September 2002.

<sup>25</sup> "Glas javnosti" 9 July 2002.

Rudolf Mihik, director of Hungarian language paper *Magyar Szo*, was fined with 15, 000 dinars, for a slanderous commentary "Guests at Don Corleone's Dinner Party". Charges were filed by Miroљjub Aleksic, the then director of Subotica plant "Pionir", who hosted that dinner -party for members of Serbian government. Dmtar Šegrt, former high official of the Socialist Party of Serbia and director of company "Toza Markovic" took to court Željko Bodrozic, editor of local paper *Kikindske novine* for a slanderous article "Born for Reforms." Bodrozic was fined with 10,000 dinars. Former Prime Minister of Serbia and official of the Socialist Party of Serbia Mirko Marjanovic took to court Zorana Šuvakovic, journalist of "Politika" for a slanderous text "Terror Campaign in Knin" in which he was portrayed as "a cloned politician with villas, bodyguards and luxurious cars." Marjanovic is demanding 3 million dinars as compensation for his tainted reputation. High DP official and adviser to the Federal Interior Secretary Goran Vesic filed a libel lawsuit against tabloid "Nacional" for alleging that he "criticised editor of magazine *Hasler* for running a text on Čedomir Jovanovic." According to *Glas Javnosti* daily *Blic* is currently involved in fifty lawsuits, *Danas* in nearly fifty and *Glas javnosti* in 31.

On order of municipal court in Kragujevac company "Svetlost" publisher of a weekly "*Nezavisna svetlost*" was fined 270,360 dinars<sup>26</sup> for running a slanderous article on a Students' Hostel in Kragujevac. Dragan Marisavljevic, former director of that Hostel and member of SPS leadership in Kragujevac filed a lawsuit against "Svetlost" in summer 1995. The publishing company's appeal to the Supreme Court of Serbia is still pending.

Director and editor-in-chief of Pozaevac "Radio Bum 93" Milorad Tadic received a court ruling obliging him to pay the court-determined fine, or-to serve a month long prison sentence. Radio Bum 93 and Milorad Tadic were punished in June 2000 for "not possessing a broadcasting licence" (charges filed by the federal Ministry of Telecommunications)<sup>27</sup> (This is a very conspicuous case of selective punishment, for at the time 500 electronic media were operating without corresponding licences.)

Daily "Danas" was fined with Euro 5,000 as compensation for inflicting psychological pain and suffering to author Dobrica Cosic. Cosic filed a libel suit against "Danas" for publishing a

<sup>26</sup> "Danas", 29 November 2002.

<sup>27</sup> "Danas" 21 October 2002.

commentary alleging that "Ćosic, the then FRY President ordered shelling of Vukovar". The article was penned by Milan Ćolic. The fact is that "Danas" made a gross professional oversight, for during the shelling of Vukovar Ćosic was not discharging any political function. But Association of Independent Media also assessed that *Danas* ran the controversial text without editorial board commentary and position, but also ran Ćosic's disclaimer, thus providing him with an opportunity to rebut accusations contained in the text. AIM states in its communique<sup>28</sup> that "in line with international standards courts of law in such cases must take into consideration the fact that "too heavy fines generate danger of self-censorship, which then jeopardises freedom of press and public information." The role of courts of law in this area is still important due to absence of the Act on Information. Therefore courts should carefully ponder their rulings, and take into account the impact of their decisions on the important social interests."

### Scandal-Mongering

Politicians exert influences on media by leaking "exclusive information" about scandals relating to various misuses of the top state institutions or high-ranking state officials. Those information don't result from genuine research journalism efforts. Various economic and political centres deftly leak them, thus ensuring their subtle sway over both print and electronic media. On the other hand journalists and editors frequently deny that such a mechanism is in place. Media frequently mention "anonymous sources", and as frequently fail to check the veracity of provided information and tend to disregard its true purpose (such 'scandalous' information are often used in showdowns between political parties and their leaders). The two most powerful centres which hold sway over media are the Bureau for Communications of Government of Serbia (its former Secretary Vladimir Popovic-Beba) and Cabinet of the FRY President Vojislav Kostunica (that is, Kostunica's spin-doctor Aleksandar Tijanic).

Zarko Korac, Vice Prime Minister of government of Serbia in charge of media, told a journalist: "Can't you see that in Serbia some media charge for running some articles? Don't you know that

<sup>28</sup> Web site [www.anem.org.yu](http://www.anem.org.yu)

some journalists are on the pay-rolls of powerful parties and groupings?"<sup>29</sup>

On order of the District Public Prosecutor Rade Terzic the police interrogated editor-in-chief of weekly *Reporter* Vladimir Radomirovic because of the allegation contained in the text "Interception-Monitoring Services in the Government Building", namely that "in the building housing the Communication Bureau of government of Serbia there are monitoring devices." Radomirovic told Radio B-92: "The police came to interrogate me after intervention by Vladimir Popovic -Beba, Đinđić's spin-doctor, that is, his letter to *Reporter* warning the weekly that it would be taken to court because of allegations contained in the controversial text." In his letter Popovic<sup>30</sup> noted that "the term 'protected source', frequently used in journalism in recent times, cannot be an excuse for covering up a grave criminal offence, including unauthorised bugging. I am sure that you will reach a deal with police and prosecution in order to protect the identity of your source."

District Public Prosecutor Rade Terzic, who asked that the aforementioned allegations be checked, told *Beta* that "in that way I wanted to find out a perpetrator of the criminal offence, if any." He added that *Reporter* was asked to check to sources, and existence of the bugging devices in the Bureau's building. Radomirovic argued that the police was interested only in the author of the text and the sources.<sup>31</sup> Founder and director of *Reporter* Perica Vucinic said that the police came twice to bring pressure to bear on staffers. He added: "The regime intends to constantly pile pressure on media. They are very much interested in the identity of our sources."<sup>32</sup> Police interviews or interrogation of journalists is not clearly defined under the law. According the Act on Criminal Proceedings, Article 96, "any person may be summoned as a witness if it is believed that he or she could provide information on the criminal offence, circumstances and perpetrator thereof." Article 97 also explains who the privileged witnesses are, that is spells out that "the nature of persons who are not duty-bound to disclose what they have uncovered in performing their duties." Journalists are not explicitly quoted as

<sup>29</sup> "Reporter", 30 July 2002.

<sup>30</sup> "Nacional", 12 July 2002.

<sup>31</sup> "Blic" 13. July 2002.

<sup>32</sup> "Blic" 13. July 2002.

privileged witnesses, and that role of theirs depends on "interpretation of law."

On order of prosecutor Rade Terzic, "Danas" journalist Nataša B. Odalovic was summoned to the police interview on grounds of allegations exposed in the column "The Cage Looks for a Bird". She said that the police was mostly interested in her allegation that Kostunica's spin-doctor Aleksandar Tijanic accused her of being a close friend of Serb Prime Minister Đindić and his media adviser Beba Popovic, termed by Tijanic "close friends of mafia clans." After reading her a line "There shall be more ordered assassinations, and Tijanic shall keep mum", the police asked her: "Where did you get that information?" Odalovic said that she admitted having received that information from Dusan Mihajlovic, Serb Interior Secretary. "When they asked me when, I said that Mihajlovic made that statement at his press conference." She added: "in the country in which murders are becoming commonplace, one should no longer keep silent about Tijanic's allegations that Prime Minister orders Surčin gang to commit murders through his spin-doctor Popovic." Tijanic accused Odalovic of having disclosed parts of their private conversation and in what the DOS Women Political Network termed as 'virulent hate speech' against the journalist.

Both scandals (*Reporter* and the Odalovic-Tijanic clash) took place on the eve of presidential pre-election race. At the time conflict between DOS and DPS escalated and some other scandals were mongered ("General Pavkovic Affair"). All those scandals received wide media coverage. At the same time some thorny social topics were sidelined. Milica Lučić-Čavic, President of Independent Association of Journalists stated that "the media in some cases are prone to manipulation. They get some fishy information and they pursue it, instead of acting as the public service of all citizens of this country, that is, devoting their attention to key social issues."<sup>33</sup>

Case "Odalovic-Tijanic" like some others, raised the issue of disclosure of private conversations and furthermore indicated that the journalistic code of ethics should be urgently adopted. Independent Association of Journalists is working on a draft thereof in line with the newly-emerged circumstances. (the code in place was adopted in March 1994). In 2002 the new code of ethics of electronic media was adopted by presidents of Independent

Association of Journalists of Serbia, Association of Independent Electronic Media and Association for Development of Private Radio-Diffusion "Spektar."

Underpaid journalists are an easy prey to manipulation. According to the survey on the financial status of journalists carried out by Independent Association of Journalists of Serbia (July 2002), which covered 790 respondents, regular monthly pay of 84% of journalists was between Euro 35 and 260, while the average one was Euro 130. One third of the polled journalists don't enjoy paid social and health benefits.

### Media Position on the Recent Past and The Hague Tribunal

After the June 2001 hand-over of Slobodan Milosevic to the Hague Tribunal, all the state-run media attempts to more seriously deal with or probe into war crimes committed against non-Serb civilians were foiled. For example, the state-run RTS suspended live broadcasts of Milosevic trial. It turned out that articles on discovery of mass graves in Serbia were used only to bolster public support for Milosevic's hand-over. Politicians and elite opted for bowing to the prevailing public opinion, instead of exacting changes thereof. This prompted many independent media to follow suit. They realised that their struggle for frequencies, large distribution and ads would be more successful if they did not rock the boat too much. But few independent media did not renounce their facing projects (some of which are flawed and bereft of the true understanding of the topic).

In his defence of editorial policy of "Vreme" Cerovic maintains that "The Hague Tribunal is the instrument of the very forces which dropped humanitarian bombs on all parts of Serbia. I fear that in Serbia the faith in the Hague Tribunal is not likely to increase." Many share his opinion, which indicates that the print and electronic media don't see themselves as key protagonists in building a positive image of the ICTY and in encouraging the facing of the Serb population up to their moral responsibility for atrocities and wanton destruction committed in their name.

In 2002 coverage of the ICTY developments slowly dwindled and was transferred from international affairs pages to those dedicated to internal ones.

<sup>33</sup> "Danas" 16 July 2002.



Issue of media's position on crimes committed against non-Serb population, was for the first time tackled in weekly "Vreme", renowned for its anti-war position during the war in Bosnia. But the polemic was launched only in response to the statement of Chair of Helsinki Committee for Human Rights in Serbia Sonja Biserko, and not by the weekly itself. Namely Sonja Biserko pointed out that "media tend to generalise and relativise crimes and take a negative stand on the ICTY. At the time when the crimes are increasingly coming to light, and evidence becomes more accessible, Serb society, or to put it more precisely, its elite, are making concerted efforts to relativise and de-ethnify war crimes. The way that "new truth" is marketed via media, notably via so-called independent media, spearheaded by B 92 or Vreme, is as totalitarian as was nationalism which recently fuelled the war machinery."

Provoked by that statement, editor-in-chief of "Vreme" Dragoljub Zarkovic wrote editorial "De-Helsinkization of Ms. Biserko". According to him that editorial was written in defence from "terms used by Ms. Biserko." After that editorial (ran in early August 2002 by "Vreme") the polemic evolved on the pages devoted to the column "Letters and Reactions". It lasted nearly 4 months. 77 letters and 50 authors took part in it. Editorial board ended the polemic on 28 November by stating "we are still receiving letters, but only those in support of our editorial policy."<sup>34</sup> Debate on positions on crimes spread to some other print and electronic media (Nin, Blic News, Danas, B92) but in another shape (interviews or articles on the controversial issue along with quotations from the Vreme-ran polemic or statements of protagonists).

In the early stages of the polemic the focus shifted from "personality of Sonja Biserko" (attack and defence) "to her positions, that is to the following issue: is her statement that Serb elite and independent media (Vreme and B 92) do their best to relativise and de-ethnify the crimes true or not?". And then the two lines of thinking crystallised: one advocated by "Vreme" and its defenders who floated the thesis of objective coverage of the weekly and necessity to de-ethnify crimes, for their ethnification was tantamount to "the collective guilt of the whole people", and the other advocated by defenders of Biserko's positions namely that

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<sup>34</sup> Olivera Milosavljevic, "Point of Discord", Helsinki Committee, 2003.

ethnic-cleansing cannot be de-ethnified, for at issue is the moral responsibility of the whole society, and not "collective guilt of the people."<sup>35</sup> Thus we saw the two confronted positions on the near past, or on war crimes and importance of their disclosure for the future and present of Serb society."<sup>36</sup> Most participants in the polemic used to be the like-minded thinkers who made up the nucleus of anti-war opposition during wars in Croatia and Bosnia.

Media used to attach more importance to Milosevic's denials than to testimonies. Lawyer Srđa Popovic, in analysing the Hague coverage of "Vreme" noticed an inadequate title: "Milosevic Says that the YPA Did Not Kill Prisoners in Vukovar". Popovic stressed that the news was not Milosevic's "response to the testimony" but the "very testimony of Croat President Stjepan Mesic". Therefore, according to Popovic the headline should have been: "Mesic Says the YPA Killed Sick Civilians in Vukovar." He went on to note: "That may impact the court's decision, and not Milosevic's naked, and procedurally irrelevant denial of veracity of that testimony. The two headlines surely influence every reader differently". Popovic also added that " a number of other, publicly accessible, sources prove Mesic's claim."

Nearly all the media, including those which gained prominence by their anti-war and anti-nationalistic editorial policy during B&H war (but not during the Kosovo crisis) relativise moral responsibility of Serb people by extensive coverage of statements of advocates of the thesis that "there were crimes everywhere", "why there aren't more Croat war crime indictees" (and consequently "Croats have a better tack to the Hague Tribunal"). Some media devoted more attention to "the post-WW2 Communist crimes" than to causes and consequences of recent wars. In other words coverage of the former intentionally aims at minimising the latter, or the 90's crimes. Unfortunately that policy was adopted by some media which were expected to deal more seriously with the recent past.

Hints that the popular TV station Pink would broadcast a serial on responsibility of journalists for the recent wars, was condemned by the very elite which was opposed to Milosevic in the 90's. That elite thought that the move would be hypocritical in view of close links between owner of that TV station Zeljko Mitrovic

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<sup>35</sup> Idem.

<sup>36</sup> Idem.

with the former regime (Mitrovic was a high official of the Associated Yugoslav Left). And that serial was never broadcast.

Testimonies of two journalists from Serbia, Dejan Anastasijevic and Jovan Dulovic before the Hague Tribunal were resented and criticised by their colleagues. Editor-in-chief of "Blic" one of the largest-circulation dailies, said that "journalists are not second or first-rank citizens, therefore they should not be accorded a special treatment during their testimonies."<sup>37</sup> In his opinion "it is up to a journalist to take or not take on the role of witness." Simonovic also said that "A separate issue is the impact of such testimonies on their profession ... it would not be good if journalists were viewed only as witnesses during such events." Dragan Vlahovic, deputy editor-in-chief of Glas javnosti is absolutely against such role of journalists "for such a duty is not envisaged by their job descriptions."<sup>38</sup> Editor-in-chief of NIN, Slobodan Reljic, thinks that "journalists should only exceptionally take on the role of witnesses...which was not the case with Dulovic and Anastasijevic, for they only echoed common denominators". One of the proposals of the Information Act (to be debated shortly) is that "a journalist may disclose his source of information only if an issue is a criminal offence entailing a prison term of over 5 years."

Dilemma of testimony-giving by journalists was pondered also by some international journalistic organisations. Radomir Licina, President of Board of the Media Organisation of South East Europe, stated that his organisation thought that "journalists have the right and obligation on professional grounds to refuse to testify before the court, but those who want to do that, deeming such appearance their personal moral obligation, must be allowed to testify."<sup>39</sup>

According to claims of NGO "Toplica Initiative" local authorities banned broadcasts of the film on massacre of 16 Muslims and the film "Friends" on recent wars in Yugoslavia. Speaking about the mechanism of banning those films, Executive Director of Toplica Initiative Igor Kostic says that institutions with adequate premises should not be allowed to rent it without permission of the local authorities. "They are throwing the court in someone else's courtyard, while we all know that president and

<sup>37</sup> "Nacional" 19 October 2002.

<sup>38</sup> Idem.

<sup>39</sup> "Danas", 13 December 2002.

vice president of municipality always have the final say," says Igor Kostic.<sup>40</sup>

President of Independent Association of Journalists of Serbia, Milica Lučić-Čavic stated that the top editorial and other positions in media were still occupied by the most vocal "war-mongering" journalists.<sup>41</sup> She assessed that DOS did not distance itself from them, which "encouraged the latter and made them launch a major counter-offensive."

## Conclusions and Recommendations

In order to create conditions for free functioning of media and affirmation of journalistic profession laws on public information, telecommunications and free access of information should be urgently adopted, and the Act on Radio-Diffusion should be implemented. Within that context it is necessary to carry out transformation of the state-run media, notably of Radio-Television Serbia, into a public service.

Every journalist must have the rights which ensure and guarantee publishing of his articles of public interest, but must be also aware of his/her personal responsibility in regard to the contents of his articles. Editors and journalists shall contribute to betterment of their profession if they check their information before publishing it. That is one of the subtle ways of countering manipulations to which they are subjected by the political and economic elite. Current situation in Serb media demands holding of public debates on professional ethics in journalism.

Radicalisation of situation and contradictions of the transition process in Serbia necessitate more analytical and research journalism. In view of major personnel problems and those related to training of journalists there is much need for staging courses of analytical and research journalism in co-operation with the international media institutions and houses. .

Facing up to the past and the negative portrayal of the Hague Tribunal by media is increasingly becoming the issue of morals, and the one of a clean break with the policy of former regime. Position on that issue shall determine the future of Serbia and its relations with neighbours. Therefore it is important that

<sup>40</sup> "Danas" 14 December 2002.

<sup>41</sup> "Danas", 28 June 2002.

both the print and electronic media start tackling that topic with more understanding.

## **PART FIVE**

### Integration of Region on New Foundations

(Sustainability of the State Community  
of Serbia and Montenegro)

#### 1. Historical Background

Serb nationalists have always treated Montenegro as the Serb ethnic territory, which made Montenegro the first target of any Serb national program or expansion campaign. Montenegro attained its statehood in the 20<sup>th</sup> century for the second time in the Second Yugoslavia. Then Montenegrins were emancipated as a nation, and asserted that emancipation under the 1974 Constitution. Serb nationalists viewed the Montenegrin statehood as "de-Serbisation of Montenegro." After suspension of autonomies of Kosovo and Vojvodina Montenegro bore the brunt of anti-bureaucratic revolution and Belgrade's anti-Yugoslavia campaign. At the 1991 Hague Conference which offered a framework for preservation of the Yugoslav state community, Montenegrin leadership together with other republics (barring Serbia) signed the proposed agreement on the loose federation. But after Belgrade's enormous pressure, Momir Bulatovic was compelled to withdraw his signature and Montenegro from then on became an accomplice of the Serb project (until 1997).

After its refusal to take part in the Kosovo war Montenegro became an independent partner of the West (notably during the intervention and until October 2000). Since then the process of emancipation of Montenegro was accelerated and it peaked following the April 2001 and October 2002 (at which the sovereignty-minded block scored major victory) parliamentary elections.

However after 5 October 2000 international community recognised the FRY, although its legitimacy was controversial in view of Montenegrin developments. That recognition on the one hand made easier relations with the former Yugoslav republics and cleared the way for normalisation of relations in the region, but on the other hand generated new confusion and threatened to exacerbate relations with Montenegro. And those relations indeed grew sour in the past three years. As regards Montenegro recognition of the FRY was seen also as a pressure on that republic to check the process of independence-gaining, which, as things stand now, is unstoppable.

In the past three years Montenegro has *via facti* grown independent, and the federal state in fact stopped functioning in the territory of that republic. After passing amendments to the 2000 Constitution by manipulating federal institutions, the FRY, as defined under the 1992 Constitution, ceased to exist, due to suspension of equality of member-countries which constituted the gist of the FRY. At the 1992 referendum Montenegro opted for living in a common state, but expressly as a "sovereign republic", in line with guarantees enshrined in the Constitution. Montenegro did not recognise forcible amendments to the 2000 Constitution and subsequently 24 September 2000 elections and institutions of the federal state stemming from the then election results. A large majority of Montenegrin voters by boycotting those elections backed the decision of legal Montenegrin bodies and thus obtained legitimacy for their country and simultaneously denied the FRY legitimacy.

However the Serb political prime movers failed to face the reality and the state of affairs, notably the fact that Montenegro and independent Serbia were a natural epilogue of the collapse of former Yugoslavia. In its insistence on the common state DOS relied on the Western, that is, European position. DOS formalised continuity with Milosevic's regime by setting up federal institutions with the Montenegrin Socialist Popular Party, which as a former coalition partner of the Socialist Party of Serbia and the Serb Radical Party ensured its influence in Montenegro. Despite favourable circumstances for Serbia, sustainability of community between Serbia and Montenegro is becoming increasingly problematic. The foregoing is best illustrated by a very ambivalent character of the Belgrade Agreement of 14 March 2002, by which, thanks to the EU brokering, the FRY was morphed into the union of two states.

Position of the Belgrade regime on Montenegro enjoys large backing of the Belgrade media, whose role in promoting Greater Serbia ideas has not essentially changed. Belgrade media showed very little sensibility for Montenegro and its idiosyncrasies. Their anti-Montenegrin stand is reminiscent of the late 80's campaign against Slovenians, Croats and Albanians. The entire media scene favours and even panders to pro-Serb forces in Montenegro, while the official Belgrade backs them through the Federal Parliament and bankrolling the media run by the Montenegrin opposition coalition which represents that republic in the federation. The largest backing in that regard is provided by V. Koštunica, the FRY President, his cabinet and party, the Army of Yugoslavia and the Serb Orthodox Church (the SOC).

SOC takes a specific stance on Montenegro. Namely it treats Montenegro as the Serb ethnic territory and often interferes into issues of great political and state interest. Such trends usually become conspicuous during Christmas celebrations when the SOC directly confronts increasingly popular Montenegrin Orthodox Church and frequently even on the eve of elections.

Yugoslav Army during Milosevic's regime piled pressure on Montenegro, notably after Đukanovic took office in January 1998. Pro-Serb opposition then organised protests and demonstrations, and did the same thing during the NATO intervention. However, today there is no danger of direct military operation in that republic. Thanks to presence of NATO forces in the region, use of force in Montenegro is not possible. Army has not longer the role it had during the recent wars, and cannot wage wars. SOC took on the role of the key advocate for preservation of the Serb ethnic territory which explains its aggressive conduct in every day life.

In taking an uncritical stand on Belgrade after 5 October 2000 the international community sidelined the Montenegrin authorities, whereas EU together with Serbia piled pressure on them. Pressure of international community, Belgrade regime and SOC was excessive in view of a real importance of Montenegro. In the face of that pressure and blackmail of international community, which in a very unselective way tackled the issue of corruption among the Montenegrin prime movers, Montenegro managed to preserve its independent position and won its right to independence.

Legacy of Milosevic's regime, lack of readiness of DOS to make a clean break with Milosevic's policy, and above all refusal to co-operate with the Hague Tribunal, have slowed down transition

in Serbia and subsequently led to change of position of the international community on Serbia, that is Montenegro. The Belgrade Agreement on the Union of Serbia and Montenegro brokered by Xavier Solana, due to the aforementioned circumstances, produced major concessions for the Montenegrin side. Morphing of the FRY into the two-state union flexibly envisages a referendum on independence of Montenegro within three years. Objective weaknesses of Serbia have stripped the Belgrade regime of legitimacy in defining the new state community. Despite the initial pro-common state EU position, developments are favouring Montenegro's option for independence, for the latter confirms the inevitable logic of the final dissolution of the SFRY.

## 2. Belgrade's Attempts to Retain Montenegro in the State Community along the Unitary Principle

By the FRY or Serbia's re-applying for the UN membership, the process of independence-gaining of Montenegro has been temporarily halted, but at the same time the process of crystallisation within Montenegro proper has been accelerated. By applying for re-admission to the UN Serbia acknowledged all that the international community had been in vain demanding Serbia to do in the past decade: the international community's stance that disappearance of the Yugoslav state, the SFRY did not result from secession, but from disintegration of all its ingredient parts (6 republics), along with recognition of the republican borders as the state ones, was finally certified. That was also a genuine proof of the role of the 1974 Constitution, for the FRY fell apart at the seams due to some main points of that constitution.

In adhering to the fact that the FRY was internationally recognised, the new Serb authorities have not essentially changed their position on the common state, that is, have not renounced their unitary concept. This provoked major discontent in Montenegro and subsequently boosted appetites for its independence. Milosevic's policy in Montenegro was continued by considerable financial, personnel and media backing to the pro-Yugoslav forces in Montenegro. Territorial claims to integrity of Montenegro also gained ground. Actions in that regard were stepped up in underdeveloped North and coastal area, notably in Boka Kotorksa due to its geo-strategic importance.

DOS and Milosevic's stance on Montenegro are quite similar. The only difference is DOS's awareness of non-feasibility of new wars. However in the past three years DOS endeavoured to preserve status quo, that is the state of affairs consolidated by Milosevic by the July 2000 constitutional coup. By suspending some parts of still valid federal constitution Milosevic prevented representation of the majority, that is legitimate Montenegro in any federal institution (barring the Supreme Defence Council). Thus the opposition coalition headed by Predrag Bulatovic was enabled to maintain the semblance of preservation of the FRY at the federal level. After taking power DOS never raised the issue of major and comprehensive amendments to the Constitution (which that coalition used to criticise during the Milosevic era), but instead tended to take to task the official Podgorica for failing to take part in the September 2000 elections.

More marked pressures on Montenegro began when it became clear that that the majority of population was independence-minded as confirmed by the results of 22 April 2001 parliamentary elections (a genuine referendum on independence). However the international community's position on preservation of the state community that is "democratic Montenegro should remain in the democratic FRY" favoured the Serb nationalists positions advocated by the three parties, Socialist Popular Party of Predrag Bulatovic (SPP), the Serb National Party of Bozidar Bojovic (SNP) and the Popular Party (PP) led by Dragan Šoc, and stimulated them to step up their (Coalition "Together for Yugoslavia) activities in the territory of Montenegro. That coalition also took part in the federal elections on the eve of 5 October changes in Serbia and later forged the alliance with DOS.

Much pressure was piled on Montenegrins living in Serbia (about 130,000 of them). The then federal Prime Minister intimidated them by maintaining that "they would have to go to Montenegro with passports and shall be foreigners in their own country." He also reiterated that "the common state is needed for separatism is an obsolete phenomenon."<sup>1</sup> Numerous, similar statements of the Montenegrin opposition leaders were intended to persuade the Montenegrin general public that "Montenegro must continue to live together with Serbia in a common state." As the minorities at elections backed the idea of independent Montenegro, opposition tried to impose its position that "the state status should

<sup>1</sup> *Borba*, 31 March-1 April 2001.

not be decided by Muslims and Albanians for if that is allowed then preconditions for independence of Kosovo shall be being created."<sup>2</sup>

Belgrade media also took part in attempts to antagonise the Montenegrin majority and pit it against the minority population by marketing misinformation about sightings of the KLA members in the mountains surrounding Gusinje. Despite official disclaimers, such misinformation, implying similar scenario in Montenegro, were marketed in the midst of the Albanian offensive in Macedonia and OVPBM activities in South Serbia.<sup>3</sup>

The aforementioned attempts failed, thanks to stability of multi-ethnic relations in Montenegro. Albanian politicians in Montenegro, notably Ferhat Dinosa, President of the Democratic Union of Albanians (DUA) immediately reacted to such insinuations and accused some media, notably *Glas Grnogoraca* and *Dan*, of "favouring the anti-Albanian mood in Montenegro in order to weaken the pro-independence forces in Montenegro." In that minority-centred battle the official Montenegro scored a major victory, by reiterating the data about solidarity between the Montenegrin and Albanian people. Namely after NATO intervention there were about 90,000 Albanians in the territory of Montenegro, but that tinder-box climate "did not produce any incident...for extremism was not backed by Albanians in Montenegro, as proved by the election results. Namely in Albanian-majority municipalities civil-minded parties won most seats. The same thing happened in the Muslim-dominated municipalities in Montenegro."<sup>4</sup> Statements of some Albanian leaders notably of Fuad Nimani, President of Democratic Union of Albanians (DUA) that "Albanians shall vote in referendum for independent Montenegro" confirmed that Albanians viewed Montenegro as their state.<sup>5</sup>

Elections in 2001 were a clear indicator of a growing importance of the pro-sovereignty block, as confirmed by the survey conducted by the Podgorica CEDEM (Centre for Democracy and Human Rights.) According to the then CEDEM findings 55% of population favoured the independence and 44% were against it.<sup>6</sup> This trend additionally frustrated some political parties in Serbia,

<sup>2</sup> *Glas javnosti*, 1 April 2001.

<sup>3</sup> *Blic News*, 4 April 2001.

<sup>4</sup> *Danas*, 7-8 April 2001.

<sup>5</sup> *Glas javnosti*, 17 April 2001.

<sup>6</sup> *Danas*, 6 April 2001.

notably Democratic Party of Serbia, which thought that such development would imply or entail many uncertainties including the resolution of the status of Kosovo.<sup>7</sup>

### 3. Role of the Serb Orthodox Church

SOC played a major role in creation of the Greater Serbia project. As the war option is no longer feasible, the SOC took on the role of the key advocate of preservation of the Serb ethnic territory. In those terms SOC openly lays claim to Montenegro by persistently denying the existence of the Montenegrin nation. Extent of SOC's interest in Montenegrin developments is also amply indicated by continuous and aggressive activities of the Serb Orthodox Church on the whole Montenegrin territory. Before 2001 elections Patriarch Pavle sent a message to all citizens of Montenegro to "act peacefully and in a dignified way at the forthcoming elections", to representatives of authorities to "do their best to carry out democratic and fair elections, and to prospective victors to "to act in a dignified and chivalrous manner."<sup>8</sup>

Patriarch of Moscow and whole Russia Alexei Second joined the said appeal, and sent a special message to "Together for Yugoslavia" Coalition: "Momentous tasks lie ahead of all of us and peoples of Serbia and Montenegro: original culture, untainted Orthodox faith must be preserved and state institutions must be consolidated " Patriarch also went on to say: "I am backing efforts geared towards revival of spirituality, cultural, economic, social and political unity of brotherly peoples of Montenegro and Serbia united in a common Yugoslav state."<sup>9</sup>

Key exponent of SOC in Montenegro is Mitropolite of Montenegro and Coastal Area Amfilohije Radovic who uses every public occasion to stress "identical features of the two peoples, Serbs and Montenegrins." He openly interferes into the state and political issues although Montenegro is a secular, civil state. Montenegrin Orthodox Church (MOC) was abolished after

<sup>7</sup> *Glas javnosti*, 6 April 2001 Dusan Prorokovic: "If Montenegro opts for independence we shall face a very problematic status of Kosovo and I fear that such a decision would lead to increase in tensions in Montenegro proper...and we shall also turn off potential investors in Montenegro."

<sup>8</sup> *Glas javnosti*, 7 April 2001.

<sup>9</sup> *Politika*, 18 April 2001.

annexation of Montenegro by Serbia, that is coming into being of the Kingdom of Serbs, Croats and Slovenes in 1918. Every year at the time of Christmas Holidays SPC fans nationalist Serb feelings and tensions in Cetinje. SOC also engages in plunder of the MOC institutions over which it has no authority. It tries to religiously unify Montenegrin people by highlighting the thesis that Serb and Montenegrin people are "one people, with the same faith and language". In those terms, according to Amfilohije "one should not even ask the Church if it is for the common state of Serbia and Montenegro, for they have voted many times in favour of that unity and togetherness, not by casting referendum ballots, but by swearing allegiance to the very being of Montenegro, its saints and kings, and age-old aspirations of its people."<sup>10</sup>

Mitropolit Amfilohije on numerous occasions stated that the "Montenegrin nation is a Communist invention, "Tito's and Đilas's bastard" and that "Montenegrins who don't feel like Serbs are fans of Tito". This implies that Tito has invented Montenegrins. Montenegrin intellectuals often reacted to those statements. A publicist Novak Adžić was so outraged that he said that "the Montenegrin state was not created by Serbs, but rather by local, indigenous peoples living within the Montenegrin boundaries, peoples of Zeta and Duklja. He also cautioned that Amfilohije's statements about non-existence of Montenegrin people were untrue and "only one in a series of destructive Greater Serbia attacks on the national identity and statehood of Montenegrin people. Those attacks make part of the project and system expressing a hegemony- and assimilation-minded policy and ideology towards Montenegro bearing all hallmarks of centralism and unitarism, and aiming to discipline and subjugate Montenegro." However in the Serb media such stances were never disclosed or covered, unlike those advocated by Mitropolit Amfilohije (his words usually receive wide coverage by daily "Politika").

<sup>10</sup> *Blic News*, 6-7 January 2002.

#### 4. Patriotic Associations in the Service of the Serb Nationalism

So-called patriotic associations are often mouthpieces of official claims towards Montenegro. One of the most active ones is the Association of Bokelji, which in its resolution warns that "Boka Kotorska, in case of Montenegro's secession, shall leave Montenegro and unite with Serbia."<sup>11</sup> Belgrade print media widely covered excerpts from that resolution and highlighted that "Boka Kotorska is refusing to play the role of the second fiddle and the one of a silent observer of the secession-minded campaign of the current Montenegrin leadership... Before proclamation of the Kingdom of Serbs, Croats and Slovenes, Bokelji voted for the union with Serbia... Montenegro annexed Boka in an unlawful, undemocratic and according to many forcible way, as amply proved by historical facts." Nedeljko Zoric, president of Bokelji Association in Belgrade, explicated the thesis about "irregular annexation of Boka by Montenegro" on the basis of the minutes of the District People's Liberation Bureau dated 8 April 1945 which reads: "because of insistence of the Political Secretary of the Provincial Committee of the League of Communists of Yugoslavia for Montenegro and Boka, the issue of Boka, which was not on agenda was forcibly tackled. And then it was decided that Boka Kotorska be territorially annexed to the then federal unit of Montenegro."<sup>12</sup>

Boka Kotorska is treated in the same way by the Serb Popular Party of Montenegro. Nikola Mestrovic, president of the SPP's regional committee for Boka Kotorska and Budva explains that "the age-old aspirations of Bokelji were realised in 1918 and that Bokelji also this time around shall "succeed to defend themselves from Duklja and Montenegrin attacks" and if "Montenegro secedes we shall launch an initiative for re-examination of relations between Boka and Montenegro, that is for secession from Montenegro."<sup>13</sup>

Youth branches of those associations also took part in a genuine campaign against referendum on independence. They kept warning about "dangers awaiting Montenegrin students if

<sup>11</sup> *Glas javnosti*, 8 April 2001.

<sup>12</sup> *Politika*, 12 April 2001.

<sup>13</sup> *Vecernje novosti*, 8 April 2001.

Montenegro seceded," namely "after possible secession tuition fees for about 14,000 students from Montenegro could be increased from the current \$11,000 to \$70,000".<sup>14</sup>

Members of SAAS (Serb Academy of Arts and Sciences) of Montenegrin descent are actively involved in the Montenegrin developments, notably through various patriotic associations. Matija Beckovic, academician, was particularly vocal in denying the Montenegrin identity. At a conference he said: "the whole world has finally realised that Montenegro cannot survive without the common state with Serbia... for if it could have survived as an independent state it would have never united with Serbia or any other state... like Boka it preserved its specific features thanks to having Serbia and Serb people as its hinterland."<sup>15</sup>

Belgrade used its well-proven methods: it threatened to create autonomous areas in Montenegro, notably in North of the country. Belgrade media not only openly backed such ideas, but also raised the issue of so-called Plevlje Republic. Added to that the Belgrade-based Association of Pevljani received large media exposure. In its declaration the association announced referendum for secession of Plevlje from Montenegro if the latter opted for independence and highlighted "unbreakable ties with our brethren in Serbia." Declaration also condemned Montenegrin separatists who persistently endeavour to "isolate municipality of Plevlje from Serbia, to turn Serbs into Montenegrins, and to de-Serbise Montenegrins."<sup>16</sup>

During elections in 2001 the Fund for Defence of Equal Rights of Citizens of Montenegro was set up with the idea to empower Montenegrins living outside Montenegro, and not only citizens of Montenegro, to vote in a referendum. The Fund spearheaded by academician Ljubomir Tadic via church very aggressively called on Montenegrins to remain in the common state. Through the Fund Montenegrins were invited "to join a common prayer for salvation of state and people" at the Grand Easter Rally organised by Mitropolit Amfilohije Radovic. Similar appeals were made by President of the Yugoslav Movement of Montenegrins, Milija Zecevic, who stressed that "Montenegrins in Serbia wish that Serbia and Montenegro live for ever in a common

<sup>14</sup> *Vecernje novosti*, 7 April 2001.

<sup>15</sup> *Vecernje novosti*, 22 February 2002.

<sup>16</sup> *Glas javnosti*, 14-16 April 2001.

state."<sup>17</sup> Čedomir Čupic was one of the rare Montenegrin intellectuals in Serbia who raised his voice against manipulations by patriotic associations and warned that no serious political figure in Serbia condemned such statements of the Fund for Protection of Rights of All Montenegrin Citizens.<sup>18</sup>

In addition to patriotic associations the Serb diaspora also engaged itself in active monitoring of situation in Montenegro. But its lack of understanding of the process of dissolution of the SFRY and notably of situation in Serbia soon became manifest. It was frequently more radical than the elite in the country and endeavoured very hard to ensure its influence through the church. In criticising the official Montenegrin policy, diaspora maintained that "Serb Orthodox Church and the Serb Academy of Science should draw up the Serb national program."<sup>19</sup>

Activities of "patriotic associations" were sharply criticised by Montenegrin authorities, who also stressed Serbia's behind-the-scene efforts to "compel Montenegro to remain in the interest sphere of Serbia and to win over the obedient politicians in Montenegro instead of respecting the will of democratic ones." Montenegrin officials seized every opportunity to denounce Belgrade's covert actions in Montenegro and kept stressing that "the political concept of Greater Serbia cannot protect the Serb national interests... even Slobodan Milosevic failed in that intent, for any such project was doomed due to its obsolete character."<sup>20</sup>

Milo Đukanovic also cautioned against the same danger and maintained that citizens on 22 April 2001 would have the opportunity to choose "either the option offering continuous peace, inter-ethnic harmony, referendum and integration into Europe, or a loss of state and absorption by Serbia as its 27<sup>th</sup> region."<sup>21</sup>

Kostunica's insistence on "non-change of borders" and pact-making with the pro-Serbs parties in Montenegro, implied his advocacy of a strong and unitary state and a stiff opposition to sovereignty of Montenegro. This provoked many Montenegrin politicians to accuse him of "selectively honouring the FRY Constitution" and Milo Đukanovic to argue that "18 times larger Serbia shows no understanding for Montenegrin needs and

<sup>17</sup> *Borba*, 10 April 2001.

<sup>18</sup> *Danas*, 19 April 2001.

<sup>19</sup> *Glas javnosti*, 19 April 2001.

<sup>20</sup> *Danas*, 7-8 April 2001.

<sup>21</sup> *Politika*, 8 April 2001.



deprives the latter of equality."<sup>22</sup> Đukanovic went as far as to accuse Kostunica "of interfering into the pre-election race in Montenegro... and is more interested in the neighbouring republic than in Serbia proper."<sup>23</sup>

### 5. Belgrade's Financial Backing of Montenegrin Opposition

Leading Montenegrin politicians maintain that as early as in 1997 "Belgrade dictatorship tried to establish control over the Montenegrin state and civil interests and by the 6 July 2000 unlawful amendments to the constitution the FRY was relegated to history." Hence the position of democratic Montenegro that "after 6 July 2000 Yugoslavia ceased to exist."

To preserve its positions in Montenegro Belgrade generously bankrolled its partners-Coalition "Together for Yugoslavia" from the federal budget, notably on the eve of Montenegrin elections.<sup>24</sup>

According to sources from the Montenegrin Democratic Party of Socialists, Belgrade transferred large quantity of foreign currency to them on the eve of Montenegrin elections, and in early April 2001 "Bulatovic and Šoc were able to dispose of large quantities of illegally transferred money." Podgorica branch office of "Ekos bank" also engaged in such illegal transfers, by providing self-styled saviours of Serbhood in Montenegro with large amounts of foreign currency.<sup>25</sup> The foregoing was confirmed by Đindić's Democratic Party. Its officials admitted that the federal administration was very generous towards the Montenegrin opposition and media under its control. DP officials also disclosed that "Dan" (a daily under influence of Predrag Bulatovic's Socialist Popular Party) was given gratis large quantities of paper worth DM 800,000 by paper plant "Matroz."<sup>26</sup>

<sup>22</sup> *Blic*, 8 April 2001.

<sup>23</sup> *Večernje novosti*, 17 April 2001.

<sup>24</sup> *Svedok*, 3 April 2001.

<sup>25</sup> *Blic*, 12 April 2001.

<sup>26</sup> *Politika*, 20 July 2001.

### 6. International Community Actions Play into the Hands of the Serb Project Masterminds

Both Belgrade and international community brought pressure to bear on Montenegro on the eve of elections in 2001. Belgrade media gave much prominence to information relating to meetings with international representatives and depicted their presence as a sign of support to the survival of the FRY. Thus for example the Bijelo Polje meeting between federal Prime Minister Žižić and the Russian Ambassador Jegoskin was hyped by headline "Our victory preserves Yugoslavia".<sup>27</sup> At the pre-election rally of Coalition "Together for Yugoslavia" the Russian Ambassador stated: "it is in the interest of Montenegro, Serbia and Russia to preserve the Federal Republic of Yugoslavia." After the rally Žižić announced his imminent visit to Moscow. At the same time the Contact Group re-launched its formula on "the need for democratic Montenegro to remain in democratic Yugoslavia." and suggested continuation of dialogue between Serbia and Montenegro with the goal of re-definition of relations between the two republics of the FRY. EU called on Belgrade<sup>28</sup> and Podgorica to "reach acceptable constitutional solutions for Montenegro and Serbia by dint of an open, democratic procedure."<sup>29</sup>

Such stances encouraged Montenegrin opposition. For example federal Prime Minister Žižić then maintained that "after 10 April EU shall warn Đukanovic to refrain from one-sided moves aimed at effecting secession of Montenegro," and "Milo Đukanovic is not in the position to integrate Montenegro, for he is sowing hatred and discord in a bid to disintegrate the FRY."<sup>30</sup> Predrag Bulatovic made similar claims and cautioned Muslims and Albanians against backing Đukanovic "for he tried to sow division on religious grounds among his people by establishing the Montenegrin Orthodox Sect."<sup>31</sup>

Position of the Contact Group "Democratic Montenegro within democratic Yugoslavia" was condemned by the Montenegrin authorities and caused a deep frustration among them. Milo Đukanovic reiterated to foreign press agencies his disappointment

<sup>27</sup> *Politika*, 8 April 2001.

<sup>28</sup> *Blic*, 12 April 2001.

<sup>29</sup> *24 časa*, 9 April 2001.

<sup>30</sup> *Blic*, 9 April 2001.

<sup>31</sup> *Blic*, 9 April 2001.

with such a stance of the international community and reminded them how independent Montenegro enjoyed international backing while Slobodan Milosevic was at the helm of Yugoslavia. He also stated that the aforementioned international stand was tantamount to support to the Serb nationalism.<sup>32</sup> Other politicians were frustrated too and oft maintained that "EU economic pressure on the republic would be futile and nonsensical for it would be tantamount to pressure on those who largely contributed to toppling of Milosevic and proved their partnership to the international community in affirmation of democratic, multi-national and multi-denominational tolerance and of economic reforms in this territory."

West put a special pressure on M. Đukanovic by according him a less favourable treatment. For example in February 2001 Colin Powell refused to see Đukanovic during his Washington visit, and stated that the US would like to see Montenegro in the FRY.<sup>33</sup> That stance was also taken by former US Ambassador to the UN, Richard Holbrooke, though he made it clear that the US and EU would accept independence of Montenegro if so chosen by Montenegro. He reminded of the fact that Đukanovic bravely put up resistance to former FRY President Milosevic during the Kosovo war and thus helped NATO. At the same time EU espoused a much more rigid stance. Head of Austrian diplomacy Benita-Ferrero-Valdner opposed independence of Montenegro and urged, like other EU member-countries a more constructive dialogue between Belgrade and Podgorica.<sup>34</sup>

In the face of such international stances, public opinion polls in Montenegro after the 2001 elections indicated that a very large percentage of population would vote for independence. Added to that a survey of the US NGO National Democratic Institute for International Relations indicated that as many as 58% of citizens would say "yes" to independence versus 31% refusing it. Moreover 40% of citizens would vote for the union of the two internationally recognised state founded on the basis of negotiations between Serb and Montenegrin governments, and 37% against it.<sup>35</sup>

Contrary to the Bush Administration, some circles in the US favour the Montenegrin independence. One of prominent

<sup>32</sup> *Danas*, 13 April 2001.

<sup>33</sup> *Danas*, 30 April 2001.

<sup>34</sup> *Blic*, 11 April 2001.

<sup>35</sup> *Borba*, 14-15 April 2001.

Washington analysts James Hooper Director of the Group for International Law<sup>36</sup> thinks that "democratic changes in Serbia and Montenegro would be slowed down if they stayed together". He also thinks that "Kostunica is bent on preserving the FRY for he believes that via federal institutions he can slow down changes and weaken democratic forces in Serbia and Montenegro." Hooper is also of opinion that "independence of Montenegro would suspend anti-democratic federal institutions and thus provoke liberation of Serbia and accelerate the latter's democratisation. In my mind the Bush Administration should publicly voice its neutral stance on the issue of Montenegrin independence."<sup>37</sup>

International Crisis Group voiced its scepticism regarding sustainability of the new community, for "the agreement which replaces the FRY with the new state community-union of states called Serbia-Montenegro resulted from the EU resolve to halt the Montenegrin separatism." However according to the ICG "the agreement did not live to EU expectations for it failed to ensure the existence of the federal state or end the debate on the status of Montenegro." ICG thinks that "the agreement is incomplete, and its provisions failed to meet many demands made by both republics." In its recommendations ICG states that "no Agreement on Association and Stabilisation with EU is possible until the status of all three entities, namely Serbia, Montenegro and Kosovo, is resolved."<sup>38</sup>

## 7. Army – a Stumbling Block

In recent years speculation was rife as to a possible, army-assisted coup against the Montenegrin president. Most direct confrontation between Đukanovic and Milosevic had happened during NATO intervention, but a direct military influence on Montenegrin political developments was expected after Đukanovic inauguration, in January 1998.

Then opposition tried to occupy the parliament building and military aircraft were seen over Podgorica and other Montenegrin towns for many days, as a specific form of threat.

<sup>36</sup> Similar positions on Montenegro were voiced also by some prominent Washington figures notably, Morton Abramowitz, Janos Bugajski, Paul Williams, etc.

<sup>37</sup> *Danas*, 17 January 2002.

<sup>38</sup> *Novosti*, 28 May 2002.

However that attempt of army to intervene against the official authorities in Montenegro was condemned by the international community. The Supreme Defence Council, the only federal body in which Podgorica was only formally represented, somehow managed to thwart an open engagement of the army. That is why Vojislav Kostunica applied other means in disciplining Montenegro. In fact he reckoned that unitary goals and creation of Greater Serbia with small Montenegro may be attained by peaceful means.

Montenegro has been *de facto* independent for three years, it pursues and autonomous foreign policy, has its own system of security and independent foreign trade and customs systems. It lacks only the army to round its sovereignty. On the other hand the Yugoslav Army is the only link between Serbia and Montenegro. That is why announcement of Montenegrin officials that independence of the republic would entail creation of Montenegrin army caused outrage among federal military circles and among the ranks of the ruling coalition-DOS. As early as in his pre-election campaign Milo Đukanovic announced formation of "Montenegrin army" and "establishment" of control over Montenegrin skies and airports.<sup>39</sup> Belgrade press highlighted his part of statement on "Montenegrin defence ministry, national army... Montenegrin citizens shall serve the army in their own country."<sup>40</sup> That statement was condemned notably by military circles. Milovan Ćorugic, Federal Defence Secretary, immediately stated "we don't fear Serbia, but Montenegrin existence without Serbia" and "Montenegrins are proud of the Yugoslav Army." He also maintained that "separatism is not in the interest of people of Montenegro."

The need for formation of the Montenegrin army was affirmed by the Montenegrin Prime Minister Filip Vujanovic. Namely he promised that "Montenegro shall have its army, and shall not allow to be without it, for there is no need for anyone else to determine the military budget of Montenegro and appoint army commanders."<sup>41</sup> The Montenegrin pro-sovereignty block always feared the army. Hence the statement of Đukanovic that "Bulatovic, Šoc and Bojovic are planning to provoke unrest and abuse of the Yugoslav army with DOS assistance" was not

<sup>39</sup> *Glas javnosti*, 9 April 2001.

<sup>40</sup> *Politika*, 9 April 2001.

<sup>41</sup> *Danas*, 31 March-1 April 2001.

surprising. Đukanovic also said that "the opposition might act as a rabble-rouser, after its electoral defeat, in order to convincingly formulate an alibi for that debacle."

On that occasion Vojislav Kostunica and Zoran Đindić issued a joint statement: "DOS shall in no way interfere into Montenegrin elections. In case of Montenegrin decision to remain in the common state with Serbia DOS shall promptly embark upon a dialogue on re-arrangement of a federal state, as it is convinced that the concept of a minimal, but functional federation is the best framework for a true prosperity of Serbs and Montenegrins and other citizens of our country."<sup>42</sup>

At the peak of the 2001 pre-election campaign, DOS offered a platform on re-definition of relations between Serbia and Montenegro as a kind of "basis for a minimal and functional federation with the joint authority in the provinces of defence, foreign policy, transport, human rights, and economy." Montenegrin officials turned down that offer with justification that it was of a political and not state nature, and that only the two governments could agree on that redefinition. Statements that after redefinition of those relations Montenegrin borders would be guarded by the Yugoslav Army caused a veritable uproar. Montenegrin members of the Commission maintained that "guarding of borders was not the topic of the Constitutional Commission, but was nonetheless indirectly discussed. Nowhere in the world army guards borders. It is the duty of police."<sup>43</sup> The federal top leadership rejected the possibility that the said issue be deliberated by the two republican governments, for according to Slobodan Samardžić, political adviser to the FRY President Kostunica "behind the so-called political proposal there is whole Serbia and part of Montenegro, while behind the so-called political proposal is only part of Montenegro. And that point should be taken into consideration."<sup>44</sup>

<sup>42</sup> *Borba*, 14-16 April 2001.

<sup>43</sup> *Danas*, 8 October 2002.

<sup>44</sup> *Borba*, 14-16 April 2001.

## 8 Unitary Pressures on Montenegro

Re-definition of relations between Montenegro and Serbia became the key topic of Belgrade media. In that informal dialogue, which included coverage of statements of officials on both sides, Belgrade's orientation towards a unitary arrangement of the new community was crystallised. Dragan Marsicanin, Vice President of the Democratic Party of Serbia, in espousing the DOS stance stated that "all talks on preservation of relations between Serbia and Montenegro are possible only if they centre on preservation of the common state." He also stated "Serbia does not even ponder a kind of mock federal state imagined by Montenegrins for if Montenegro secedes Serbia shall take time to decide with which neighbouring states it shall co-operate. We care more about the railway line Belgrade-Thessaloniki than about the Belgrade-Bar one. The FRY has not yet collapsed and I don't think it shall happen. Like in the past, leaders of Democratic Party of Socialists are likely to radically change their stances in due course. We should wait for the Montenegrin election results, though I think that whoever wins them is not likely to embark upon breaking up the federal state." Čeda Jovanovic, an official of Democratic Party and head of MP club of DOS, stated that "the coalition wants the state resting on commonly pursued monetary policy, foreign policy, defence, and joint framework for respect of human rights. If Montenegro finds it unacceptable, we shall agree with its stance. There are no conditions for any confrontation. We shall effect an amicable and civilised parting of the ways, or we shall build a civilised new society."<sup>45</sup> Nebojsa Covic, Vice Prime Minister of republican government, urged preservation of the joint state, but also admitted that he was ready to accept "an amicable parting of the ways between the two states, but not of the two peoples, for it is a dangerous historical hypocrisy."<sup>46</sup>

Federal leadership and Kostunica's inner circle tirelessly promoted the common state and in that propaganda used all the media and other means available. Slobodan Samardžić (DPS) highlighted that Serbia would renounce the common state "if there were an anti-federal state mood in Montenegro." The media accused Montenegro of delegating responsibility to the other side, and its offer to postpone talks on the union of the two states until

<sup>45</sup> *Blic*, 10 April 2001.

<sup>46</sup> *Glas javnosti*, 11 April 2001.

two chairs in the UN are granted, was rejected with the excuse that "political forces in Serbia and federation urge the common state."<sup>47</sup> Mlađan Dinkić, the NBY Governor, also thinks that independence-gaining of Montenegro is not necessary, for "costs of independence would be higher than the benefits thereof" in view of the FRY's accelerated reforms and integration with the world.<sup>48</sup>

Zoran Zivkovic, Federal Interior Secretary, stressed that "Serbia would accept any legitimate decision taken at democratic elections, but in that case citizens of Serbia should have a say too. All statements of Serb politicians had a negative charge and were riddled with threats and warnings. Zoran Zivkovic also said " I personally don't want to live in a union with a sovereign Montenegro, and would prefer a union with some other countries. If Montenegro goes independent citizens of Montenegro living in Serbia would become foreigners, and would have to apply for citizenship of Serbia. That procedure would take a long time to resolve. DOS shall respect the will of citizens of Montenegro."<sup>49</sup> Dragoljub Micunovic, President of Federal Assembly, took a very hard-line stance on that issue, and reiterated that "federal parliament shall exist as long as Yugoslavia exists, and tensions shall stop in case of victory of Coalition "Together for Yugoslavia. If the other side wins, then they will have to start talks with the FRY and Serbia."<sup>50</sup>

After the April 2001 elections the Montenegrin opposition "Together for Yugoslavia", backed by DOS, continued its pro-Yugoslavia activities. The majority Montenegro and official Podgorica were still not represented in any federal institution barring the Supreme Defence Council. Such illegitimate state obviously suited DOS. Serb hegemony-minded officials continued to pursue the same-means policy.

After elections in 2001 almost all Serb prime movers openly criticised the ideas of independence of Montenegro or a state union with it. They advocated preservation of the federal state bereft of federal features, because official Podgorica did not have its representatives in any federal body. Citizens of Serbia continued to finance the existence of the two Serb governments and both the federal and republican administration. In alluding to that fact,

<sup>47</sup> *Borba*, 14-16 April 2001.

<sup>48</sup> *Danas*, 17 April 2001.

<sup>49</sup> *Politika*, 18 April 2001.

<sup>50</sup> *Vecernje Novosti*, 19 April 2001.

Zoran Zivkovic, Federal Interior Secretary, argued: "we need an alliance with the state which can help us, and not with the state which we should help."

Other parties floated also an anti-independence stand. For example Nada Kolundžija, Vice President of Democratic Alternative (DA) stated: "It is not in our interest to have an union of the two independent and internationally recognised states. If Serbia were to take a responsible stand on its interests then we are not interested in any union with Montenegro, at least not with that republic. We are interested in survival of federation with the minimal authority, but union of internationally recognised states is not something we would take into consideration even within 50-100 years."<sup>51</sup> DPS representatives reiterated that "after Montenegrin elections there shall be more room for talks between federal and republican officials and Montenegrin representatives, in order to lay the foundations of the new state."<sup>52</sup> Vojislav Kostunica explained that the outcome of Montenegrin elections represented a clear message and support to efforts of authorities in Serbia and the FRY to find "a formula for togetherness of Serbia and Montenegro and high level of independence of the state with a small, but efficient number of functions." He urged a quick resolution to the issue and said "it is clear that there is no danger of use of military force in resolution of Serb-Montenegrin relations, for anyone who even ponders such a possibility shall face something stronger than any force, namely, the will of people".<sup>53</sup>

## 9. Independence - An Epilogue to the FRY Disintegration

Serb elite does not want to face up to the fact that the process of independence-gaining of Montenegro is underway. Consequently it avoids an open dialogue with the winner of elections, Coalition "Montenegro shall win." Serb elite is still trying to re-shape the Montenegrin political scene and its territorial and state integrity in collusion with the Montenegrin opposition. But official Podgorica refuses such a "deal" as indicated by the following statement of Miodrag Vukovic: "Text of the platform is of

<sup>51</sup> *Blic*, 10 May 2001.

<sup>52</sup> *Blic*, 10 May 2001.

<sup>53</sup> *Borba*, 5-6 May 2001.

a unitary character. It is a proof that local unitarists and nationalists still aspire to a unitary state. Their starting point is an original sovereignty of Yugoslavia, and not an original sovereignty of the two old states, Serbia and Montenegro."<sup>54</sup> Vukovic pointed out that "Serbia and Montenegro have only things in common, the civilian air traffic control and the army. Montenegro shall not accept any modern federation, for Montenegro and Serbia cannot function as Yugoslavia."<sup>55</sup> Milo Đukanovic additionally clarified that stand: "In the face of the ruins of the two failed Yugoslavia and the illusion of the current one, Montenegro cannot and does not want to join the community of European nations in the way it had done in 1918, without its national name, and its Montenegrin state. Yugoslavia cannot exist without all South-Slav peoples. There can be no two-member Yugoslavhood, unless, as the 13<sup>th</sup> July rebels have put it- it is formed under the dictate of the dominant member."<sup>56</sup>

Branko Lukovac, Montenegrin Foreign Secretary, appealed to the international community to renounce the stand on "democratic Montenegro within democratic FRY" and called on Group 8 to "abandon and forget that illusion for it has become nonsensical in view of its non-feasibility." He also stated that Montenegro viewed that stand: "as an international recommendation for Montenegro to become part of the Greater Serbia, and we don't plan any such thing." At the US-Montenegrin forum in Washington Lukovac underlined that President Đukanovic and government in Podgorica in their orientation towards independence enjoyed the backing of parliamentary majority and of population of Montenegro. He added that "the truth is that the FRY is just a second name for Serbia and no-one has the right to ignore that fact. Montenegro is no longer part of the FRY, for the April elections have practically resolved the dilemma whether Montenegro should follow in the footsteps of former Yugoslav republics and become an autonomous international-legal entity."<sup>57</sup>

Frustrated by failed attempts to compel Montenegro to remain in the federation, some Serb nationalist grew increasingly intolerant of Montenegrins. Academician Dragoslav Mihajlovic

<sup>54</sup> *Glas javnosti*, 1 September 2001.

<sup>55</sup> *Glas javnosti*, 4 July 2001.

<sup>56</sup> *Blic*, 14 July 2001.

<sup>57</sup> *Danas*, 21-22 July 2001.

thinks that "Serbia has chosen the worst way of getting closer to Montenegro... because of differences in our mind-set, size, economy, work ethics, and other features we would better part the ways for we Serbs should keep in mind the fact that in the past century we suffered so much because of the two Montenegrins at the helm of our state: King Aleksandar and Slobodan Milosevic."<sup>58</sup>

The same line of thinking is recognisable in the following statement of Prime Minister Đinđić: "crisis is generated in Podgorica. Đukanovic should change his topic, for it obviously polarises and divides the nation, and opt for the one which would unite citizens."<sup>59</sup> DPS sharply condemns all Montenegrin demands relating to independence. Its officials say that "Đukanovic is imagining some things" and "the minimal federation is the condition on which DOS insists when it comes to future of federation and relations with Montenegro."<sup>60</sup>

Vojislav Kostunica constantly warns Podgorica that "Serbia cannot be the hostage to divisions in Montenegro. Resolution of the issue must be accelerated, but not in the way which puts on the line the survival of the common state." He also underscored that "referendum is a must for resolution of relations between Serbia and Montenegro",<sup>61</sup> whereby he implied the two referendums, one in Serbia and one in Montenegro. Official Montenegro opposed such a tack, and warned that "Kostunica shall not schedule our referendum".<sup>62</sup>

Idea of referendum was backed also by other Serb nationalists who think that Montenegro does not have any "historical chance" to gain independence. In those terms Gavro Perazic warns that "if a state vanishes, like Montenegro after its unification with Yugoslavia in 1918, its possible, later date reconstruction as an independent state, with elements once-possessed, does not mark the state continuity with the vanished state."<sup>63</sup>

Though the Belgrade Agreement clearly speaks about the union of two states, larger part of the Serb political elite during talks on the Constitutional Charter continued to insist on a

<sup>58</sup> *Novi Ekspres*, 18 May 2001.

<sup>59</sup> *Glas javnosti*, 26 May 2001.

<sup>60</sup> *Blic*, 26 May 2001.

<sup>61</sup> *Glas javnosti*, 30 September 2001.

<sup>62</sup> *Svedok*, 2 October 2001.

<sup>63</sup> *Politika*, 5 September 2001.

unitary concept, notably with respect to economic aspect, that is a common central bank, and manner of election of federal MPs. Most advocates of such concept took a very hard-line stand and Montenegro was constantly faced with "all or nothing" situation.

## 10. EU Proposals

Serb-Montenegrin political war (waged via media) on the status of the state community and inability to reach a minimal consensus on the character of the new state led to direct brokering of EU. But the latter was guided by the idea to prevent referendum on independence of Montenegro. EU was against further fragmentation of region for "it would only destabilise the region and led to creation of economically unsustainable small of states." However contents of Solana-brokered Belgrade Agreement signed on 14 March 2002, indicate that EU was compelled to take a very flexible stand on the agreement and notably its implementation. That Agreement *de facto* suspends the FRY and replaces it with the new state community, a union called "Serbia and Montenegro." The agreement is obviously against meddling with the reached level of reforms notably in Montenegro and is observant of the level of Montenegro's independence. It envisages a three-year moratorium on Montenegro and rotating chairs in the UN. It is a loose union in which the two member-states enjoy all elements of independence, barring the ones depending of international subjectivity. Every state shall control its borders-including the customs-and shall be responsible for its economic and internal security. Republics shall finance institutions of union: parliament, president, Council of Ministers, court of law and armed forces.

Neither side was satisfied with the contents of the Belgrade Agreement. Branko Lukovac, Montenegrin Foreign Secretary, on the eve of agreement-signing asked the US "to remain consistent regarding its principles of justice and equality and to be maximally cautious with respect to its support to the EU initiative aimed at resolution of relations between the remaining two parts of the Yugoslav federation." He stated that "Montenegro shall not renounce its ambition to create a democratic society as a sovereign state which shall be an equitable member of the world

community." He added: "we express our readiness to consider the EU proposal on the referendum deadline."<sup>64</sup>

In the face of an ever-increasing resistance by Montenegro political elite in Serbia continued to openly or covertly influence or meddle in developments in Montenegro. Such conduct characterised the new-election campaign, that is preparations for the 20 October 2002 parliamentary elections, won by a landslide by Đukanovic's coalition. According to coverage of Montenegrin *Publika* President Vojislav Kostunica allegedly tried to "discipline Montenegro", that is issued new instructions for activities on the ground to officials of Bulatovic's Socialist Popular Party.<sup>65</sup>

Under the headline "Prime Movers in Anti-Montenegrin Conspiracy" the paper ran a whole-page article dedicated to "Instructions on political actions of pro-Yugoslav forces in Montenegro." The document contains "special and conventional activities, including obstruction of food production, causing of break-downs in power supply, stage-managing incidents targeting pupils and guests from Serbia, generation of social tensions, corruption of personnel, fanning of inter-ethnic tensions, etc. Added to that the following activity is also envisaged: "more coverage dedicated to "Nacional" scandal. In its commentary the paper notes that "Yugoslavia no longer exists, but there are still vestiges of some die-hard Yugoslav parties bent on destroying all historical, state, and national achievements of Montenegro in the name of fervent Yugoslavism."

### 11. Đukanovic Coalition is Landslide in the Face of Pressures

Despite enormous pressures piled by Belgrade, international community and opposition, majority of Montenegrin citizens at the 20 October 2002 early parliamentary elections opted for Đukanovic's coalition. "For European Montenegro" Coalition won 39 seats, which ensured its absolute majority in the 75-seat parliament. The opposition coalition, headed by Predrag Bulatovic which changed its name to "For Changes" won 30 seats, Liberal Party won 4 seats, and Albanian parties won 2 seats. That victory of the pro-reform forces in Montenegro is very important, for it

<sup>64</sup> *Danas*, 9-10 March, 2002.

<sup>65</sup> *Publika*, 22 April 2002.

strengthens Đukanovic's position vis a vis Belgrade and international community.

After three failed rounds of Serbian presidential elections, the international community is renewing its interest in the status of Montenegro, for Đukanovic's coalition after October elections may set up a stable government with a four-year mandate. This represents a significant contribution to the factor of stability and security in the region, for unitarism- and nationalism-minded forces in Serbia and their Montenegrin partners now constitute a minority.

Victory of reform-minded and pro-European forces in Montenegro paves the way for a swifter agreement-reaching between Serbia and Montenegro on re-arrangement of their relations. Namely the work on the Constitutional Charter was blocked for months because of hard-line insistence of Serbia unitarists on direct elections for the parliament of the future community of Serbia and Montenegro, totally contrary to the spirit of the Belgrade Agreement. Some DOS leaders warned that attempts to overlook the Montenegrin realities "may only make more difficult the process of adoption of the charter" and "undermine relations between Serbia and Montenegro, for disrespect and non-acceptance of election results would widen the division between the republics. An increasing paternalistic stand of Serbia shall exacerbate position on Montenegro and consequently admission to Council of Europe."

Prime Minister Zoran Đinđić showed more understanding for Montenegrin demands. This became manifest after his 25 October Belgrade meeting with Đukanovic when the long-standing dispute was settled. The latter paved the way for the early December adoption of the Charter. But Đinđić's understanding for Montenegro is undermined by his views on the Dayton Agreement. Namely in his interview to *Der Spiegel* Đinđić solution for Albanians and Serbs was similar to the one implemented in B&H Federation with respect to Muslims and Croats (every community would have their own institutions). However if Albanians continued to insist on independence which would constitute a "dangerous precedent for other peoples in the Balkans, and a threat to peace in multi-ethnic Bosnia", Đinđić would then favour a new Dayton-style conference dealing with "a complete re-definition of borders in the region."<sup>66</sup> This statement is in line with

<sup>66</sup> *Der Spiegel*, January 2003.

the Serb national program as defined the last time in 1995, as a last-ditch attempt to test the mood of the international community. This statement was preceded by the extensive coverage of articles heralding new Serbia's proposal on division of Kosovo and re-composition of the Balkans.

International reactions to this statement were very negative, notably in B&H. High Representative for B&H Paddy Ashdown stated that "borders in Europe are not subject of international conferences" and "status of Kosovo shall not affect neighbouring, sovereign states." Solana's cabinet issued a similar statement with the emphasis on the fact that "the time of defining of the Balkans state borders is over." Representatives of Republika Srpska however think that "Djindić's statement should be viewed only as an initiative."<sup>67</sup>

In the broader regional context one should bear in mind that EU insisted on preservation of at least loose state community (the Belgrade Agreement), in view of absence of a final answer to the Kosovo status. Montenegrin officials therefore keep warning that Montenegro has not generated the Kosovo problem, nor taken part in its aggravation. The issue of Kosovo may be resolved only through co-operation of Belgrade, Pristina and Belgrade. Member of the Montenegrin constitutional commission Ferhad Dinoša (from Democratic Union of Albanians) resigned after the stance that "Kosovo is an constituent part of Serbia" was included in the preamble of the Charter.

Serb elite has not relinquished the Serb national program. It waged war for the "Serb state" and as a historian Nikola Popovic says: "the core problem was the West's resistance to the emergence of the Serb state within its natural boundaries and the West's insistence on the resolution of the Yugo-problem by dint of implementation of "the right to self-determination of Yugo-republics and not of Yugo-peoples".<sup>68</sup> And the latter was the position taken up by Serbia in the 90's at the beginning of the Yugoslav crisis in all inter-republican negotiations and in international rallies on the Yugoslav crisis, including the Hague Conference. The Serb national program was re-affirmed in 1994 when the Second Congress of Intellectuals adopted the Resolution on the Current Serb Problem. In September 1995 the Declaration

<sup>67</sup> From press review issued by the Office of High Representative, 9 January 2003.

<sup>68</sup> *Otadžbina*, 30 September 2002.

on the Serb State and National Issue was promoted by several then opposition parties, and signed by Z. Djindjic, V. Kostunica, Nikola Milosevic, Slobodan Rakitic, R. Ljusic, etc. That declaration inter alia reads: "Since disintegration of the SFRY Serbs are facing two not-so-easy-to-resolve problems. The first is the national and state one, and it presupposes creations of the Serb state encompassing all our countries with the majority Serb population, notably Republika Srpska and Republika Srpska krajina, The second problem is of a political nature and its goal is establishment of the multi-party system and the rule of democratic order."

After victory of 5 October 2000, DOS managed to legitimise themselves as democratic authorities and to present to the West its "civil nationalism" as liberal nationalism. That led to shift in the West's position, notably EU's with respect to preservation of the common state. But the initial euphoria over changes is slowly waning and clearer signs of a more reserved attitude towards Serbia are emerging in view of its non-fulfilment of *sine qua non* conditions on which its admission to Euro-Atlantic integration hinges, notably its unsatisfying co-operation with the Hague Tribunal and non-compliance with the Dayton Accord. Thus Montenegro once again got the chance to preserve its independence and as the Belgrade Agreement envisages formally have a say on its independence within three years. Logic of disintegration of the FRY is inevitable, and external pressures making more difficult the process of emancipation of Montenegro indicate lack of readiness of relevant international factors to respect the former. However recognition of the dominant process would accelerate re-integration of the whole region on the new foundations.

## Conclusions and Recommendations

- International recognition of the FRY and signing of the Belgrade Agreement should not jeopardise a democratic resolution of Serb-Montenegrin relations, even if that resolution were to lead to separation of the two states; respect of sovereignty of the two entities is not contrary to the dominant process of globalisation, but is rather part of that process;

- Process of disintegration of the SFRY has its inevitable logic and completion of that process is a pre-requisite for re-



integration of the region, which is in the interest of people in the region, but also in the interest of EU and the US;

- Serbia has specific problems, notably in facing up to the recent past, that is why it should primarily address its own problems, and not those of its neighbours. Unresolved internal problems of Serbia, notably those of internal order (republic of monarchy), the issue of autonomy of Vojvodina, the Sandžak issue, minorities and refugees-related issues, are specific problems which would only encumber the transition of the state community of Serbia-Montenegro.

- Independence of Montenegro indirectly opens the issue of status of Kosovo, but that is not at odds with regional interests; procrastination of resolution of status of the three *de facto* independent entities-Serbia, Kosovo, Montenegro, may additionally radicalise all sides and slow down an already painful process of transition; the international community's insistence on the Charter instead on transition, has already slowed down the process of transition in Serbia and Montenegro;

- Mutual obstruction of the process of charter-adoption, based on different motives, is not an expression of a true search for necessary compromise, but rather a consequence of the fact that "the European model" of the future state community was imposed on both sides which in fact don't have faith in its survival. EU should stick to its role of monitor of this process, and continue to provide logistic assistance, in view of immaturity of local elites, but in full respect of regional logic;

- Balkans ethnic nationalism are still eroding the social fibre of region and in the long-term divest it of potential for integrating process due to high degree of intolerance, xenophobia, disrespect of minority rights and insistence on ethnic states;

- EU-offered architecture for the Balkans to date proved to be insufficient; it should include a comprehensive program for creation of new elites in the region, which presupposes special EU and Council of Europe programs in their work with young generations.

## Vojvodina

The current controversy over Vojvodina involves a clash of nationalistic and autonomistic rhetoric. On the province's political arena, both arguments have their ardent champions who publicly express their concern for the interests of Vojvodina and its citizens. There are, of course, deeper conceptual differences behind such avowals of 'affection' for the province: the nationalists, who regard Vojvodina as an exclusive Serb domain although they grant that it is specific in terms of its ethnic heterogeneity, view the autonomy demands as a desire to insulate the province from the rest of Serbia; the autonomists, on the other hand, argue that greater autonomy would enhance Vojvodina's transition potentials and that its greater openness vis-à-vis neighbours would benefit not only Vojvodina's citizens but all in Serbia.

At a round table meeting entitled 'Europe of Regions', the leader of the Vojvodina Reformers, Mile Isakov, warned of an impending collision between the two concepts: one which has been trying for over ten years to persuade the Belgrade political establishment to embark on decentralization and recognize Vojvodina's autonomy; the other, frustrated by the defeat of the greater-state project, which either does not believe in autonomy or dismisses every such demand as the ploy of Novi Sad to deprive Belgrade of its 'Big Brother' role. Participants in the meeting also warned that 'if left to its own resources, i.e. its local elites, Vojvodina will go to ruin'.<sup>1</sup>

The Belgrade elite maintains its paternal attitude towards Vojvodina, its concern and keen supervision reflecting doubts about the province's rationality and ability to look after itself. This insistence on Vojvodina's alleged immaturity has but one object, namely to perpetuate Belgrade's tutelage and patronage of the province. The Law on the Determination of Specific Powers of Vojvodina, the so-called omnibus law, is a good example of this policy.

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<sup>1</sup> *Dnevnik*, 9 July 2002.

The law, adopted early in February 2002, disappointed precisely those who had initiated and submitted it to the republic's parliament, i.e. the Vojvodina parliament, because the law entrusts the province's organs mostly with implementation and Belgrade with decision-making. According to Isakov, 'the provincial organs will have neither power of decision-making nor freedom to decide how the work entrusted to them is to be carried out; all they can do is simply carry it out'. The fact that this work is only vaguely defined<sup>2</sup> and that no finance was provided for its execution is another major cause of discontent. 'We were cheated yet again...Vojvodina retains its colonial status,'<sup>3</sup> complained Nenad Čanak, Speaker of the Vojvodina parliament.

The opposition too was dissatisfied with the law: the Socialist Party of Serbia (SPS) described it as a 'perfidious way of breaking up Serbia';<sup>4</sup> the Serb Unity Party saw its passage as 'a first step towards the separation of Vojvodina from Serbia';<sup>5</sup> and the Serbian Radical Party (SRS) condemned the act as having 'opened the door to separatism, something which will be impossible to check and control by institutional means'.<sup>6</sup> The opposition also used the opportunity to accuse Vojvodina political party leaders such as Čanak, Isakov and Josef Kasa of separatism. In the words of Dušan Bajatović, leader of the Vojvodina SPS branch, 'they are not satisfied with the autonomy Vojvodina enjoyed under the SFRY 1974 Constitution but demand a republic, a federalization of Serbia which, they say, will nip every separatist aspiration in the bud. That is sheer humbug'.<sup>7</sup>

<sup>2</sup> The provincial Secretary for Energy and Mineral Raw Materials, Paja Francuski, predicts that implementation of the omnibus law will be difficult because the tasks it sets are not clear enough. He says that Vojvodina does not manage its energy resources. *Dnevnik*, 6 July 2002.

<sup>3</sup> 'The doctors, teachers and others for whom we are to become responsible may ask where their wages are. It will be Vojvodina's role to absorb social tensions because, rather than shout "Down with [Serbian Finance Minister Božidar] Đelić", people will protest outside the [provincial] parliament if certain commitments are not honoured.' *Dnevnik*, 9 July 2002.

<sup>4</sup> *Građanski list*, 14 January 2002.

<sup>5</sup> *Glas javnosti*, 19 January 2002.

<sup>6</sup> *Dnevnik*, 18 January 2002.

<sup>7</sup> *Dnevnik*, 10 January 2002.

In spite of their dissatisfaction with the Government's intervention<sup>8</sup> and their objections to the provisions of the law, the pro-autonomy deputies in the republican parliament nevertheless voted in favour of the law. Isakov explained that they did so because otherwise their autonomy demands would have appeared meaningless and because the occasion might have turned into a farce. While the deputies recognized that the vote meant a recognition of both Vojvodina's autonomy and the need for its enlargement, he said, they were also aware that the law was flawed<sup>9</sup> and that the provincial elite was clearly powerless to do something about it.

Powerless to win a higher degree of autonomy, the autonomist elite capitalized on the passage of the omnibus law to effect a redistribution of power within the provincial government, after which it proceeded to deal with Vojvodina's symbols. Under the pretext of reshuffling the provincial government, it first made most of the fact that the deputies of the Democratic Party of Serbia (DSS) had voted against the law<sup>10</sup> to expel the party's sole representative on that government.<sup>11</sup> However, the reshuffle fell

<sup>8</sup> Following several months of negotiations between republican and provincial government representatives, the draft law was submitted to the republican parliament where it underwent further modification in the form of government amendments. Both Čanak and Isakov condemned this 'curtailment of omnibus autonomy by [government] amendments' as a fraud. Čanak said that 'all this palaver about amendments is a sheer swindle because the omnibus law grants nothing anyway. The purpose of the amendments is to further cement this nothingness, to make the Vojvodina deputies raise their hands in support of it, and to make a show of democratization for the benefit of the international community while at the same time losing no centralist control over all of Vojvodina's resources, potentials and property'. Isakov was equally critical, alleging that 'the whole fable about the omnibus law is a swindle with two targets. One of them is Europe, where the republican Government wants to show that it is moving towards decentralization, the other the citizens of Vojvodina, because in the media...the story is being spread about that adoption of the omnibus law means the restoration of autonomy, which is absolutely incorrect'.

<sup>9</sup> *Danas*, 19 February 2002.

<sup>10</sup> Miroљub Lješnjak, deputy speaker of the Vojvodina parliament, declared that the DSS was not opposed to the law because of its flaws but because the time was not yet ripe for such a law. *Dnevnik*, 8 February 2002.

<sup>11</sup> Minister of Economy Stevo Bobić.

short of the appetites and ambitions of the Vojvodina Reformers because, in their view, the move benefited mostly the Democratic Party (DS) and the Alliance of Vojvodina Hungarians (SVM).<sup>12</sup> The DS responded by accusing the Reformers of compromising the process of reform by leading people to believe that the powers restored under the omnibus law were a booty to which people could help themselves as they pleased.<sup>13</sup> Following this controversy, the question of Vojvodina's symbols appeared on the agenda at the end of March.

At first, the champions of autonomy rejected the informal suggestion that Vojvodina should have its own symbols as a currently unimportant and 'unfounded, fanciful priority'<sup>14</sup> and insisted that priority be given to bringing together Vojvodina's political forces and concentrating on the struggle for full autonomy.<sup>15</sup> 'Autonomy is not established by means of symbols,' the Reformers stressed and advised 'caution with regard to this initiative, because while ill-wishers will accuse us of separatism others might content themselves with mere symbols and thus blunt the demands for substantial autonomy'.<sup>16</sup> Nevertheless, as early as the beginning of June, the Vojvodina Coalition submitted to the provincial parliament a draft resolution on setting up a provisional committee to propose a coat of arms, a flag and an anthem for the Autonomous Province of Vojvodina (APV). The coalition explained that proper symbols were important in Vojvodina's struggle to establish its economic integrity.<sup>17</sup>

The move provoked a sharp reaction from the opposition and a repetition of accusations set out on countless occasions

<sup>12</sup> *Nedeljni telegraf* reported the angry reaction of a resigned Reformist, Duško Radosavljević, who was heard ejaculating 'Give everything to the Hungarians' as he walked out of a meeting of the provincial government. *Nedeljni telegraf*, 20 March 2002. The SVM succeeded in obtaining the highly important secretariats for privatization and economy (Istvan Pastor), culture and education (Zoltan Bunik) and minorities, administration and regulations (Tamas Korhec).

<sup>13</sup> Bojan Pajtić, *Dnevnik*, 2 March 2002.

<sup>14</sup> Živan Berisavljević, president of the Union of Socialists of Vojvodina, *Građanski list*, 30-31 March 2002.

<sup>15</sup> Ratko Filipović, deputy president of the Vojvodina Reformers, *Građanski list*, 30-31 March 2002.

<sup>16</sup> Šorše Subotić, member of the Presidency of the Vojvodina Reformers, *Danas*, 19 June 2002.

<sup>17</sup> *Građanski list*, 8-9 June 2002.

before. The Serbian Radical Party (SRS) saw the proposal for a Vojvodina flag as the outcome of growing separatist demands emanating from the Vojvodina parliament. 'This separatist lunacy,' the SRS insisted, 'implies the complete destruction of the state of Serbia and the creation of new states such as Vojvodina which, according to this filthy programme, would have a flag, an anthem, a coat of arms, an army – i.e. NATO troops – a police force composed entirely of LSV members, a state television staffed by pro-regime journalists, etc'.<sup>18</sup> Dušan Bajatović of the Vojvodina SPS branch believes that 'the emergence of the proposal for a Vojvodina flag merely indicates that certain political circles, above all the IČK [standing for Isakov-Čanak-Kasa, a play on the Albanian acronym for the Kosovo Liberation Army or UCK], as well as politically like-minded persons, are persistently and doggedly working on creating a Vojvodina republic...It is quite clear that these forces want to capitalize on the disintegration of the state in order to federalize Serbia, which would have devastating effects on the Serb people'.<sup>19</sup> In the opinion of Dejan Mikavica, president of the Novi Sad branch of the DSS, flags, coats of arms and anthems are attributes of states not provinces. 'If Vojvodina gets those symbols, then it should change its population,' he said.<sup>20</sup> He argues that the insistence on particularity might be viewed as an effort to impose psychological, cultural and civilizational barriers between the population of Vojvodina and the Serb people in Serbia proper<sup>21</sup> and recalls that even the communists who drafted the 1974 Constitution did not dare demand state symbols for Vojvodina.<sup>22</sup> Mikavica also announced that 'the DSS will bring a complaint before the Serbian Constitutional Court to challenge the constitutional validity of the decision to adopt a coat of arms for Vojvodina. In our opinion a coat of arms with no attributes of Serbia, i.e. the four tinder-box steels, is indefensible because it would be a direct affront to the national and state-building dignity and feelings of the majority population of Vojvodina'.<sup>23</sup> The DS too

<sup>18</sup> *Građanski list*, 30-31 March 2002.

<sup>19</sup> *Građanski list*, 30-31 March 2002.

<sup>20</sup> *Danas*, 12 April 2002.

<sup>21</sup> *Građanski list*, 21 June 2002.

<sup>22</sup> *Dnevnik*, 21 June 2002.

<sup>23</sup> *Dnevnik*, 12 July 2002. Mikavica holds that if Vojvodina must have a coat of arms, it must also be given its old name of Serb Duchy (Vojvodina) from which its present name derives.

finds the 'designation of state symbols for Vojvodina unacceptable'.<sup>24</sup> On the other hand, Sandor Egeresi, vice-president of the SVM and deputy speaker of the Vojvodina parliament, was of the opinion that 'Vojvodina needs a coat of arms and a flag... just as it needs certain other symbols such as decorations'.<sup>25</sup>

At the end of June, the Vojvodina parliament decided, at the proposal of its speaker Nenad Čanak, that the province should have a coat of arms as its historical symbol<sup>26</sup> to be displayed on appropriate occasions alongside the coat of arms of the Republic of Serbia. Quite expectedly, the DSS deputies voted against.

The autonomist elite succeeded in scoring on the Vojvodina symbols issue to compensate for and mask its failures in the struggle for genuine autonomy.<sup>27</sup> The Serbian presidential election further undermined the position of the autonomists, the Reformers' decision to back the nomination of Vojislav Koštunica leading to recriminations<sup>28</sup> and divisions within the autonomist bloc. The Reformers explained that before making up their minds they had talked to both presidential candidates and that Koštunica had turned out the more accommodating of the two. Nonetheless, at a news conference the DSS let it be known that the Reformers' support did not mean that the DSS was in favour of 'full autonomy' and that Vojvodina 'will never get full autonomy'

<sup>24</sup> Bojan Pajtić, *Dnevnik*, 13 April 2002.

<sup>25</sup> *Građanski list*, 8-9 June 2002.

<sup>26</sup> The Vojvodina coat of arms combines the coats of arms of Bačka, Banat, and Srem. The coat of arms of Bačka, dating from 1680, displays Apostle Paul holding a sword and a book; that of Banat (1779) a yellow lion and a sabre; and that of Srem (1748) a stag with a gold necklace, a cypress tree and the rivers Bosut, Sava and Danube.

<sup>27</sup> According to Isakov, 'The omnibus law brings nothing. There are no powers to speak of but only, in 70 per cent of cases, jobs to be done. So, while power remains in Belgrade, only certain jobs are to be entrusted to the Executive Council [government] of the Autonomous Province of Vojvodina, which is being turned into a mere branch office'. *Danas*, 19 February 2002.

<sup>28</sup> Regarding the Reformers' decision to support Koštunica in his bid for the Serbian presidency, Vojvodina League leader Čanak said, 'We have nothing more to talk about'. To which Isakov, the Reformers' president, replied, 'We have no other choice but to oppose those who have sold their soul to the devil'. *Građanski list*, 2 October 2002. Dissatisfied with the decision of their Presidency, several Reformers resigned their posts and Ratko Filipović left the party.

because 'to us any reference to a full autonomy always means a republic'.<sup>29</sup>

The autonomists also initiated a public debate on a working version of the preliminary draft of the Basic Law of the APV.<sup>30</sup> The working version abounds in alternative provisions because the members of the drafting commission<sup>31</sup> failed to agree above all on some important institutions such as the provincial president and the provincial parliament,<sup>32</sup> the constitution of the province's Supreme Court, etc. The autonomists' opponents reacted stormily to this working version of the 'Vojvodina Constitution' although they themselves recognize that Serbia is in a state of legal chaos. 'Coming after the omnibus law, this is a second step leading inevitably to a third – an independent republic of Vojvodina,' the president of the Serb Unity Party, Borisav Pelević, warned.<sup>33</sup> He argued that as a Serbian province Vojvodina can only have a statute as its supreme law. The provincial SPS branch said that 'The Basic Law envisions an autonomous Vojvodina as a state' and warned that the province's authorities had up their sleeve 'the possibility of internationalizing the so-called Vojvodina question'.<sup>34</sup>

The President of the DSS City Board, Dejan Mikavica, believes that the omnibus law was designed only for short-term use because even a cursory glance at the Basic Law reveals that its provisions are directed against the Republic of Serbia as a state. In his opinion, the Basic Law would give Vojvodina so much autonomy that it would be impossible to identify it as a part of

<sup>29</sup> Dejan Mikavica, *Građanski list*, 4 April 2002.

<sup>30</sup> According to Svetozar Čiplić, this piece of legislation cannot be adopted before it is legally grounded in the new republican constitution. Its Article 3 states that Vojvodina 'independently regulates and exercises legislative and executive power, as well as judicial power falling within its competence'.

<sup>31</sup> The Novi Sad professors Stanko Pihler and Marijana Pajvančić left the commission at the very beginning. The members delegated by the DSS followed suit, saying they did not want to bear political responsibility in case such a document were adopted.

<sup>32</sup> According to the working version, the provincial parliament would be either a bicameral establishment comprising a Chamber of Citizens and a Chamber of National Communities or a unicameral one composed of 126 deputies.

<sup>33</sup> *Građanski list*, 24 June 2002.

<sup>34</sup> *Građanski list*, 11 November 2002.

Serbia. The province's symbols would be displayed alongside the republic's and the status of the Serb people in Vojvodina would be 'fundamentally different' from that in other parts of the country. Likewise, judicial power in the APV would culminate in a supreme court, an unmistakable sign of statehood.<sup>35</sup> The DS too opposes the Supreme Court idea on the grounds that only a sovereign state can have such an institution.<sup>36</sup> This view was echoed by the Serbian Minister of Justice, Vladan Batić, who said, 'Vojvodina is entitled to the highest degree of autonomy, but for it to have a Supreme Court, that's impossible'.<sup>37</sup> As to whether Vojvodina should have a unicameral or a bicameral parliament, the Vojvodina Coalition was quite explicit: 'Vojvodina is a civil territory which ought to be ruled by a unicameral parliament; a bicameral parliament would provoke conflict, destabilize the Province and break it up along national lines'.<sup>38</sup> The DS opposes the creation of the office of provincial president and argues that the Basic Law should have no provision to that effect. It says that the 'idea to introduce a presidential function is being pushed by the LSV and RV who want to see their political leaders occupying that post'.<sup>39</sup> One of those leaders, Nenad Čanak, retorted that the office was irrelevant and that what really mattered was whether or not Vojvodina would be able to manage its own resources.<sup>40</sup>

A group of authors from the organization 'Forum V 21' have worked out Vojvodina's losses in the past ten years at some 27 billion USD. In view of this, economic arguments are expected to carry the most weight in deciding the autonomy issue. However, the exploitation of Vojvodina can be viewed from different angles.<sup>41</sup>

<sup>35</sup> *Dnevnik*, 25 April 2002.

<sup>36</sup> *Građanski list*, 20-21 April 2002.

<sup>37</sup> *Građanski list*, 17-18 August 2002.

<sup>38</sup> *Dnevnik*, 27 April 2002.

<sup>39</sup> If it is decided that Vojvodina should have its president, says Bojan Pajtić, the DS Provincial Board President, then he or she should only chair sessions in a speaker capacity. *Danas*, 20-21 April 2002.

<sup>40</sup> *Dnevnik*, 22 April 2002.

<sup>41</sup> Dragomir Jankov says that 'the exploitation of Vojvodina is not only undemocratic and immoral, it also harms the wider interests because it presupposes a centralized mechanism for the collection and distribution of resources. And centralism itself thwarts initiative, discourages responsibility, generates corruption and a an expensive and wasteful state, kills the vital forces...' *Danas*, 21 May 2002. Jankov's text centres on an analysis of a law with a grotesquely bureaucratic name – Law on the

The nationalists for their part strive to devalue and 'demystify' the economic argument. Thus, in an interview with the daily *Večernje novosti*, Academician Čedomir Popov declared that the purpose of economic arguments was to 'befuddle the public as to the real indications of the autonomists' separatist intentions, i.e. the effort to invest autonomous territory with as many attributes of state sovereignty as possible and to create the greatest possible number of institutions characteristic of a state'.<sup>42</sup> The Vojvodina academician considers that such attributes of statehood will encourage the province increasingly to draw away from Serbia and towards neighbours, a development which could result in the complete destruction of the Serbian state. 'There would be a tendency for certain peoples in Vojvodina itself to shut themselves off, vie with each other and then strive after ever larger autonomy, with those in a position to do so openly demanding to be taken into the fold of neighbouring states. While some would embrace the idea of a "Vojvodina nation" others would want to remain Serbs'. In such a conflict the religious factor would not stand idly by and 'Vojvodina would in all probability fall apart,' Popov predicts.<sup>43</sup>

Amid such gloomy, apocalyptic forecasts, Vojvodina received full credit for its post-October opening to neighbours and for its cooperation with regions chiefly in other parts of the former Yugoslavia when, at the end of the year, it was admitted to the Assembly of European Regions<sup>44</sup> without having to pass through

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Volume of Resources and the Participation of Municipalities and Towns in Income Tax and Turnover Tax in 2002. He alleges that the 'resources collected centrally are being redistributed arbitrarily on a grand scale'. The resources collected under this law are used to even out the volume of public expenditure of individual municipalities and towns, a method he describes as a downright plunder of Vojvodina. 'The percentage of resources made available to Niš is twice the percentage made available to Novi Sad, and the percentage which goes to Kragujevac is no less than 7.5 times that which Subotica receives. Although Novi Sad generates 65 per cent more resources than Niš, it gets only 10 per cent more than Niš to meet its needs'.

<sup>42</sup> *Večernje novosti*, 17 June 2002.

<sup>43</sup> *Ibid.*

<sup>44</sup> 'We are the only member [of the Assembly of European Regions] whose mother state is not in the Council of Europe...This means that other parts of the state ought to emulate Vojvodina,' the Vojvodina

an observer stage. The fear, mistrust and hatred of the pro-Europe forces which is in evidence both in Serbia and in Vojvodina is not surprising. A concept which draws on fear in order to establish its identity does not make for the construction of the modern community Vojvodina wants to become. At present the nationalists are most active in Vojvodina, where they profess a concern for the survival of the nation and the state, encourage anti-individualistic values and sow disbelief in the autonomy idea. For all their pro-Europe rhetoric, the Serbian authorities lack concrete political will to create an appropriate institutional framework to grant Vojvodina the degree of autonomy it needs to optimize its advantages and use its resources to the full. The Serbian political elite appears to have forgotten that the autonomy issue is not only a measure of its European orientation but also of its actual break with the previous regime.

In an interview with the Novi Sad daily *Dnevnik*, Nenad Čanak said that 'we in Vojvodina lack a sufficiently concrete political elite that could specify the collective interests of the citizens'.<sup>45</sup> What is lacking above all is a competent elite willing to and capable of formulating such interests. The autonomist elite itself is partly to blame for the fact that Vojvodina continues to languish as an 'anonymous part of Serbia deprived of any rights'<sup>46</sup> because so far it has failed to examine its own conduct and to explain why, in the conflict involving two key political figures in Serbia, it has taken the side of one 'whose attitude towards Vojvodina boils down to "steal whatever you can"'.<sup>47</sup>

Two extremes mark today's political scene in Vojvodina: on the one hand, Belgrade attempts to keep the monopoly on the province's economic and financial resources, while Vojvodina, on the other, endeavours to open up European vistas for itself through joining regional initiatives. Besides, Vojvodina's political realities are highlighted by minorities' ever more active attitude when it comes to their own positions and that of Vojvodina as a region. Large-scale regional initiatives that are underway additionally crystallize Vojvodina's autonomy.

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parliament speaker commented. *Dnevnik*, 31 December 2003 – 2 January 2003.

<sup>45</sup> *Dnevnik*, 31 December 2002 – 2 January 2003.

<sup>46</sup> Nenad Čanak, *Građanski list*, 13-14 April 2002.

<sup>47</sup> Nenad Čanak, *Građanski list*, 12 February 2002.

## Sandžak

Long-standing predictions of some politicians and experts about an imminent break-out of crisis in Sandžak never materialised. 2002 was by and large a tranquil year in that region, barring several incidents, notably the brawl between Serb and Bosniak hooligans after victory of the Yugoslav team at the World Basketball Championship. However strengthening of the Muslim front, explained as the return to roots by Bosniaks, and as a looming danger of islamisation by Serbs, is a growing phenomenon in the region. Serbs were both vexed and disturbed by launching of open regional TV, University, foundation of sports and artistic associations, changes in municipal statutes in Novi Pazar and Tutin, introduction of Bosniak language as an official language, and changed names of some streets. Some Serbs associated in the Committee for Protection of Serbs from Raska (founded in the wake of the WBC incident) assess those moves as separatist and see them as an embryo of the "Republic" Sandžak. Not a single Bosniak party advocates the "Republic of Sandžak".

### Demographic Changes

Some Serbs maintain that their many co-nationals are leaving Novi Pazar. Radenko Jokovic<sup>1</sup> and Milan Veselinovic<sup>2</sup>, heads of Novi Pazar-based committees of the Popular Party and the Serb Radical Party, argue that since "List for Sandžak" of Sulejman Ugljanin took over power in Novi Pazar in 2000, about 1,000 Serbs moved out. Jokovic admits that "Serbs are not moving out under pressure", but rather "because of economic motives" (Novi Pazar is one of the most expensive cities in the country, and the real estate prices are superior to those in Belgrade) and "feeling of insecurity." Bosniak parties admit that local population outflow, but argue that it is motivated by economic reasons. That opinion is shared

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<sup>1</sup> "Večernje novosti" 13 August 2002.

<sup>2</sup> "Nedeljni telegraf", 15. maj 2002.

by mufti of the Islamic Community Sandžak Muamer Zukorlic. "If a Serb sells a house or holding for EURO 250,000, for that sum he can buy a house in Kraljevo or Smederevo and put aside the rest of the money."

Leader of Novi Pazar Radicals Milan Veselinovic<sup>3</sup> demanded that the republican authorities examine the origins of Bosniak money used for "buying Serb estates." In fact he claimed that the money was laundered or originated from criminal deals or from Saudi Arabia or other Islamic countries donations. But Veselinovic has not offered any proof in support of his allegations. Radenko Jokovic<sup>4</sup> thinks that the money comes from drug smuggling and demands engagement of the US, notably DEA experts, in the region. Those claims were dismissed by Esad Džudžević, federal MP of the "List for Sandžak Dr. Sulejman Ugljanin": "Bosniaks also sell their houses. Money does not recognise ethnic borders."<sup>5</sup> Rasim Ljajic, Federal Minister for National and Ethnic Communities and Leader of Sandžak Democratic Party believes that local authorities of "List for Sandžak" in the majority of Bosniak municipalities in Sandžak made moves which irritated and intimidated Serbs, but he is also convinced that Serbs were not pressured to emigrate.<sup>6</sup>

Results of the last year census indicate that the process of emigration from Sandžak was very massive in the last decade. But judging by results of census it was not politically or nationally motivated. Both Bosniaks and Serbs moved out of Sandžak. The 2002 census indicates that Bosniak population in Serbia has been halved with respect to the 1981 and 1991 censuses figures, when members of that nation declared themselves as Muslims. If one totals up Muslims and Bosniaks share in the total population of Serbia the percentage of under 2% emerges or 155,580 inhabitants. (During the 2002 census in Serbia 136,087 citizens declared themselves as Bosniaks, and 19,503 as Muslims). During the last pre-war census in 1981, there were 156,604 members of that nationality in Serbia and Vojvodina. According to that census in 6 Sandžak municipalities which belong to Serbia (Novi Pazar, Sjenica, Tutin, Priboj, Prijepolje and Nova Varos) there are 235,567 citizens. There are 132,350 Bosniaks, 89, 396 Serbs and 4,000

<sup>3</sup> "Nedeljni telegraf" 15 May, 2002.

<sup>4</sup> Sanapres.

<sup>5</sup> Press conference of "List for Sandžak", 18 September 2002.

<sup>6</sup> "Danas", 14 September 2002.

members of other nationalities. Bosniaks are the majority population in Novi Pazar, Sjenica, and Tutin, and Serbs in Priboj, Prijepolje and Nova Varos.

Of 19,982 citizens of Nova Varos, 18,001 are Serbs, 1,028 are Bosniaks, and 502 Muslims. Of 30,377 citizens of Priboj, 22, 523 are Serbs, 5,567 are Bosniaks, and 1,427 are Muslims. Of 41, 188 citizens of Prijepolje, 23, 402 are Serbs, 13, 109 are Bosniaks, and 3, 812 are Muslims. Sjenica has 27,970 citizens of whom 6,572 are Serbs, 20,512 are Bosniaks, and 659 are Muslims. With its 85,996-strong population Novi Pazar has remained the largest Sandžak town. There are 17,599 Serbs, 65,593 Bosniaks and 1, 599 Muslims in Novi Pazar. Tutin has 30,054 inhabitants, that is, 1,299 Serbs, 28,319 Bosniaks and only 223 Muslims. When compared to the 1992 census number of inhabitants of Tutin fell by 4,600. In Sjenica that demographic decline is even more marked: before the war its population stood at 33,000 inhabitants, while today there are only 27,970 of them. Only population of Novi Pazar increased by a mere 600 inhabitants and it currently stands at 85,996. The recent census challenged allegations of some Serb political leaders that the number of Serbs in all the aforementioned municipalities drastically fell. It remained the same, notably the Serb share in total population of Sjenica is 25%, in Novi Pazar 20, and in Tutin less than 5%.

The 2002 census was preceded by the campaign of Bosniak parties urging Muslims to declare themselves as Bosniaks, and to register Bosniak as their mother tongue. Since the 1971 census Bosniaks declared themselves and were recognised as Muslims. A day before the official census kick-off (31 March), Sandžak Democratic Party held an important meeting in Novi Pazar, at which its leader Rasim Ljajic declared that the timing for perfect for launching the following appeal: "After a decade of migrations and wars it is important for us to finally learn the number of members of our nationality. Our plebiscite declaration as Bosniaks is even more important. By re-embracing that national name the intention of certain political circles in Serbia to turn Bosniaks into Serbs of Islamic faith, shall be removed".<sup>7</sup> Esad Džudžević, federal MP of "List for Sandžak Dr. Sulejman Ugljanin," went a step further by urging the OSCE observers to monitor the census in Sandžak.<sup>8</sup> But neither OSCE nor republican bodies showed any

<sup>7</sup> "Politika" 1 April 2002.

<sup>8</sup> Sanapres.

interest in that initiative. Muslim denizens of Belgrade and Vojvodina cities remained faithful to their old name. Thus in Belgrade there are 1,188 Bosniaks and 4,617 Muslims. In Vojvodina that ratio is: 417 Bosniaks versus 3,634 Muslims. But citizens of Novi Pazar, Tutin, and Sjenica responded to the appeal of their politicians and massively declared themselves as Bosniaks. In the Montenegrin part of Sandžak most Muslims prefer their old names, in line with instructions of their largest party, Democratic Party of Socialists.

### Political Life

In contrast to Montenegro, which was totally disregarded by PDA and other Bosniak parties in view of the allegiance of local Bosniaks to DPS and SDP, the Bosniak parties still have primacy in the Serb part of Sandžak. That fragmentation of Sandžak parties was party caused by Đukanovic's early opposition to Milosevic. Bosniaks mostly sided with Đukanovic, and remained his loyalists because of his insistence on civil option and appointment of Bosniaks to highest party posts. Thus he managed to totally sideline PDA and furthermore caused its split. Bosniak votes at many elections were crucial in tipping the balance in favour of Đukanovic's party (Bosniaks make up 15% of Montenegrin population). In a stark contrast Serb political parties never tried to curry favour with Bosniak population. In consequence of such a policy, at January local elections for five vacancies in municipal assembly of Novi Pazar, candidates of Đinđić's Democratic Party were totally overran. Despite high Đinđić's popularity (Sandžak Bosniaks favour Đinđić over Kostunica), DP candidates spearheaded by Head of Raska District, Mile Koricanac, won only 19 votes.

There are 10 or so Bosniak parties in Sandžak but most of them are fictitious political organisations. Of important parties there are: List for Sandžak Dr. Sulejman Ugljanin, a close ally of Party of Democratic Action, and Sandžak Democratic Party (a DOS member) headed by Rasim Ljajic, Federal Minister for National and Ethnic Communities. The third most important party is Party for Sandžak headed by Fevzija Muric, former high PDA official and former president of municipal assembly of Novi Pazar. Disgruntled with Ugljanin's personnel policy Muric and a group of like-minded politicians left PDA in 2001. His party went furthest in demands for the highest-degree autonomy of Sandžak, and for the

referendum on status of Sandžak. But the local January elections for several municipal posts amply indicated Ugljanin's and Ljajic's primacy in political arena of Sandžak: Ljajic's SDP won 3 alderman posts and Ugljanin's "List for Sandžak" won two seats.

In 2002 Ugljanin's party mostly dealt with settlement of communal problems in three municipalities in which it enjoys an absolute majority, Novi Pazar, Sjenica and Tutin. Added to that, its many activities in various international fora and the European Centre for Minorities Issues aimed at bringing to the fore the issue of the region's status. Last year at the proposal of "List for Sandžak" and thanks to votes of its MPs municipal statutes of Novi Pazar and Tutin were changed., as were symbols of towns, the flag and coat-of-arms, and the use of Bosniak mother tongue and Latin alphabet became official. Names of some streets were changed too. Serb MPs sharply condemned those decisions. Many walked out of a session at which those proposals were discussed. But despite appeals of local MPs of Serb parties, the republican authorities did not respond to those municipal decisions.

Belgrade also failed to respond to the July Declaration of the Bosniak National Council on Rights of Bosniaks to political and national equality. Declaration reads: "Bosniaks are European people, indigenous inhabitants of Sandžak and other parts of the FRY, with all the hallmarks making them a distinct national entity... Bosniak people are against disintegration of the FRY for it would lead to destabilisation of the whole Balkans and threaten interests of all citizens and peoples living in this territory, notably of Bosniaks".<sup>9</sup> In keeping with the will of the people expressed at the October 1991 referendum BNCS demanded by virtue of this Declaration that "Sandžak, under the new Constitution be arranged as a modern political, territorial unit with a high-degree autonomy, that is self-rule" According to BNCS "the future community should be a federal state with a bi-cameral parliament, that is, Lower House (the one of Citizens) and Upper House (the one of States). Within the fold of Constitutional Commission those stands were espoused by Sead Džudžević, MP of "List for Sandžak". He joined the Commission at a later date, at the proposal of Vojislav Kostunica. Initially only one representative of Sandžak parties, Mujo Mukovic, Vice President of DPS and MP of Serbian parliament made part of that Commission. But then Kostunica proposed Džudžević as a replacement for the SPS

<sup>9</sup> "Sandžacke novine" 3 July 2002.



representative (the party refused to take part in the work of the said commission), and also on grounds of "the commission's multi-ethnic composition." Džudžević submitted to the Commission BNCS proposal in the face of opposition by Ljajic's party. Then the PDS representative Mujo Mukovic assessed that Džudžević's proposal disregarded the fact that both Montenegro and Serbia were states, and that territory of Sandžak was divided by the two states. Mukovic then put forward the proposal on the status of ethnic minorities in the future state.

DPS proposal did not mention a special status of Bosniaks and Sandžak but rather served as a springboard for launching an open demand that the degree of protection be on a par with the FRY and EU standards. That party also advocated decentralisation of Serbia and its regional arrangement: "Six Sandžak municipalities in Serbia could make up one region. The same applies to Sandžak municipalities in Montenegro. Those two regions could co-operate on different levels, and endeavour to constitute a kind of a cross-border region, but not a political entity."<sup>10</sup> Rasim Ljajic and other Sandžak political leaders rejected proposal of Democratic Party of Serbia that Sandžak be a part of Uzice region in the future constitutional arrangement of Serbia. In early 2002 Ljajic said: "Inclusion of Sandžak into any other region is unnatural. We shall insist on Sandžak's regional status."<sup>11</sup> After fine-tuning of the Constitutional Charter, Esad Džudžević in a sign of protest against "offered solutions and unfair treatment of Bosniaks and Sandžak issue" left the Constitutional Commission. According to him "the Charter shall not be binding on Bosniaks, since Sandžak was not accorded the status of a distinct region."

Two years after the political changeover, Sandžak parties are still disgruntled with Belgrade's treatment of their region. "List for Sandžak" maintains that DOS is "engaging in the personnel terror in Sandžak". At the founding assembly of PDA youth in Sjenica on April 2, Suljeman Ugljanin stated<sup>12</sup>: "DOS is discriminating us by treading upon the electoral will of our citizens. DOS cronies follow in the footsteps of Milosevic cronies by trying to control all spheres of life in Sandžak. We are in favour of co-operation with Belgrade and Podgorica, but shall not tolerate dictates of either."

<sup>10</sup> "Politika" 19 July 2002.

<sup>11</sup> "Blic", 11 February 2002.

<sup>12</sup> "Sandžačke novine", April 2002.

Rasim Ljajic is also discontent with the personnel policy pursued in Sandžak towns. His party thinks that DOS should consult it prior to appointment of personnel and "our coalition partners, namely DOS are acting in collusion with Ugljanin's on the local level". Rasim Ljajic made use of his federal position to strengthen his party basis in Sandžak. DPS now has off-shoots in all Sandžak towns, and moves are afoot to set them up also in other towns in Serbia. Membership of the party has doubled, and DPS fared well at local elections in some Sandžak municipalities. Due to failure of Sandžak parties to agree on a joint candidate for a minister in government of Serbia, Bosniaks now don't have their representative in Đinđić's cabinet. That ministerial post was suggested by Prime Minister proper, for "Bosniaks are also to be credited with toppling of Milosevic regime." Ugljanin's List of Sandžak, as the largest and most prestigious party, suggested Bajram Omeragic, but Ljajic's party thought that the post should go their member in view of their participation in the ruling coalition. But as Ugljanin was adamant that his candidate be elected minister, the deal was not reached, and Bosniaks have not made it to the Serb government.

The next personnel battle was waged over the appointment of head of Novi Pazar police department. Both parties had their candidates, and their several-months long wrangling was cut short by Prime Minister. Namely his choice fell on Suad Bulic member of Democratic Party from Novi Pazar. Both Ugljanin and Ljajic had to accept that choice. Ugljanin tried to prove the power of his party by founding the regional TV and opening of the University in Novi Pazar. Ugljanin's political opponents maintained that he turned the regional TV into his propaganda machinery. And that allegation seems to be founded, for Ugljanin's party pre-election campaign in Novi Pazar was very aggressive. TV coverage of his contenders for five municipal MPs was judged excessive by many viewers.

Higher education in Novi Pazar and in Sandžak has always been underdeveloped. Despite its size (over 80,000 inhabitants), in Novi Pazar until 3-4 years ago there was no high school.. Then departments of Belgrade Pedagogical Faculty, Kragujevac Economic Faculty, BK University and High Business School were opened. In 2002 the two universities started operating in Novi Pazar. The first one known as the "White House of Science" is headed by Sandžak mufti Muarem Zukorlic, while the second one was built by the municipality.

## Religious Factor

High education institutions became the new battleground between Suljeman Ugljanin and mufti/imam Zukorlic. That conflict dates back to several years ago when, according to religious dignitaries, Ugljanin tried to misuse the Islamic Community of Sandžak and to establish a firm control over it. Ugljanin responded by counter-accusations, notably: "Islamic Community is very meddlesome, it tries to meddle into political life of Sandžak" Discord between the two sides became so intense that Ugljanin last year did not show up at a Ramadan Prayer, officiated by the reis ulema Mustafa Ceric, head of B&H Islamic Community and recognised head of all Muslim communities in former Yugoslavia. DPS condemned appointment of mufti Zukorlic to the post of University rector, though he said that it was only a temporary duty. At the proposal of Zukorlic in March 2002 the Initiative Committee for the University Founding was set up in Sandžak. The Committee elected Zukorlic first as its President, and then as the University rector. At the inauguration ceremony in the late summer Gaso Knezevic, Serb Education Minister said: "Government Serbia was glad to hear that a group of people from Novi Pazar decided to found university with their own funds and in their own town."<sup>13</sup> The university opened its doors to first students, also thanks to assistance of the Serb government, in October. That private university has the following faculties: Law, Philosophy, Information, Business Economy and Management. Tuition fees for each semester amount to EUR 400-500, and university has over 200 enrollees. Students are of Bosniak nationality, but professors are both Bosniaks and Serbs. According to mufti the multi-ethnic composition of educational cadres demonstrates the university's open and not, as many allege, fundamentalist character. In fall 2002 the building housing High School institutions, notably departments of Kragujevac and Belgrade universities, was completed by Ugljanin's party. Conditions for studying are the same like in the rest of Serbia.

Powerful Islamic Community has also opened a kindergarten in Novi Pazar in which educators teach children the basic tenets of Islam. In the town there is also a religious school, or Medressa. A growing number of "veiled" girls and members of a

<sup>13</sup> "Danas" 17 October 2002.

rigid religious sect "vehabija" on the streets of Novi Pazar testify to a growing influence of Islam in Sandžak. In 2002 Islamic Community organised a round trip of a record 200 Muslims to Mecca. Several hundred citizens prior to their departure celebrated their pilgrimage at the central town square.<sup>14</sup>

Leaflets of the "Active Muslim Youth", a fundamentalist B&H organisation calling on severance of all ties with Christian neighbours, have appeared in several Sandžak towns. Mufti/Imam Muamer Zukorlic denies charges of emergence of Islamic fundamentalism in Sandžak, and explains the veil phenomenon by saying "every person is free to dress as he or she pleases." He added: "Among every people there are extremists, but their influence among Sandžak Muslims is minor... Islamic Community is trying to sideline the vahabi sect... they are extravagant youngsters still looking for their identity. Our Muslim Youth Club is unrelated to them."

Police denies existence of any fundamentalist Islamic organisation in Novi Pazar, while Episcopo Artemije of Raska and Prizren cautioned that situation in Sandžak was quite similar to the one in Kosovo before escalation of armed conflicts. Due to several shooting incidents in the vicinity of monastery Sopocane police for several days guarded that religious institution. Serb Orthodox Dignitaries met in the monastery to discuss the security situation in Sandžak. Episcopo Artemije then said that developments in the Raska area, notably those in Novi Pazar were menacing... "I wish that people came to their senses and realised that this was the joint territory in which we all should live peacefully."<sup>15</sup> Police claimed that the Sopocani incidents were organised by incident-prone individuals, and not organised, militant groups. Priests and SPC dignitaries had a different opinion. Priest Mihajlo of Sopocani assessed that the militant Islamic faction was gaining ground in Novi Pazar. "I fear to go there...Children spit on us, throw objects on our priests and curse us." Muslims denied his accusations and said that he was trying to spread anti-Muslim sentiment ( priest Mihajlo once stated: "Serbs are bothered by loud prayers of muezzin.") Representatives of the Islamic Community and of the SOC had regular contacts, though they tended to criticise each other via media for "failing to rein in religious militants among the community's ranks". For example

<sup>14</sup> "Glas javnosti" 24 December 2002.

<sup>15</sup> "Danas" 27 December 2002.

Imam Zukorlic called on the SOC to condemn Serb extremism and asked why the SOC was raising very high crosses in the vicinity of Novi Pazar. He noted: "Hills are neither Serb nor Muslim." Last year Zukorlic as a member of the Serb government delegation visited the United Arab Emirates. This was the first time that the highest ranking Muslim dignitary made part of a state delegation.

### Sports and other Incidents

No major violations of human rights were reported in Sandžak last year. But several multi-ethnic incidents were reported. During the New Year Eve celebrations police beat up Murat Pepic<sup>16</sup>, but that incident did not have a political background. Murder of Selman Hasic, businessman of Novi Pazar was not politically motivated either. His killer Milovan Glisovic admitted that he wanted to rob Hasic<sup>17</sup>. In Novi Pazar and Tutin houses of several Serb police officials linked to weapons-seizing actions were stoned.<sup>18</sup> Stoning of the house of Inspector Goran Rosic in Novi Pazar and several attacks on policemen are seen as responses to several police interventions, involving even beating up of several hundred Bosniaks. Last year was also marked by several sports incidents. Young denizens of Novi Pazar massively celebrated the victory of the Turkish Football Representation at the World Cup. They drove around Novi Pazar, hooted their horns, waved flags and shouted "Turkey, Turkey." In the wake of those celebrations representatives of Serb political parties condemned that conduct as "celebration of victory of a foreign country." Last summer the European Youth Handball Championship was held in Novi Bazar. Bosniaks rooted for Yugoslavia, but during Yugoslavia-Turkey match they shouted "This is Turkey" and "Yugoslavia, Sandžak does not need you,." while cans and lighters were hurled at young Yugoslav players. Turkish flags were waved, and young Turkish handball players were warmly greeted every night in front of their hotel by groups of enthusiastic citizens. Most Bosniak parties condemned that incident. But PDA maintained: "Bosniak youngsters are free to root for whomever they want. But the state authorities should ask themselves why those youngsters are rooting for a rival state. The state is sovereign wherever citizens

<sup>16</sup> "Sandžačke novine", 9 January 2002.

<sup>17</sup> "Sandžačke novine", 17 April 2002.

<sup>18</sup> "Nedeljni telegraf", 14 August 2002.

are content, and they cannot be content with the country whose sovereignty is ensured by police and army and other repressive measures".<sup>19</sup> Novi Pazar authorities justified the conduct of youngsters by their irritation with the fact that one Yugoslav handball raised three-fingers (a Serb symbol) after scoring a goal. Islamic Community and most political parties condemned the conduct of Novi Pazar audience. Munir Poturak, Vice President of DPS was very critical: "It is shameful to hurl cans and insults at girls playing under the flag of this country. Those hooligans projected a negative image of Bosniaks and tried to sour our relations with our Serb neighbours."<sup>20</sup> The Turkish Embassy in Belgrade also condemned that incident Its diplomats during a visit to Novi Pazar told representatives of Sandžak political parties that "the use of Turkish flag is considered a misuse of symbol of the Turkish state." Then the basketball incident ensued. Namely about 200 Serb youngsters tried to celebrate the Yugoslav gold medal at the World Basketball Championship in the heart of town. They arrived at the central square and started shouting "We are the first ones to drink Turkish blood" and "Come out to see the Serb race.". They faced off 800 Bosniak youngsters who hurled similar insults. In the ensuing tussle policemen, who tried to separate inflamed youngsters, fared worst. The following day Veljko Beloica and Bojan Ilic, most vocal fans, were beaten up in front of a Novi Pazar café. Serbs then founded the Committee for Protection of Raska Area Serbs and erected barricades on the access roads to Novi Pazar. Two days later Ilic was detained on grounds of weapons possession. After talks with Rasim Ljajic, the Federal Minister for Ethnic and National Minorities in Novi Pazar and a meeting with Prime Minister Đindic in Belgrade, Serbs renounced the idea to erect new barricades and demand for instalment of new authorities in Novi Pazar and dismissal of Dusan Mihajlovic, the Interior Secretary and Suad Bulic, Head of Novi Pazar Police Department. At a joint Bosniak-Serb meeting Novi Pazar political parties condemned the incident "as an attempt to cause massive unrest and create a new flash-point."<sup>21</sup> Serb parties stated that the incident was organised by PDA, while the latter scapegoated "the Serb militants who came from afar on orders of the forces defeated on 5 October." According to Minister Ljajic "the incident is clearly

<sup>19</sup> Sanapres.

<sup>20</sup> "Večernje novosti", 16 August 2002.

<sup>21</sup> "Danas", 12-13 September 2002.

an attempt by both Bosniak and Serb political forces to homogenise the electorate on ethnic grounds and use it later as alleged protectors of their interests." Ljajic admitted that the incident was indicative of a high level of inter-ethnic intolerance and distrust, but concluded that "Sandžak shall not be turned into the crisis hotbed, because such a development is contrary to interests of the Bosniak population."<sup>22</sup> Prime Minister Đinđić also tried to appease the situation by telling the Serb delegation: "blockades can only worsen the situation ....Serbs have no reasons to fear anything, nor do members of minorities. Both live in their own country." Đinđić promised more assistance to that area and probes into work of the local judicial and police forces. In mid-November a mobile cultural container of the foundation "Defence of Our Future" was stoned in Novi Pazar. (It first operated for nearly five weeks in Kosovska Mitrovica). It both towns it caused different reactions. NGOs by and large extolled its workshops, while other condemned them. After the AIDs lecture and distribution of condoms to visitors, the Muslim Youth Centre condemned the project deeming it a device aimed at "spoiling the Muslim Youth and spreading immorality." MYC activists called on parents to ban their children from visiting the Container. And many parents complied with that "advice". Thus the number of visitors rapidly dwindled. Ahim Koh, head of project, criticised MYC for "spreading hate speech discrimination and racism."<sup>23</sup> MYC's President Mithad Mujovic retaliated by communicating: "We sharply condemn all forms of violence, but also attempts at raising tensions by hyping up minor phenomena."<sup>24</sup>

## Conclusions and Recommendations

- Inter-ethnic incidents mostly reported in Novi Pazar indicated that Sandžak is a sensitive area. Bosniak side in the past two years responded to Serb nationalism. Encouraging signs are at least verbal condemnations of incidents by some Bosniak parties and Islamic community. Incidents are likely to occur in the near future, but all steps should be taken to pre-empt their escalation, for the latter would harm mostly Bosniaks.

<sup>22</sup> Tanjug, 11 September 2002.

<sup>23</sup> "Politika", 11 November 2002.

<sup>24</sup> "Danas", 13 November 2002.

- Republican bodies should at least deliver on some promises given in the wake of the basketball incident. Prime Minister Đinđić then promised that "the state shall pay more attention to the area and work on development of its infrastructure and economy."

- The state, if it wants to curb Bosniak nationalism, should first demonstrate to Bosniaks that it really considers them equal citizens. And that implies: fair resumption of Ranisavljević trial in Belgrade, and end to all judicial and other misuses. (Ranisavljević is charged with passengers abduction in Sjeverin). Plus the arrest of Milan Lukic, the Štrpci case prime indictee, and resolution of both cases.

- The Yugoslav Army has taken into consideration the DPS request and petition for separate sentences. Such sentencing would not be costly for the army and would mean a lot for soldiers of Muslim faith.

- Erhad Busek, Co-ordinator of the Stability Pact for South East Europe, warned: "I am receiving reports on worsening of situation in Sandžak, and Belgrade's disregard for autonomy claims."<sup>25</sup> Status of Sandžak is likely to be discussed only after reconstruction of Serbia and settlement of Vojvodina issue. If they want Sandžak to get something, Bosniak parties should first fine-tune their positions. But currently they are very much at loggerheads, and such relations don't augur well for formation of the Bosniak Council, which under the Act on Protection of Minorities, should protect rights and interests of ethnic minorities. Under conditions of such political division, citizens of Sandžak cannot expect Belgrade to start seriously considering the status of region.

<sup>25</sup> "Nedeljni telegraf", January 2003.

**ANNEX**

# Kosovo and Serbia

## Status through Dialogue Between Belgrade and Prishtine

Two years since the overthrow of the regime of Slobodan Milosevic, Serbia is yet to solve some crucial dilemmas in order to accelerate the process of transition. One of them requires the ruling Democratic Opposition of Serbia (DOS) coalition and the Democratic Party of Serbia (DSS) taking a clear position on the country's frontiers (i.e. a position on Republika Srpska, Montenegro, and Kosovo). This is closely related to the promotion of human rights, above all to the question of minorities and their repatriation, i.e. the integration of the refugees and displaced persons. The Helsinki Committee for Human Rights in Serbia considers that the issue of human rights continues being exploited for political ends in Serbia and that the present state of affairs if anything contributes to the radicalization of these problems. Unless the key political actors in Serbia stop making contradictory statements and take a firm position on frontiers, the question of refugees and minorities will remain a potential source of crisis with unforeseeable consequences.

In this context, the question of the final status of Kosovo must be addressed as part of a public debate as soon as possible, with the Serbian authorities putting forward a clear position and proposals. The matter will in all probability not be resolved at once, such as at an international conference: it will be dealt with in a process ending in an arrangement between the Kosovo and Serbian authorities. Such a process is unthinkable without the active participation of the international community and its explicit position on every issue bearing on the final status of Kosovo. Setting up and consolidating Kosovo institutions will be a part of

that process, an activity in which substantial progress has been made since the arrival of KFOR.

By addressing the final status of Kosovo and initiating a meaningful discussion thereon, Belgrade would manifest its goodwill and readiness to solve the issue; this would be favourably received by Albanian political leaders, among others, ease the position of the Serb community in Kosovo, and enable the return of displaced persons. There will be no return of displaced persons to Kosovo as long as politicians keep juggling the number of Serbs intending to go back for their own political ends.<sup>1</sup> The latest events in connection with the return drive officially sponsored by the Return Committee, affiliated to the Association for the Return of Expelled Serbs from Kosovo and Metohija headed by Miroslav Solevic,<sup>2</sup> bears witness to the fact that at this moment a mass return of Serbs to Kosovo has no backing of the international community.

The first positive signals in favour of opening a dialogue with Belgrade with a view to determining the final status of Kosovo have already been sent by Pristina: the Kosovo Prime Minister, Bajram Rexhepi, considers that the newly-established provincial

<sup>1</sup> HCHR interview with the Kosovo analyst Veton Suroi.

<sup>2</sup> Solevic said after a meeting with US embassy officials in Belgrade that he had been advised against organizing a mass concentration of Serb returnees at the administrative border with Kosovo planned for September 21 on the grounds that the matter should be dealt with by the states of Kosovo and Serbia, i.e. by their governments. The US Belgrade embassy representatives recommended us not to organize [the mass return]. Our reply to them was that last June we'd given up a "We Want to Go Home" drive under pressure from the head of the Co-ordination Centre for Kosovo and Metohija, Nebojsa Covic, but that we weren't going to back down again,' Solevic was quoted in an interview with the daily *Danas* published on 30 August 2002. Solevic said he had been told by the Americans that the Kosovo Serbs would be able to return but only gradually. 'They told us...that in their estimation it was possible for a hundred Serbs to return each year...They made clear that the Serbs would be returning to a Kosovo state where at this very moment they were building democratic relations. We replied that that was excellent because we did want to return to a democratic Kosovo,' Solevic said.

Michael Steiner, the head of UNMIK, unveiled in Pristina UNMIK's plan for the repatriation of displaced persons on an 'upward' basis, *Politika* wrote on 20 September 2002. He was quoted as saying that the plan, providing for arrangements first at local and then regional level, had been supported by the UN Security Council among others.

authorities must consult with their Belgrade counterparts on the matter.<sup>3</sup> In an interview with the news agency Beta, Rexhepi said he was sure that direct talks with the Serbian authorities would be established soon.

At this moment, stability in the Balkans hinges on this issue more than on any other. The radicalization of the situation in Macedonia, as well as the still insufficiently stable situation in southern Serbia (Presevo and Bujanovac), should be regarded in this context.

At present eight options for settling Kosovo's status are in circulation.<sup>4</sup> According to the United States Institute for Peace they are: 1. Kosovo remains a protectorate indefinitely; 2. Cantonization/decentralization; 3. Loose Federation (Belgrade retains nominal sovereignty, but Kosovo functions as an independent state within current borders although without separate UN membership; 4. Commonwealth (Belgrade retains nominal sovereignty, but Kosovo functions as an independent state within current borders and with separate UN membership (like Canada or Australia); 5. Decision by an international panel by a date certain, i.e. three years (there would be no guarantee of eventual independence. The outcome would be conditional on the performance of Serbs and Albanians with respect to specific criteria including democratic self-government, Serb participation in Kosovo's institutions, respect for human rights, return of refugees and displaced persons, and responsibility for regional behavior); 6. Conditional independence (With unchanged borders, Kosovo would progress toward independence, contingent on demonstrated democratic self governance, respect for minority rights, and responsible behaviour in the region . The guarantee that Kosovo will not return to Belgrade rule would match a commitment that Kosovo will not seek to expand its boundaries or de-stabilize neighbours. The international community would provide security guarantees for minorities and refugee return... The UN special representative would retain veto power over issues relating to protect of minority rights and external borders during the transition period. An international forces would still be needed indefinitely for external security.); 7. Independence within the existing borders after at a date certain (after an agreed period of

<sup>3</sup> *Danas*, 12 September 2002.

<sup>4</sup> United States Institute for Peace, *Special Report: Kosovo Final Status*, July 2002.

increasing self-rule under international supervision, Kosovo would become an independent state within its current borders. The international community would guarantee the Kosovo Serbs their rights and a wide local autonomy. Before becoming independent, Kosovo would establish trans-border cooperation with the neighbouring countries. International monitoring of Kosovo would continue for a limited time after its independence); 8. independence with Partition (the municipalities of Zvečan, Zubin Potok, and Leposavić, as well as the northern part of the town of Kosovska Mitrovica, would go to Serbia, while the rest would be incorporated in a Kosovo state. On the other hand, the Albanian-predominated municipalities in southern Serbia would be attached to Kosovo. Serbs and members of other minorities wishing to move would be helped to do so. Those Serbs who wish to stay would be guaranteed dual citizenship).

Although this report has been accessible to the public in Serbia, admittedly through various interpretations, Serbian politicians have not reacted to it publicly. Their sole discernible position on the future of Kosovo postulates its division.

Kosovska Mitrovica dominates all utterances of Belgrade politicians in connection with Kosovo.<sup>5</sup> During the recent UN Assembly session in New York, the talks the Yugoslav President, Vojislav Kostunica, had there also centred on Kosovo, 'especially Kosovska Mitrovica'. According to the weekly *Nacional*,<sup>6</sup> Kostunica pointed out that singling out Kosovska Mitrovica as the greatest problem in Kosovo and Metohija was a dangerous illusion because, unlike Gnjilane, Pristina and Prizren, which had almost completely been ethnically cleansed, the multi-ethnic composition of Kosovska Mitrovica had largely been preserved.

There is no denying the fact that a great many Serbs have left the above-mentioned towns. However, Kosovska Mitrovica cannot be considered a multi-ethnic town, its present division being the consequence of violence. According to the 1991 Census, the population of Kosovska Mitrovica consisted of 70 per cent Albanians and 10.2 per cent Serbs, the Albanians constituting a majority on both sides of the Ibar. The northern part of the town, currently under Serb control, had a population of 11,000

<sup>5</sup> *Politika*, 15 September 2002.

<sup>6</sup> *Nacional*, 2 July 2002.

Albanians and 7-8,000 Serbs.<sup>7</sup> The Albanians are being prevented from returning to the northern part of the town by the Belgrade-backed 'bridge guardians'.

Yugoslav President Vojislav Kostunica is also committed to preserving the status quo in Kosovo. In an interview with the news agency Fonet, Kostunica said that 'it would not do good to rush the solution of the final status of Kosovo', adding that 'the fight for Kosovo must continue and will not soon be over'.

Nebojsa Covic, the Serbian Deputy Prime Minister and President of the Co-ordination Centre for Kosovo and Metohija who is practically in sole charge in Belgrade of the question of Kosovo, told *Nacional* that Serbia and Yugoslavia will favour the partition of Kosovo 'in proportion as the international factor favours its independence'.<sup>8</sup> He said that 'there will be no lasting and sustainable solution in the region if Kosovo is allowed to become independent', such a solution being, in his view, an 'ethnic division of Kosovo'.

Some time previously, at the international conference in Belgrade in May 2001 discussing security in south-east Europe at the threshold of the twenty-first century, Covic had tabled a plan to partition Kosovo into two entities: a Serb entity which would comprise most Serb historical and cultural monuments and an Albanian one where most Albanians live. The Serb entity would be protected by the Yugoslav army and police and the Albanian entity, which would enjoy a high or the highest degree of autonomy, would remain under the protection of an international force, with Yugoslav and KFOR border troops focusing on the prevention of raids from one entity into the other. According to Covic, the proposal 'presupposes renunciation of the maximum demands, both the Albanian and the Serbian side giving up the illusion that the whole of Kosovo belongs to them'.<sup>9</sup>

Miroslav Solevic for his part declared that the main condition to be presented to the international community would be to apply the model of Kosovska Mitrovica, i.e. that all the towns be

<sup>7</sup> News Agency of Kosova, *Multiethnic society and integrity of Kosova*.

<sup>8</sup> *Nacional*, 2 July 2002.

<sup>9</sup> *Danas*, 21 May 2002.



divided along ethnic lines 'considering that Serbs remain only in that town'.<sup>10</sup>

Serbia's political circles and elite (above all those in the Serbian Academy of Sciences and Arts) have entertained the idea of partitioning Kosovo for quite some time.<sup>11</sup> The academician Dusan Batakovic says, for instance, that when the cantonization plan providing, among other things, the preservation of special ties of Serb zones with the Serbian state was expounded to the Kosovo Serbs following the entry of KFOR, it was 'greeted with stormy approbation'. He says that Kosovo was spontaneously cantonized in a very short time largely according to cantonization maps embraced by the Serbian Orthodox Church and the Serb Resistance Movement from Kosovo far earlier than the outbreak of hostilities. Of the five cantons envisaged, four remain: the largest and most significant Serb canton in northern Kosovo encompasses the largest Serb enclave spreading from Kosovska Mitrovica through Zvecan and Leposavic to Zubin Potok. It was thanks to the French contingent of KFOR that the 'reunification of Kosovska Mitrovica' has not been effected.<sup>12</sup>

Belgrade's espousal of a partition of Kosovo along ethnic lines is also testified to by Belgrade's open support of parallel institutions as a major obstacle to the creation of a multi-ethnic Kosovo and the final settlement of its status. The president of the Co-ordinating Centre for Kosovo, Nebojsa Samardzic, has told Beta that as far as the Belgrade government was concerned 'the institutions being set up in Kosovo by the Serbs are not parallel in nature because their object is to endure'.

<sup>10</sup> *Politika ekspres*, 29 August 2002.

<sup>11</sup> The academician and former Federal Republic of Yugoslavia president Dobrica Cosic said: 'I see a permanent solution of the Kosovo and Metohija question in a partition of Kosovo and Metohija and a territorial demarcation between Serbia and Albania' (quoted from Slavoljub Djukic's book *Lovljenje vetra*, 2001). Cosic also wrote the following in his daybooks in 1981: 'Unless we are prepared to liberate Kosovo again – which we are not – we ought to divide it between us and the Albanians. We ought to take the Serb areas and monasteries and leave to the Albanians those parts that have become Albanian. Otherwise, we shall be drawn into a continual war with the Albanians which we cannot win' (quoted from *Lovljenje vetra*).

<sup>12</sup> *Srpska politicka misao*, Vol. VI, Nos. 3-4, 1999.

Such an attitude towards Kosovo on the part of Belgrade can only generate crisis in view of the fact that the Albanian side is unanimous in wanting independence. For this reason one must give serious thought to the question of whether Serbia could exist as a stable country with 10 per cent of its population opposed to the arrangement.

The idea of an ethnic division of Kosovo has no support among the mainstream Albanian political parties. The Serb politicians advocating the establishment of mono-ethnic structures can find partners only among the most radical elements in Kosovo.<sup>13</sup>

Even the representatives of moderate currents in Kosovo have by now become opposed to the prospect of Kosovo reverting to Belgrade's jurisdiction. Proceeding from this reality, the 'independent Kosovo option' and the prospects for its realization would have to be tabled as an option in any Serb-Albanian talks on the final status of Kosovo. This position does not seek to prejudice the final status of Kosovo.

Kosovo analysts dismiss the position that Albanians are incapable of running an independent Kosovo as racist logic. They believe that the relations between Serbia and Kosovo would improve significantly if Kosovo were to become independent.<sup>14</sup> In the view of some of them, a major international conference ending in an agreement on the final status of Kosovo would be unrealistic. The crucial issue is not whether or not Kosovo will become an independent state, but whether it can survive as an independent state if it adopts an autarkic policy. For Veton Suroi, the question of what is to be done the next day (following independence) and how to join the European Union and integrate regionally is the key issue.<sup>15</sup>

Drawing parallels between the status of Kosovo and that of Republika Srpska, as well as the threats by certain political circles in Serbia of annexing Republika Srpska to Serbia in the event of Kosovo being granted independence, are inadmissible. Unlike Republika Srpska, which came into being as the result of ethnic cleansing, Kosovo existed as an entity both within the former Yugoslavia and within Serbia.

<sup>13</sup> HCHR interview with Leber His, president of KACI.

<sup>14</sup> HCHR interview with Blerim Sala, editor of the daily *Zeri*.

<sup>15</sup> HCHR interview with Veton Suroi.

The international community would have to take a position on the final status of Kosovo because it is already deeply involved in Balkan affairs and because the talks on Kosovo's status would in all probability take place with its participation.

One notices two recent attitudes within the international community towards Kosovo's future status: according to one, certain standards (such as establishing a democratic society, incorporating minority representatives in political structures, embarking on privatization, fighting corruption) must first be achieved in Kosovo before discussing its final status; according to the other, the time for discussing the final status of Kosovo is now.<sup>16</sup>

Unless the debate along these lines leading towards a clear international strategy on Kosovo continues, future talks between Belgrade and Pristina will be as arduous and time-consuming as those between Serbia and Montenegro on redefining their relationship. There is all the more reason to deal with the final status of Kosovo promptly in view of the prospect of a US troop pullout from Kosovo, in which case the whole burden and responsibility for Kosovo's stability would be shouldered by the European Union.

In this context, it is especially worrying that the European Union has no unanimous position on Kosovo's status either. Morton Abramowitz, member of the Executive Committee of the International Crisis Group, and Hether Hurlburt, until recently deputy director of the ICG, point out: "...Brussels has apparently decided that the Balkans' future lies with a strong Serbia and fewer statelets – meaning that Serbia must be joined to Montenegro, and, apparently to Kosovo as well. Certainly no one who has spent any time in the region believes that Kosovo can again be ruled from Belgrade. This camp includes reformist

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<sup>16</sup> In his article published in the International *Herald Tribune*, Michael Steiner said that the final status of Kosovo could not be discussed before the proper institutions had been built, a process made possible under UN resolution 1244. Carl Bildt warned in reply that the uncertainty surrounding the status of Kosovo was a generator of insecurity from Macedonia to Bosnia. In his view, neither a rapprochement between Belgrade and Pristina nor a permanent peace were possible without international mediation based on a clear international strategy. Unlike Steiner, Bildt believes that after three years the time is ripe for launching peace talks.

Serbian leaders, who say that holding on to Kosovo will slow down, not speed up, their progress toward EU membership. Yet France, Italy, and Greece, among others, have signaled that the province must remain part of Serbia, with no protest from other EU governments. Thus, the EU now refuses even to open a discussion on final status for Kosovo<sup>17</sup>. Thus, the want of harmony in the positions of EU members merely provides the Yugoslav and Serbian authorities with leeway to manipulate the issue of Kosovo's status. The need for pressure from the international community in order to make progress in the Balkans is, unfortunately, not a thing of the past.

The question of Kosovo has only sporadically been raised during the Serbian presidential election campaign, and that almost exclusively with a view to gaining voter support.<sup>18</sup>

Addressing the question of Kosovo's final status, as well as reaching agreement primarily between Serbs and Albanians, would not only enhance regional stability by preventing a radicalization of the situation in southern Serbia and Macedonia, but also solve numerous questions of international concern. One of these questions involves cross-border cooperation in fighting terrorism and organized crime as a condition of economic advancement throughout the region. An early start on settling Kosovo's final status will lead to an early establishment of cooperation between Belgrade and Pristina; once the borders are defined and a legal framework for the development of all relations in the region established, the road to economic prosperity of Balkan states will be open.

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<sup>17</sup> "Can the EU Hack the Balkans?", 1 September 2002.

<sup>18</sup> The inclusion of the population of Kosovo in the Serbian electorate would expand the latter considerably. As a consequence, a considerably higher number of voters would have to cast their ballots for the Serbian presidential election to succeed, the minimum requirement being 51 per cent. Albanians will certainly boycott the election and, according to some estimates, many are expected abstain in Serbia proper and Vojvodina. This would entail several ballots lasting probably until the end of the year.

## Conclusions and Recommendations:

- A dialogue between the Serbian and Kosovo authorities in the presence of US and EU representatives must be launched immediately. Any delay of such dialogue will slow the transition and economic development of the region and will affect Balkan stability.

- Any further support for the parallel (Serb) institutions in Kosovo, the Belgrade authorities' manipulation of the number of displaced persons who would want to go back, and demands for a partition of Kosovo radicalize the situation and render the final solution ever more improbable. It is of exceptional importance that the Kosovo Serbs should take part in campaigning for local elections due in Kosovo in October on time, which is one of the conditions for opening a dialogue between Belgrade and Pristina.

- A unanimous position of EU members on Kosovo's final status, as well as further cooperation between the US and the EU, are still essential. If there is no such position, and if the US pulls out of Kosovo, local partners in Belgrade will have ample room for speculation and manipulation, which will not contribute to the opening of a Serb-Albanian dialogue.

September 2002

## Monthly Media Reports

January 2002

### Hate-Mongering

Hate-mongering, a feature of the Milosevic era which seemed to have disappeared with the change of government, has been creeping back into the Serbian print media.

When the Democratic Opposition of Serbia, DOS, coalition assumed power in October 2000, the media immediately became calmer and more measured, in line with the style of the new authorities. Recently, however, a rhetoric of exclusion has been finding a place on "Letters to the Editor" pages, most notably in the daily *Glas Javnosti*. Parliamentary deputies, particularly those belonging to the Radical Party, have also been using the parliamentary rostrum to spread and incite national hatred.

The media have not paid sufficient attention to this phenomenon and politicians have distanced themselves from it. Journalists considered warmongers and stooges of the former regime have started reappearing on certain television programmes, using the same old belligerent vocabulary, under the pretext of "explaining past events."

At its annual assembly this month, the Independent Association of Journalists of Serbia issued a statement that "the re-emergence of hate-mongering in the media is detrimental to democracy", and noted that "the journalistic profession has neither made a clean break with past practices, nor analysed past events in depth." (*Politika*, 27 January)

In view of this, the recent launch of a tolerance campaign by the Federal Ministry for National and Ethnic Communities is no accident. The Ministry has produced promotional materials, including coffee mugs and pencils, and a poster showing four different cakes representing four nationalities with the message "Try something different".

A public information message aired extensively in the electronic media subverts the old Serbian saying "I wish my

neighbour's cow were dead". A picture of a contented looking cow is captioned "I wish my neighbour's cow good health and long life. Tolerance costs a little, but is priceless"

The media started to take hate-mongering more seriously after an unexpected warning from the Civic Alliance of Serbia, CAS, a group renowned for campaigning against all forms of intolerance. The group was also noted for its anti-war stance under the former regime.

All media covered the emergency press conference held on January 15, by CAS President and Federal Foreign Secretary Goran Svilanovic. He cautioned against the re-emergence of hate mongering and upbraided his colleagues for glossing over the phenomenon.

Svilanovic said, "Recent hate mongering against Jews, Albanians, Croats and Bosnians, plus other nationalist uproars which have featured in our media and society of late must stop, for the politics of hatred towards other peoples will spawn new conflicts and the disintegration of our country." (Politika, Danas, B92, Radio-Television Serbia, January 15-16)

Svilanovic continued, "It is shameful that state television, which is directly financed by the federal government, could feature a tirade against Jews, which naturally provoked a protest from the Israeli Embassy. Hate-mongering against other peoples in Serbia has become commonplace and its consequences could be tragic."

Svilanovic was referring specifically to anti-Semitic statements made by Serbian Orthodox priest Zarko Gavrilovic on YU INFO, a programme financed by the federal government, articles run by the daily Glas Javnosti and a speech made to the Serbian diaspora in Sydney by Velimir Ilic, President of Nova Srbija Party.

Svilanovic appealed to federal president Vojislav Kostunica and Serbian prime minister Zoran Djindjic to deliver on their pre-election promises that "all peoples and citizens in Serbia shall be free and equal". His observation that "The silence of our top leader speaks louder than the hate mongering itself," was repeatedly quoted in the media.

On January 15, the Ministry for National and Ethnic Communities issued a communique (covered by all media) noting that "in recent days, some media and politicians' statements have been redolent of a revived nationalism."

Stopping short of pointing a finger at individuals, the communique criticised a discourse in which "national origins...

(are used) as grounds for political bashing and disqualification...ambassadors and ambassadorial appointees are 'registered' according to their nationality and public figures are berated because of the non-Serbian surnames of their spouses."

Head of the ministry Rasim Ljajic, a Muslim from the Sandzak region of Serbia, told Danas that he had issued the communique "because of a series of texts (in Glas Javnosti) critical of some members of the diplomatic corps of Yugoslavia, which made frequent mention of the nationality of those officials. We were also compelled to react to a recent statement by Velimir Ilic, president of the Nova Srbija party, who during his visit to Australia categorised diplomats according to national descent."

Ljajic continued, "We thought that after October 5 (the day of the coup) people would no longer be judged by their national descent and religion... but it seems that intolerance still has its uses in Serbia."

The January 12-13 weekend edition of Danas ran a reader's letter claiming that "During his recent visit to Sydney, Velimir Ilic mentioned that 'Energy minister Goran Novakovic, a Croat, is a member of the Serbian government', and that the Mayor of Belgrade, Mrs. Hristanovic, is married to a Muslim." The reader said these comments had also appeared on the Serbian diaspora website in Australia.

Asked to comment by a B92 presenter on January 18, Ilic angrily retorted, "I am sick and tired of those upstarts." Ilic also told a press conference (reported in Vecernji Novosti on January 22) "I did not use the language of religious and national intolerance in Sydney, and accusations levelled at me by Goran Svilanovic are not justified." He added, "Svilanovic should go to Chicago and explain some personnel appointments to our emigres there." He added that his comment "Minister Novakovic has a Croatian passport, while the Mayor of Belgrade is a daughter-in-law of Ustashi Beco Hristanovic", was made "in answer to questions in Sydney".

In a January 10 feature on Yugoslav diplomacy, Glas Javnosti included criticism of several public figures renowned for their anti-war stance during the Milosevic era. An article headlined "The diaspora does not want Cerovic" targeted weekly Vreme journalist Stojan Cerovic, a nominee for the top post of Yugoslav Ambassador to the USA.

Glas Javnosti ran a letter to President Kostunica from Professor Dr Dragoslav Georgijevic, a Serb resident in the United

States. "We oppose the candidacy of Mr Cerovic... we met him here in America during the civil war, when together with that great enemy of the Serbs Sonja Biserko (President of the Helsinki Committee for Human Rights in Serbia) he slung mud at the Serbian nation."

Glas Javnosti carried a statement by Srdja Trifkovic, "director of a Washington-based institute", that "Cerovic gave many interviews to the US media in support of the 'de-nazification' of the Serbian people conducted via NATO bombs". Glas Javnosti also ran Trifkovic's allegations that "Ivo Viskovic, a Croat, was named the FRY Ambassador to Ljubljana; Dejan Janca, a Slovene, was appointed Ambassador to Budapest, while the FRY representative to UNESCO will be Tito's former agent in the UN, Dragoljub Neiman."

After Svilanovic's statement, Glas Javnosti ran several pieces on hate-mongering. On January 17, it ran a headline "Hate speech and intolerance from politicians are so far sporadic, but should not be ignored." It also carried Svilanovic's comment that "politicians, not journalists, are most responsible for hate speech...but the editor-in-chief and director of state television should know who their guests are." [Reference to priest Zarko Gavrilovic]

The same article quoted vice-president of the Serbian government Zarko Korac's warning that "hate mongering and national hysteria have become serious problems in Serbia, for a media and society suddenly open to the world ...before standards for responsibility in public speaking have been set". Korac thought it alarming that "there is enough public response to these incidents... which should be publically condemned by all supporters of democracy, especially those in power".

Rasim Ljajic appealed to the public prosecutor to take steps against expressions of nationalism, but told Glas that he did not expect his demand to be met. He added "my ministry wants public condemnation of hate speech, for nationalist-inspired rhetoric is dangerous in an ethnically heterogeneous country. ...radical stances become entrenched and the integration of ethnic communities into a broader milieu becomes harder."

On January 20 Glas Javnosti published the results of an opinion poll "Nationalism – a Cheap Commodity." Public figures and politicians answered a series of questions, including "Who is spreading hate speech in Serbia?" Goran Svilanovic, one of the respondents, noted that Glas Javnosti was indiscriminate in its

publication of by-lined texts and readers' letters containing "unsubstantiated information" which was also "nationalistically charged".

Of the seven respondents, only Slobodan Vuksanovic, president of the National Democratic Party, a new, self-styled opposition party, and Borisav Prelevic, president of the Party of Serbian Unity, denied having noticed examples of hate mongering in public life. Other respondents referred mainly to "irresponsible politicians" or "political exhibitionism".

On January 17, Svilanovic told the "60 Minutes" programme on TV Politika that his message was intended for political colleagues and the media. "All politicians should be mindful of the impact of their words. Reforms will achieve nothing if we don't solve the human rights issues. Serbia is a state for all its peoples. We have embarked upon a process of reconciliation which is very difficult, but we must learn how to cohabit with others," he explained

Svilanovic's indictment of hate-mongering was nominated on Studio B's top programme "Impression of the Week". Only one viewer voted for it, however.

Of all the dailies, only Danas focused on the re-emergence of hate mongering. Its January 17 editorial dealt with the revival of ethnic, racial and religious hatred.

"It has become clear that since toppling Milosevic, DOS has effected some cosmetic changes and introduced some economic reforms...but the new authorities have failed to tackle the root of evil in this territory once called Yugoslavia, notably the misuse of national frustrations by political strongmen ...a misuse which generated the most heinous crimes at the end of the 20th century."

The editorial continued with doubts that "the new authorities ever intended to confront that evil... had they wanted to do that, they would have done it immediately. Criminals and stooges of the former regime would have been arrested, or at least removed from the public arena, and calling them to account would be regarded as 'law and justice' not 'unwarranted retaliation'".

The January 19-20 weekend Danas contained a lengthy commentary headlined, "Is the spectre of extreme nationalism threatening Serbia again?" concerned that "One can sense that some political groups are seeking to enthrone nationalism tinged with hate-mongering as a 'logical democratic achievement'."

On January 25, Danas ran a letter from Jelena Minic, a researcher and analyst for the Belgrade branch of the International

Crisis Group, in which she criticised the media for unbridled hate-mongering. She even took Danas to task for publishing Velimir Ilic's Sydney speech without any commentary, because "his words alone were dangerous". Glas was castigated for failing to comment on "chauvinistic statements made by Srdja Trifkovic in the article 'The diaspora does not want Cerovic'".

Minic concluded that "We should all be alarmed that only a minority of individuals and organisations react to the continuing anti-Semitic, homophobic, nationalistic and chauvinist currents in our society...and those same individuals and organisations are vilified and berated by the media and MPs. This alarming state of affairs is rooted in the failure a year ago to confront the truth about recent war crimes and begin an uncompromising process of identifying and condemning their perpetrators."

Well-known commentator Petar Lukovic dedicated his regular column in weekly Reporter (January 23 edition) to hate-mongering. In "The Croatian cow is alive and well", he noted "This country needs liberation from acute xenophobia.". Lukovic added "Minister of minorities Ljajic is right when he speaks of widespread intolerance and chauvinist incidents, but one TV announcement is not enough to influence the public mood."

Only a few media paid attention to the statements made by Zarko Gavrilovic, in a short news item headlined "Father Zarko Gavrilovic does not like Jews and they don't like him," the recently launched daily Nacional (January 12-13 edition) remarked that "Father Gavrilovic, always adept at kicking up a media furor, has recently found new enemies at the Embassy of the State of Israel".

The newspaper did not make its own comment on the incident, but wrote "Only a few viewers saw that programme [the YU INFO programme during which the offending comments were made], but it nonetheless served as a pretext for a showdown between conspiracy theorists and those who think that Father Gavrilovic represents the far-right of the Serbian spectrum."

On January 17 Glav Javnosti ran a response from Gavrilovic in which he accused it of trying to increase its circulation and pit him against the Israeli embassy. "I don't hate Jews ...Serbs and Jews have suffered equally..but Serbs have never persecuted Jews, while during the Nato campaign Jews (Holbrooke, Albright and Kissinger) took an active part in the demonisation of the Serbian people."

February 2002

## The Trial of Slobodan Milosevic

As the trial of former president Slobodan Milosevic began in The Hague this month, his popularity in Serbia has soared. The former President of Serbia and the Federal Republic of Yugoslavia, FRY, is facing charges of genocide in Bosnia and crimes against humanity in Croatia and Kosovo.

In an opinion poll conducted by the Strategic Marketing Agency, Milosevic scored an average of 2.7 on a popularity scale of one to five, way ahead of many key Serbian politicians. Events in the courtroom and local media coverage of the trial have contributed to this rating.

Local coverage of the trial has highlighted what many local and international experts consider to be a badly prepared prosecution case. Prosecution witnesses from Kosovo who "do not remember" or "knew nothing" about Kosovo Liberation Army, KLA, activities, along with Milosevic's newly discovered talent as a lawyer have dominated the reports. The events which brought Milosevic to the dock in the first place are ignored.

Another conspicuous omission from the coverage has been any meaningful comments from key politicians. Only a few politicians have touched on the alleged war crimes or Serbia's role in the wars of the former Yugoslavia. Most have confined themselves to platitudes, with Serbian minister of justice Vladan Batic commenting that the trial is "like any other trial" or Serbian prime minister Zoran Djindjic comparing it to "a circus".

Before the trial began, the media occupied itself with speculating on the possible identity of prosecution witnesses, most notably which former establishment figures might be making the journey to The Hague.

A general assessment that Milosevic's indictment was politically motivated and historically overloaded, was followed by reports that the first prosecution witnesses had not delivered convincing testimonies, that Milosevic had gained an upper hand during their cross-examinations, and was surprisingly well-informed. The shattering accounts given by some of the witnesses were sidelined.

In its 14-15 February issue, Politika ran a commentary-cum-report from The Hague, invoking "many observers at The Hague" to conclude that "the prosecution's opening statement was akin to mediocre journalism... devoid of any indications as to how

it would link Milosevic to all the events". Commentator Zorana Suvakovic remarked that "the NATO bombardment, so sensitive for Yugoslavia and its people, was presented in a superficial and inadequate way by the prosecution team, who failed to mention that thousands of innocent civilians died during the campaign."

The first testimony of the trial, from former communist official Mahmut Bakali, bolstered Milosevic's popularity rating, after the former president managed to cast doubt on Bakali's evidence during cross-examination.

On February 20, the daily *Glas javnosti* announced "Milosevic rebuts Bakali's arguments," while *Politika* observed that "the cross-examination of Bakali showed that Milosevic was right to mount his own defence." The daily also noted "his question and answer sessions were aimed both at the court and the domestic audience ...he addressed the latter to improve his political rating at home".

Some papers even used sports' jargon in their coverage. On February 20, for example, the new and increasingly popular tabloid, *Nacional*, ran a front-page headline, "Milosevic 1: The Hague 0, Rugova next in line".

Bakali's answers in Albanian – 'po' for 'yes' and 'jo' for 'no' – became a butt of jokes, both for journalists and ordinary citizens, while the Studio B programme "Impression of the Week" awarded top rating to "Milosevic's deft cross-examination of Bakali". Many viewers who called in enthused about "Milosevic's sleight of hand" and ridiculed "Bakali's confusion". (20 February)

Only the daily newspaper *Danas* gave extensive coverage to the testimony of witness Agim Zeciri, who described how Serbian forces killed 16 members of his family during the NATO campaign. *Glas* simply wrote that "Zeciri, did not face Milosevic while delivering his testimony". The media focussed instead on the court's decision not to allow the main prosecution investigator, Kevin Curtis, to testify in the courtroom.

On February 23, with the trial well into its second week, a headline in *Glas* ran "Milosevic vs Tribunal, 1:0". With a sub-heading: "First witness knocked out, second eliminated, third fled in panic," Liljana Staletovic alleged that the witnesses "have in front of them the statements they gave the prosecution and are effectively reading from prepared speeches... they are instructed how to answer, but when the cross-examination begins they fall into traps they have laid for themselves."

The same day, *Novosti's* Miroslav Zaric noted that "the prosecution experienced a real debacle, and Mahmut Bakali left a very weak impression," in a text headlined "Carla del Ponte not faring well".

*Danas* has offered the most extensive coverage of the Milosevic trial. On many occasions, through editorials and commentaries, it has addressed the issue of war crimes and the unwillingness of politicians and the public to punish them and confront the country's past.

The February 16-17 weekend issue criticised public indifference to the opening of Milosevic's trial, with journalist Ivan Torov stressing that "Serbia should finally accept that Milosevic must be called to account for the years of arrogance and violence."

He went on: "Serbia is terrified... it does not know whether The Hague's opening of the bloody Yugoslav file will rebound ...with disclosures of the truth and an assumption of collective responsibility for what was done in our name by the ruling family and the top political leadership in the final decade of the last century."

A February 22 editorial in *Danas*, headlined "The tribunal's work is approached tentatively," described a lack of political will to explain why Milosevic is in The Hague and what is really happening there. It was highly critical of a recent statement from FRY President Vojislav Kostunica that "The Hague tribunal has not made a very good impression in the early stages of the Milosevic trial...the indictment seems to have been hastily drawn up, there is a lot of quasi history and politicking ...the court is selective, revolutionary and policised – in an ad hoc fashion."

*Danas* also noted that the ruling Democratic Opposition of Serbia, DOS, coalition has made no official comment on the Milosevic trial, instead leaving the people "to assess his heroic conduct in The Hague... even though they don't know why he is there," concluding, "If Kostunica criticised Milosevic as often as he criticises his coalition partners, the Serbian people would realise why Milosevic is no longer president."

The weekly *NIN* also approached the trial in an analytical way. It criticised the "clumsy" opening statement of prosecutor Geoffrey Nice, but also took the nation to task for failing to seriously re-examine its role in the world. *NIN's* ICTY correspondent, Liljana Smailovic, noted that "Milosevic's legal skills may have earned him kudos in The Hague... but any junior

lawyer could have told him the most important rule in the The Hague courtroom. Never speak unsympathetically of the victims."

NIN went on to point out how Milosevic, in a ten-minute speech, had mentioned every brand of nationalism except Serbian, while accusing Mahmut Bakali of being "blind to crimes against the Serbs or any manifestation of Albanian nationalism."

On February 28, in an article entitled "Protected lie", Smailovic considered the Albanian witnesses and reactions to their testimonies in Serbia. She observed "they probably received instructions on what to say, how to say it and not to mention KLA activities on pain of death... All of this highlights the political nature of contemporary Kosovo."

But the commentary did not end there. "Albanian witnesses may not therefore be intrepid moral heroes, but they are undoubtedly telling the truth about their tribulations and suffering," she continued. Their testimonies make a stronger impact at the ICTY than on the Serbian public, because the latter is less sensitive to Albanian suffering than westerners. This in turn indicates the lack of political sensitivity in Serbia and the real nature of Serbian society".

March 2002

### The Hague Tribunal (I)

The Serbian political and media scenes were both afflicted with "Hague fever" throughout March 2002. Unfulfilled international commitments to cooperate with the International Criminal Tribunal for the former Yugoslavia, ICTY, once again tested relationships inside the ruling Democratic Opposition of Serbia, DOS, coalition, while the media speculated about who would be next to go to The Hague. In this context, issues relating to the Slobodan Milosevic trial and the Momcilo Perisic affair were also covered.

US financial assistance to the Federal Republic of Yugoslavia, FRY, was made dependent on cooperation with the ICTY on March 10, 2001, after a bill to facilitate the transfer of indicted war criminals was continually blocked at federal government level. The Serbian government, whose reform programme directly depended on international assistance, strongly backed cooperation with the tribunal and on June 28, 2001 adopted a "Decree on Fulfillment of Obligations towards the ICTY", on the basis of which Milosevic was immediately handed over to

The Hague. Had it failed to do this, the US would not have approved 100 million US dollars worth of assistance, nor backed future IMF and World Bank loans to Belgrade.

A representative of Kostunica's Democratic Party of Serbia, DSS, was the only Serbian government official to vote against that decision, deemed contrary to a provision of the FRY constitution expressly banning the extradition of Yugoslav citizens. Kostunica and his party continued to cite legal reasons for their resistance to the international court. No further transfers of indictees were made, and the cooperation decree was eventually struck down by the Yugoslav constitutional court.

As March 31, 2002 approached – decision day for the US Congress on the delivery of the next installment of aid – media coverage on the issue of cooperation with The Hague increased dramatically. Rival DOS factions – the 'reformist' wing spearheaded by Serbian prime minister Zoran Djindjic and the 'conservative' wing led by the incumbent Yugoslav president Vojislav Kostunica – were engaged in a veritable propaganda war, the former repeating warnings that Serbia had to find any way to comply with its commitments, the latter insisting this was impossible without proper legal provision.

Almost all media ended up more or less campaigning for cooperation with The Hague, feeling US pressure to make some progress and the Serbian authorities' fear that failure to do so would threaten domestic reforms.

Politika's front page on March 22 announced a "Countdown to D Day", the related article replete with statements from US officials and US media assessments of the "absence of cooperation between Belgrade and The Hague Tribunal." Politika warned that, "Judging by the US media, the Belgrade authorities cannot count on favourable assessments from the Bush administration, which are necessary to give a green-light in the post-March 31 period to further bilateral assistance to Serbia, and US backing of Serbia in the IMF, the World Bank and other international institutions of that kind."

On March 27, Glas noted the replay of last year's hesitation over cooperation with the ICTY, with the headline "Serbia is late once again". A number of contradictory statements by politicians were included in the piece. For example, Kostunica said that the country would be destabilised by arrests and handovers, while head of federal diplomacy Goran Svilanovic insisted "co-operation was necessary".



On March 28, Vreme's Nenad Lj Stefanovic explained that "this new non-compliance with Hague commitments results both from the failure to adopt an act on cooperation with the tribunal and the rather naive belief of many local politicians that after Milosevic's handover to The Hague, pressures for further handovers of indictees would stop".

The media began publishing "arrest warrants", "wanted lists" and photographs of those thought to be the most likely candidates for extradition. It seemed as though the public was being primed for more indictees to be handed over, and indictees were being persuaded to surrender.

The media's three most likely suspects were SPS official and former deputy prime minister of the Yugoslav government Nikola Sainovic, former head of the Serbian police Vljeko Stojiljkovic, and former chief of staff of the Yugoslav army, retired general Dragoljub Ojdanic. The "safest" indictees were judged to be Serbian president Milan Milutinovic, "protected by the Belgrade authorities, because of their unwillingness to call early presidential elections", and the Vukovar three, former Yugoslav People's Army officers Milorad Sljivancanin, Mile Mrksic and Miroslav Radic, who "are not within reach of the police, since they are protected by the army".

Reporter on March 19, in an article headlined "Two tickets for Scheveningen" [Scheveningen is the detention centre at The Hague for those awaiting trial] speculated that Stojiljkovic and Sainovic would be next, for their arrests "carry the least risk". The paper deemed that "Milutinovic, for the time being, and Ojdanic are the least likely passengers to The Hague, in view of the former's current position – President of Serbia- and the latter's military pedigree".

On March 22, Glas wrote that "tensions are running high on the eve of the last weekend in March", reporting a statement made by Serbian Radical Party leader that Djindjic was preparing "weekend arrests". The banner-style headline was "Djindjic announces a nice gift to the Hague". Glas generally opposes cooperation with the ICTY.

On March 28, Vecernje Novosti ran a front-page article entitled "Sainovic, the first passenger", while on the same day, Glas announced "Stojiljkovic, the first candidate for The Hague".

Some media asserted that others were modifying their coverage of the Milosevic trial to help facilitate such transfers.

At the beginning of the month, RTS and then YU Info took the decision to suspend live coverage of the trial due to a "lack of financial resources". However, Vreme's Aleksandar Ciric on March 14 in "Suspension of the Hague Trial Coverage" suggested that this was politically motivated, and that recently announced handovers to The Hague – "non-existent deadlines" for continuation of financial support – were not accidental either.

Reporter on March 19 also thought the RTS decision to suspend live coverage of the Milosevic trial was politically motivated. "Well-informed sources at RTS maintain that 'Sloba' was taken off the air because of the alarming growth in his popularity, as proved by some recent polls... in the wake of Milosevic-conducted cross-examinations in the Hague Tribunal..." it reported.

Quoting the same sources, Reporter wrote that on those grounds RTS refused to cooperate with B-92 (only TV B 92 continued live coverage of the trial) and IREX (the US Committee for International Research and Exchange, an organisation which assists the media), which offered coverage of the Milosevic trial free of charge.

Elsewhere, media coverage of the Milosevic trial proceedings by and large focused on the credibility, or rather the lack thereof, of Albanian witnesses. Novosti on March 18 ran a text "Lies under solemn oath". Author Miroslav Zaric assessed that "without any dilemma almost all witnesses of crimes and atrocities, when they are not lying, are trying to hush up what the accused in his cross-examination was trying to compel them to admit."

The paper quoted several articles of the ICTY's rules of procedure on perjury and noted that they were "a dead letter...for despite high penalties, that is, sentences up to seven years, witnesses may lie as much as they want".

There was no discussion of the crimes themselves, or representation of the victims' points of view. This highlighted the motivation for the media's support of cooperation with the ICTY – procuring financial aid, rather than justice.

Politika on March 19 in "Hague Tribunal Chronicle", under the by-line of Zorana Suvakovic, tried to make a connection between Milosevic's bout of 'flu', Carla Del Ponte's visit to Washington on March 18 for talks with Secretary of State Colin Powell and other officials, after which he stated "the US to date has not seen any progress in Belgrade's co-operation with the

ICTY, and still has not taken any decision on further assistance to Belgrade", and the Perisic Affair, when Deputy Prime Minister of Serbia Momcilo Perisic was arrested on espionage charges. "It is difficult not to be tempted by conspiracy theory when there is such an overlap between three momentous events related to the Hague Tribunal and the ongoing trial of the century", wrote Suvakovic, speculating that "the Perisic Affair was really about evidence related to Milosevic's command responsibility".

Politika did touch upon some more serious aspects of these Hague-related issues on March 18. Velimir Curguz Kazimir, in a piece headlined "The price of reputation", noted that "fear of the past is a very rational feeling for those who took part in many war crimes and violations of human rights. But that fear has for years now been adroitly and persistently transferred to the entire nation... For the sake of Serbia's future it is very important to uncover the truth about mass graves located in many places throughout Serbia".

Danas, which gives most consistent coverage to tribunal and war crime issues, in its March 22 edition included several texts dedicated to the Hague Tribunal and ran a lengthy interview with Natasa Kandic, director of the Humanitarian Law Centre. The headline quoted Kandic's long-standing opinion that "War crimes trials must also be held in Serbia". The supplement also included an interview with Sead Spahovic, Serbia's chief public prosecutor. Spahovic stated that no such trials would be held any time soon in Serbia, in the absence of necessary legal, technical and political conditions.

Danas also ran an interview with Mattias Hellman from the Belgrade office of the Hague Tribunal who thought that, in Serbia, the issue of cooperation was overly politicised. "In the context of the Tribunal and domestic trials, it is apparent that Serbian society is yet to seriously face up to such issues, " concluded Hellman.

The daily's Ivan Nikolic summed up his opinion on Milosevic's strategy so far on March 22, saying "most legal experts think that the defence conducted by Milosevic in person is merely a show intended for the Yugoslav public".

Apart from Danas, which shows a real commitment to the examination of war crimes, all media sidelined the question of culpability and the substance of the charges against both Milosevic and indictees still at large. Instead, coverage of cooperation with the ICTY was nearly always linked to US

economic assistance, while reports on the Milosevic trial focused on the credibility of witnesses and the former President's behavior in the courtroom. The plight of the victims was once again ignored.

April 2002

## The Hague Tribunal (II)

The Hague tribunal dominated the Serbian media in April, with the front pages of all the dailies focused on tribunal-related issues. In particular, the articles dealt with Yugoslavia's cooperation with the court. The media also covered both the attempted suicide on April 12 of former Serbian interior minister Vljako Stojiljkovic, who died three days later, and the decision by former Yugoslav army chief of staff Dragoljub Ojdanic to surrender himself to The Hague.

Following the death of the former interior minister, all media outlets carried the statement made by Stojiljkovic's lawyer Branimir Gugl in which he said that, "Stojiljkovic's gesture was a protest against The Hague tribunal. "They also ran a comment by Stojiljkovic's Socialist Party of Serbia colleague Mirko Marjanovic, in which he referred to the suicide as a "heroic gesture". (Novosti, Danas, April 13). A comment made by Yugoslav president Vojislav Kostunica – that Stojiljkovic's suicide should be seen by the international community and the Serbian public as a warning that the indictments were leading people to commit drastic actions – was also widely covered.

A day before his departure to The Hague, Ojdanic held a press conference in his house. He appeared with members of his family, who embraced Ojdanic and cried. He said he decided to go to The Hague to "defend the honour of the Yugoslav army and to prove our innocence". The media covered the press conference as a news event and did not offer any editorials on the subject.

On the day of Ojdanic's departure (April 25), the media ran a photograph of the smiling former chief of staff at Belgrade airport and covered his arrival in The Hague the following day. A headline in Glas read, "Ojdanic today in the dock, Milutinovic and Sainovic are expected", a reference to Serbian president Milan Milutinovic and former Serbian prime minister Nikola Sainovic, both indicted war criminals. Glas also ran a quote on its front page in which Ojdanic says, "I feel like any other hero".

Alluding to the trial of former Yugoslav president Slobodan Milosevic, Politika's headline declared, "The same courtroom for

the two war comrades". Blic Nacional and Danas also reported Ojdanic's arrival at the Hague on their front pages.

Danas, in its April 9 editorial headlined "Criminals shall stay here" devoted the adoption of legislation on cooperation with The Hague, commenting that the tribunal would not have been established had "Serbia (and Bosnia and Herzegovina and Croatia) been able to try their criminals".

In the editorial, the daily quotes findings from the Medium Gallup Agency that showed that only 26 per cent of Serbs supported the unconditional handover of Milutinovic, Sainovic and the recently deceased former interior minister Vljako Stojiljkovic to The Hague.

The poll found that 20 per cent of Serbs think that "they should be handed over only under threat of sanctions" while every fourth person felt they shouldn't surrendered at all. According to the same poll, 41 per cent of respondents are against the transfer of Ratko Mladic, former commander of the Army of Republika Srpska. About 15 per cent support the handover if there is a threat of sanctions and only 18 per cent think that he should be extradited unconditionally.

On April 11, the weekly NIN issued a special supplement entitled "War crimes: The ICTY in Belgrade" to coincide with the federal parliament's adoption of Hague cooperation legislation. The supplement discussed various aspects of the act and what it would mean for Yugoslavia. NIN also reminded readers that Serb courts are currently hearing two war crime trials, although the coverage of these has been limited.

NIN said that before the creation of the Nuremberg and Tokyo international tribunals for war crimes, no state or society ever seriously engaged in the prosecution of their citizens for atrocities committed during armed conflicts.

On April 12, Politika ran a column by Velimir Curguz Kazimir that criticised the general public for opposing the handing over of indicted war criminals. The author said that, "Only a society that swiftly rids itself of its narcissism and blindness shall have success in overcoming painful traumas of the past."

Several media outlets ran a news item regarding the appearance in downtown Belgrade of posters of former Bosnia Serb leader Radovan Karadzic with the slogan "Every Serb is Radovan". According to the reports, the far-right organisation Obraz, Homeland Front, was responsible for the posters, which coincided with the adoption of Hague cooperation legislation.

According to a poll conducted by TV B92, the majority of Belgrade residents oppose the posters and considered them detrimental to Serbia. In its April 25 issue, Vreme ran an article headlined "Serb Talebans" that profiled Obraz and outlined the group's racist principles. Vreme also reminded its readers that members of Obraz, armed with baseball bats, attacked demonstrators at the Gay Parade in Belgrade several months ago.

The article said, "The history of Obraz reflects the society in a state of panic. Such a society needs a scapegoat and enemies. Both are easy to find, for the public at large has been trained for years to blame [people who are different]."

In addition to reporting on the appearance of the posters, the papers also announced the launch of Karadzic's book *Situvacija* (Situation) on April 22. Members of the Committee for the Truth about Radovan Karadzic held a press conference to promote the title, which was written by Kosta Cavoski, a professor of law at Belgrade University and a member of the committee. The weekly Vreme ran a story under the satirical headline "Comedy for Kosta Cavoski and Company" on its front page. Vreme also carried excerpts from the book. Aleksandar Jovicevic, the deputy culture minister, writing in magazine, said Karadzic's offering was "ridiculous and grotesque".

Vreme also ran a satirical piece by columnist Ljuba Zivkov, who wrote that "royalties from a theatre play, sale of the book, TV serial and future film will be sent to Radovan Karadzic's address in the forest". It is widely believed that the former Bosnian Serb leader is hiding in a heavily wooded mountainous region of Republika Srpska.

The media did not pay a lot of attention to the April 9 story put out by the Beta Agency news that described what happened at the first war crimes trial in Sabac held back in 1996, which was apparently kept under wraps by the former authorities. Only the daily Danas ran the news on its front page. A representative of the Sabac court told Beta that Dusko Vukovic, from Umka near Obrenovac, was convicted of the killing of 17 Muslims in the village Celopek, near Zvornik, and raping a Muslim woman. He was sentenced to 10 years in prison.

Several days later, Danas also ran a letter from a reader who criticised the court's lenient punishment as well as the lack of media interest in the story both then and now. According to Danas and other news outlets on April 8, the Serbian justice ministry disclosed that in the city of Prokuplje an indictment had been filed

against two civilians, Sasa Cvjetan and Dejan Demirovic, on suspicion that they committed war crimes. According to the indictment, Cvjetan and Demirovic used automatic machine-guns to kill 19 people of Albanian descent on March 28, 1999 in Podujevo. Danas was the only daily which placed this information on its front page, while other media outlets put less emphasis on the story.

The higher court in Bijelo Polje is trying Nebojsa Ranisavljevic for war crimes committed against the civilian population, namely the abduction of Muslim passengers at the Strpci railway station.

There is daily coverage of the Milosevic trial but the trial is not leading the headlines. Testimony by Veton Surroi, the Albanian founder and publisher of Koha Ditore, was widely covered although the various media outlets took differing views of his appearance at the tribunal. On April 19, Novosti noted that "in contrast to Mahmut Bakali, the editor-in-chief of Koha Ditore coped better with Milosevic's cross examination". On the same day, Glas carried a short report from the trial headlined "Surroi talked much, but said little".

The daily went on to note that, "it turned out that the well-informed journalist (Surroi) did not know anything about crimes committed by the Albanian terrorists against Serb policemen, civilians or their fellow-nationals".

On the same day, Politika carried a headline "Albanians rejoiced in the bombardment" – an obvious allusion to Surroi's testimony that "most Albanians were glad about the NATO bombing campaign". In its report the daily stressed "Surroi, from the very outset, made it clear that he backed the independence of Kosovo".

Glas, which has consistently opposed The Hague, ran an interview with Jacques Verzes, a French lawyer who is also opposed to the war crimes court, on April 18. According to Verzes, the tribunal is "a monster above the law". The lawyer was also quoted as saying that, "Milosevic's trial was staged to justify the 1999 ungrounded attack on Serbia".

On April 20, Glas ran an article by LJ Staletovic in which he said Milosevic's "domination" of the trial was causing judges and prosecutors problems.

"Apparently looking disinterested, Milosevic from time to time startles those present in the courtroom by his incredible memory and power of observation," Staletovic said. Glas also

noted, "Milosevic's questions, full of explanations, unnerve even the cold-blooded President of the Trial Chamber, Richard May".

May 2002

## Serbia and Montenegro

Montenegro's political turmoil, which was triggered by an agreement to scrap the Yugoslav federation in favour of a looser union of the two republics, had failed to arouse much interest in the Serbian media.

However, that was to change as the coastal republic approached its local elections on May 15, as the voting was seen as a test of the nation's political balance of power.

The pro-independence bloc comprising the president's Democratic Party of Socialists, the Social Democratic Party and the Liberal Alliance is on one side, with the Together for Yugoslavia coalition led by the Socialist People's Party, SNP, on the other.

Belgrade's media was watching closely to see how the Montenegrin public would react to the creation of a new joint state with Serbia.

The SNP, the Montenegrin partner in the federal government, has fared particularly badly in this month's news. Serbian print media blamed it for the difficulties that have dogged the implementation of the so-called Belgrade agreement, and most analysts agreed the deadlock would once again require the attention of the European Union, which brokered the original deal in March.

Analysts had predicted the Democratic Party of Socialists would suffer at the polls. For under intense EU pressure, party leader and Montenegrin president Milo Djukanovic had u-turned on a long-standing policy of independence and signed the Belgrade accord, which binds the republic to a joint state with Serbia for the next three years.

There was very little analysis, comment or even forecasting among the Serbian media in the run-up to polling, with all choosing to focus on agency information and on how Montenegrin politicians reacted to the preliminary results.

In fact, the elections have changed little. Djukanovic's so-called sovereignty bloc took 10 municipalities, Together for Yugoslavia captured eight and the ethnic Albanian parties won Ulcinj – a predominantly Albanian town on the coast.

Belgrade daily Politika reported on the results three days later. An article by its Podgorica correspondent Dragomir Becirovic said that the "general assessment of neutral observers is that nothing has changed on the Montenegrin political scene". The text, however, closed with a statement from Srdjan Darmanovic, director of the Centre for Democracy and Human Rights, who claimed the pro-independence bloc had "emerged triumphant, since they have conquered the most important towns".

An article in the May 18-19 issue of Danas headlined: "Same target, same distance", focused on the rift in the republic. "Montenegro remains divided", wrote Podgorica correspondent Veseljko Koprivica. "Even this time round voters did not have the strength to make the major breakthrough – that is, a departure from the policy pursued by those in power for the past 12 years."

In a story headed "Package Deal", Blic identified three main trends, namely "the plummeting popularity of the coalition Together for Yugoslavia, the consistent stance of the parties advocating Montenegrin sovereignty and a mild swing of Bosnian Muslim voters toward the small national parties".

Political analysts such as Nebojsa Medojevic, director of the Podgorica-based Centre for Democracy and Transition and the newspaper Danas put the Socialist People's Party's poor performance down to its decision to back the federal law on cooperation with The Hague tribunal.

Once a staunch ally of former president Slobodan Milosevic, the party had vowed to fight the handover of any Yugoslav citizen to the international court. It finally buckled in April after Washington threatened to withhold millions of dollars in aid earmarked for Yugoslavia.

Meanwhile, a campaign for Serbian independence launched by the Christian-Democratic Party of Serbia was also making the headlines. Justice minister Vladan Batic leads the party, which is a member of Serbia's governing coalition, DOS.

In an interview with Novosti on May 8, Batic denied his party had "renounced the DOS platform". He argued that the Belgrade agreement betrays DOS's pledge to maintain a "functional federation" of Serbia and Montenegro. "Hence the future state has no future," the justice minister said.

Media coverage of the campaign stuck to press releases and statements from relevant parties. All media reported on a statement from the Democratic Party of Serbia, DSS – headed by

Yugoslav President Vojislav Kostunica – that criticised the campaign strongly.

"This action is geared against the agreement on the common state with Montenegro, breaches the DOS pre-election promise to preserve such a state and threatens the country's international standing," said the statement.

In a widely reported response, Batic accused the DSS members of wanting to "hold onto their federal positions". Kostunica told a press conference on May 29 that the campaign "directly undercuts the Belgrade agreement".

In one of the few commentaries on the issue, the May 9 issue of Belgrade weekly NIN condemned the independence campaign as a "destructive policy". In a text headlined "Independent Batic", Srbojub Brankovic said the move was "typical of a power-hungry party", claiming that an independence referendum in Serbia could have been justified only "before Serbia took on its international commitment to preserve the community with Montenegro".

Having successfully navigated the Serbian and Montenegrin parliaments, the Belgrade agreement finally foundered in the federal parliament. The pro-Yugoslav SNP had made extra demands – that deputies be elected to the joint assembly by direct vote rather than simply appointed, and that the constitutional charter be adopted instead of proclaimed by the federal parliament – in an attempt to strengthen the new union.

The party was also nervous about an opt-out clause within the agreement, under which each republic would have the opportunity to leave the union after three years. The Montenegrin leadership has already said it will take up the offer.

Blic published an article on May 14 by prominent Serbian constitutional court judge Slobodan Vucetic, in which he accused the SNP of playing for votes back home. "On the eve of local elections in Montenegro the SNP's hard-line demands are aimed at reassuring voters that the party is a genuine defender of the federation," he wrote.

Branding the party "obstructive," the judge said the SNP was seeking to cover up the fact the agreement represents a "departure from its program goals and the joint platform with DOS on building a functional federation."

The federal partners – DOS and Together for Yugoslavia – struck a deal on May 20 to incorporate the SNP's demands and steer the accord through parliament. The trade-off won cautious

coverage in the Serbian media, which instead emphasised the criticism coming from Podgorica.

On May 17, the European Union placed an article in Podgorica daily *Vijesti* and Belgrade's *Blic* urging the various factions to put aside their differences. The piece was written by EU foreign policy chief Javier Solana and won extensive media coverage.

Solana, who played a crucial role in brokering the accord, warned it would be "contrary to the interests of the people of both republics if progress toward the new constitution were hampered by political rivalries".

The following day, Belgrade daily *Glas* wrote that Solana had reminded the two capitals to "quickly and decisively comply with their obligations". The article, headlined: "Another yellow card from Solana", claimed the EU foreign policy chief was unhappy with the pace of progress.

Serbian state television put Djukanovic on the spot. Two days after the deal between DOS and Together for Yugoslavia, Radio Television Serbia broadcast an extensive live interview where RTS news editor-in-chief Bojana Lekic, drawing heavily from televised footage, pressed the Montenegrin president to explain his u-turn over independence.

The Podgorica parliament adopted a series of "conclusions" on the agreement on May 23 that differed markedly from Belgrade's interpretation of the accord. The session and the subsequent walkout by the Together for Yugoslavia coalition made the headlines throughout the Belgrade media.

The following day, *Danas* carried an article headlined: "Opposition leaves parliamentary session".

A sub-heading in *Politika* the same day claimed: "Separatist bloc MPs adopted conclusions they drafted themselves". According to the story, the conclusions form the basis of the Montenegrin negotiating stance in drafting the constitutional charter of the future state, "which are practically contrary to the stances of the Together for Yugoslavia coalition".

The May 25 edition of *Politika* devoted a whole page to relations between Serbia and Montenegro.

In an article headlined: "Union of Two States", Dragomir Becirovic argued that the conclusions adopted in Montenegro resembled a new platform for redefining relations between the two republics. "The conclusions are made in such a way as to ensure

sovereignty, that is, to lead to a union of states, rather than a common state," wrote Becirovic.

The story quoted SNP leader Predrag Bulatovic as saying: "We are facing separatist conclusions heralding a union of independent states."

*Politika* warned of continuing uncertainty among the people of Montenegro and claimed the latest political manoeuvring was leading to deadlock. "One gets the impression the international community will have to intervene," the article concluded.

The paper also carried a widely reported story from Brussels suggesting Solana was "disappointed" with the conclusions adopted by the parliament in Montenegro.

*Vecernje Novosti's* May 25 edition reported on a statement by Yugoslav Prime Minister Dragisa Pesic – a member of the pro-Yugoslav SNP – in which he accused Montenegro's sovereignty bloc of seeking "to create a dysfunctional, unsuccessful and unsustainable common state, thus realising their dream of an independent Montenegro".

On May 25-26, *Danas* issued a stinging attack on political obstructionism in Belgrade and Podgorica in which the SNP fared badly again.

Under the headline: "Vendors of fog accelerate their activities", Jasminka Kocijan accused the party of playing for time in the run-up to "their primary objective" of local elections. Kocijan points out that no sooner had the polling booths closed, than the SNP and DOS struck a deal "similar to one which had been possible two months earlier".

*Danas* claimed the election campaign in Belgrade was also in full swing and that the adoption of the constitutional charter for the new state would inevitably lose out to the "political showdowns".

An analysis by Belgrade law professor Kosta Cavoski in the May 27 edition of *Glas* criticised the Belgrade agreement for being awash with "undefined notions". The resultant "misunderstanding" between Montenegro's political factions is likely to require a foreign diktat, argued Cavoski. "But this time around it won't be Dayton-negotiated, but rather through the Brussels-negotiated interim community," the professor added.

*Politika* journalist Biljana Crepajac offered a similar assessment the following day. "For the umpteenth time stances have been cemented and the internal Montenegrin dilemma – union or common state – has been diluted." Serbia's own

escalating political crisis, wrote Crepajac, suggests "common ground may be found only through EU assistance".

All media provided extensive coverage of the federal parliament sitting on May 30 at which deputies finally adopted the Belgrade agreement. In protest, Vladan Batic resigned from his post as head of the DOS MP club in the Yugoslav parliament.

In the period monitored, Montenegrin president Milo Djukanovic launched consultations aimed at forming a new government after prime minister Filip Vujanovic's cabinet lost a no-confidence vote. Vujanovic's pro-independence allies abandoned him in protest at the signing of the Belgrade agreement.

Politika's Podgorica correspondent, who is often critical of the authorities, claimed the consultations were merely a bid to preserve a semblance of democracy in Montenegro.

"Djukanovic must offer something if he wants his party to have power...since his lack of majority means he cannot demand anything," said the story, which was published on May 27.

The Serb media provided detailed coverage of the talks in Podgorica, however Djukanovic's May 28 decision to reappoint Vujanovic as prime minister met with little comment in Belgrade. Politika's Dragomir Becirovic used the reactions of various parties in Montenegro to speculate about Djukanovic's underlying motives.

"Djukanovic probably knew that the Liberals would not back his proposal," wrote Becirovic. "In fact he then had a good excuse to rid himself of responsibility for the failure of the separatist policy."

Slavko Perovic, spokesman for the fiercely pro-independence Liberal Alliance, was also quoted. "No one of sound mind in the democratic world would suggest that the former prime minister be tasked with establishing the new government," he said.

The month ended in a frenzy of speculation that the Montenegrin president was under investigation in Italy for alleged links to a cigarette smuggling ring. The story hit the headlines in both print and electronic media.

Djukanovic's initial response – that he was "innocent and calm" – was interpreted in Politika with the headline: "Djukanovic couldn't care less about recent accusations."

June 2002

## Organised Crime

After Slobodan Milosevic was overthrown in October 2000, Serbia's new authorities promised to crack down on his most stubborn legacy – corruption and organised crime. Such evils "threaten the very foundation of our society", warned the ruling coalition, the Democratic Opposition of Serbia, DOS.

The government was given a bitter reminder of this pledge when top police chief Bosko Buha was gunned down in a Belgrade parking lot in June of this year. Having already endorsed a series of amendments tightening the country's penal code, parliament sought to speed up the adoption of a special anti-crime law modelled on legislation already in place in Italy, Croatia and Slovenia.

Buha's murder brought the struggle against organised crime back into the headlines. The government's perceived ineffectiveness was roundly criticised in the electronic, broadcast and print media, with many reports making reference to unsolved mafia killings of the past decade.

Belgrade dailies Politika and Vecernje Novosti on June 15 and 17 ran feature articles on the notorious Serbian mafia, dripping with legendary accounts of past executions.

The June 24 edition of Danas published an insightful cartoon by Predrag Koraksic-Koraks in which Serbian interior minister Dusan Mihajlovic is pictured crouched under a table eavesdropping on a meeting of mafia godfathers.

Under the headline "Money without borders", Danas carried a commentary on June 5 assessing that while the wars of the 1990s affected people and states, the "business of organised crime" had emerged unscathed.

"No one knows how much money flowed in and out of Serbia during Milosevic's rule," wrote Danas. Even after Milosevic, it noted, "the old and new tycoons, extra-profiteers and other 'businessmen' managed to 'inject' into legal money flows as much money as they wanted".

Danas noted that the Serbian government had managed to recover only a fraction of such "grey zone" money under a law taxing Milosevic-era profiteers.

"The authorities are not ready to face the power vested in wealth and a large weapons arsenal," said Danas.

In an article published on June 9, Politika's Ivan Torov tackled the issue of organised crime from an international angle, headlined "The Balkan squid".

Torov cited an ongoing Italian investigation into the alleged involvement of Montenegrin president Milo Djukanovic in a cigarette smuggling ring as "solid indication that the international community has decided to combat the large Balkan squid".

He labelled the area as a haven of experimentation in human trafficking, arms smuggling and "hair-raising" political bargaining, "the high price of which is yet to be paid".

Torov laid part of the blame at the door of the international community. The Politika journalist wrote that under the Milosevic regime Serbia became the "principal master and promoter" of arms, petrol and tobacco smuggling and plundering of its own people. However, he claimed that this, "did not stop the international community from pampering key figures in the regime and treating them as unavoidable factors in regional peace and stability to prevent the further escalation of an already grave crisis".

The text concluded that Djukanovic, once the darling of the West by virtue of his opposition to Milosevic, had become the latest Balkan scapegoat. "The peacemaker is swiftly turned into the Balkans butcher when he withholds his cooperation or obedience, that is, when he begins acting arbitrarily or becomes a loose cannon," he wrote.

The interior ministry's announced crackdown on cigarette smuggling consistently hit the headlines in June. Certain media also reported on the recovery on June 11 of a large quantity of explosives and detonators stolen from the Rudnik zinc and lead mine.

The murder of public security deputy head Bosko Buha was largely covered in a very professional manner. A number of articles carried quotes from key politicians and drew parallels with a number of unsolved high-profile killings that littered Milosevic's rule.

Buha headed Milosevic's formidable Belgrade police brigade but famously switched allegiances on October 5, 2000 when he kept his men in their barracks as thousands took to the streets of the capital. He had refused to break up a coal miners' strike in Kolubara, which was to become the prelude to mass revolt. His appointment to a ministry desk job in early 2002 was widely interpreted as a bid to sideline the Milosevic-era police chief.

Many newspapers in Serbia highlighted the similarities between Buha's killing and the notorious Belgrade assassinations of recent years. Buha was gunned down at close range as he entered his car, having spent the evening with friends on a Belgrade boat restaurant. Reports suggested he had paid the price of knowing too much about the mafia.

Most media focused on an interview Buha gave to Nedeljni Telegraf in December 2001 in which he bragged of his knowledge of the Serbian underworld. One article that drew heavily from this interview appeared in Vecernje Novosti on June 12 under the heading "Mafia powerful even without the godfather". The text quoted Buha as saying, "In Belgrade there are five major organised criminal gangs at work, and about 500 in Serbia."

Belgrade weekly Vreme warned the murder could prove a severe test of the new authorities. The text on June 13 said Serbia's authorities "lack the political will and courage to make a clean break once and for all with the legacy of Milosevic's...criminal-police underworld". For NIN, also a weekly, the murder had even greater significance since the victim "was part of the DOS authorities and part of its system."

The commentary in NIN's June 13 edition was critical of the anti-crime unit set up by DOS. It also chastised the authorities for failing to establish a "special anti-mafia squad", a special prosecutor's office or a victim protection body. "Its methods are not much better than those used by the Milosevic-run police," wrote Dragan Bujosevic.

A text in NIN by Milos Vasic and Jovan Dulovic urged the authorities to confront DOS leaders with the following questions: "Whose jeep

are you driving? Who are your bodyguards? Who are the individuals in your inner circle? What kind of conversations are you having with certain people and how come your buddy has landed a lucrative contract with the state?"

Nedeljni Telegraf claimed an exclusive on June 19 with a report that the government had already drafted the provisions of a new anti-mafia bill that marked a "brutal response by the state to a cruel attack by the mafia".

Telegraf journalist Zoran Mihajlovic also claimed a special prosecutor's office was in the pipeline that would carry "sweeping, almost limitless powers" to destroy the very foundations of organised crime. Two days later the interior minister confirmed the



completion of an anti-mafia law "modelled on those in place in Croatia and Italy".

The minister's announcement of a final showdown with the mafia grabbed the headlines of a number of newspapers the following day. The Serbian media spent the next few days revealing various provisions of the new law and discussing the appointment of the special prosecutor.

Vecernje Novosti published excerpts from the bill on June 27 and reported on the strategy of regional anti-mafia units in Italy, later emulated in Croatian and Slovenian anti-mafia legislation. "Serbia is embarking on a legal battle against organised crime," wrote the Belgrade tabloid.

On June 25 Serbian prime minister Zoran Djindjic said the bill would enter the parliamentary procedure "as early as July". The media reported Djindjic's complaint that certain institutions and instruments in the fight against mafia and terrorism were ill-prepared for their new task.

All newspapers carried an announcement by Interior Minister Dusan Mihajlovic on their front pages. In his statement, he claimed to know who was behind Serbia's criminal gangs. "We can only make that list public if their guilt is proven during the course of investigations," Mihajlovic was quoted as saying.

July 2002

### The Process of Lustration

Lustration – a practise in post-communist states where those who collaborated with the former regime are purged from public life – is an inevitable part of Serbian life after Milosevic.

However, the reappearance of numerous Milosevic-era politicians and journalists has pushed the issue into the news in recent months.

Media discussion of the process was sporadic and has been complicated by political differences and conflicting views on what lustration actually entails. Some believe it is long overdue while the media remains divided on how to approach it, if at all.

In an interview in late June, Slobodan Vucetic, the president of Serbia's constitutional court, said there was an argument for lustration within the judiciary but only in cases where judges were implicated in human rights violations, electoral fraud or trial rigging. Vucetic, an eminent legal expert, was himself dismissed from the court by the Milosevic regime.

Lustration should not become "an act of reprisal," he told Belgrade weekly NIN, adding that the process in former socialist countries had been based on precise legislation and thorough discussion with the people in question.

The Independent Association of Serbian Journalists, NUNS, announced a campaign in support of lustration legislation during a roundtable discussion in the Belgrade media centre in May. "The adoption of the relevant law would mark a total break with the previous regime" and "prevent a new offensive by Milosevic's cronies and sidekicks," said NUNS president Milic Lucic-Cavic.

Law professor Radoslav Stojanovic argued that the Lustration Act should not only cover the Milosevic era but also the post-1945 period.

Biljana Kovacevic-Vuco, head of the Yugoslav Committee for Legal Experts in Human Rights, argued that such a push for legislation was late. "There's no national or political consensus for that process," the Beta news agency reported on May 30.

However, Dragor Hiber, deputy leader of the Civil Alliance of Serbia and a member of Serbia's governing coalition, said that if Serbia wished to "build the solid institutions of a modern legal state" it must also create a new moral code.

"Lustration is necessary not only because of our re-examination of the past, but also because of our future. We must confront the former if we want to build the latter. It is a process of purification, not a purge," he said.

Grujica Spasovic, editor in chief of Belgrade daily Danas, said the opportunity had been lost and warned that lustration now "would amount to opening a Pandora's box, especially in view of the popular backing for Slobodan Milosevic over the past decade".

Since those journalists most likely to be targeted have already retired from the profession, any attempt at lustration would end in "an unnecessary witch-hunt," Spasovic told the panel.

Another discussion of the issue was held in late June, this time in the Danas offices in Novi Sad. Most media picked up on a statement by Lucic-Cavic in which she claimed the "warmongering journalists of the Milosevic era still occupy the top posts in the print and electronic media".

"Lustration is one of the steps which we must take," she said. Such reporters, claimed the NUNS president, had taken heart from the new authorities' soft treatment and "plucked up the courage to launch a strong counter-offensive".

In another widely covered statement, Lucic-Cavic complained that the Association of Serbian Journalists, UNS, enjoyed the luxury of six-storey premises, in spite of the fact its membership included "99 per cent of the Milosevic-era journalists". NUNS, on the other hand, struggled to cover the rent for its offices, she said.

The promised debate on lustration failed to materialise in July. Instead, a series of political scandals and the growing rift within Serbia's governing coalition dominated the news.

Belgrade daily Politika was left almost exclusively to deal with the issue in its Views column. The "Yes and No" program on state television, RTS, was the only instance when lustration was discussed in the broadcast media, while it appeared infrequently in the primetime TV news.

On July 3, Politika published a text by Serbian deputy justice minister Nebojsa Sarkic, in which he opposed lustration in the courts since "the suggested manner of lustration undercuts the very principle of the independence of the judiciary".

Two days later, the daily carried an article by literature professor Mirko Djordjevic, which was originally published in monthly Republika under the headline, "Law and sin without punishment".

Djordjevic was in favour of the process but warned of its difficulties. "Someone will have to open the Pandora's box of the former regime, but it is too early to speak of the manner of conducting lustration," he said.

On July 8, Politika carried a commentary on the police files bill under the headline, "Soft lustration of collaborators". The text noted that the new provisions of the legislation "forbid the candidacy of those who violated human rights and members of the state security for any public post for a period of five years".

The daily did not voice its own opinion on the issue but instead quoted Vladimir Vodinelic, the director of the Centre for the Promotion of Legal Studies, who said, "The guiding principle of that bill is that no violator or abuser of human rights may be elected to a public position in the future".

Slobodanka Ast, in an article in weekly Vreme on July 4, criticised the lack of lustration in the country's universities. "Some hoped that the adoption of the new University Act, notably of article 141 which envisaged 'soft lustration' would encourage a relevant discussion, that the destroyers of autonomy would be brought to justice, as would other deans and their assistants who

used to bring the para-police squads to faculties to cruelly beat up seditious students and harass professors," she said.

Ast recalled the night of May 23, 2000, when masked men attacked a group of students and professors in the Belgrade architecture faculty, "and are yet to be held accountable".

The journalist noted that the university "is still in a state of chaos and does not have the strength to carry out even soft lustration". By way of example, she pointed out that Branislav Ivkovic, once one of Milosevic's closest aides, has been re-elected as full-time professor at the Faculty of Civil Engineering despite outstanding criminal charges of fraud "at that very institution".

Ast also claimed that professors are quitting the former ruling parties to join the burgeoning Democratic Party of Serbia led by Yugoslav president Vojislav Kostunica, and secure their university posts.

According to the text, the "only exception" is the medical faculty, which conducted a soft lustration and reviewed the promotion of 60 professors and demotion of 33 in the last two years of the former regime. The cases included that of former Health Minister Milovan Bojic, who was reinstated in his post as assistant professor.

In the RTS program "Yes and No" on July 30, Gordana Susa, the editor of the production company VIN and former NUNS president, called for "a purge of journalist circles" but only "if backed by the general public and a political consensus – that is yet to be reached".

Danas editor in chief Spasovic again opposed the process. "It's first necessary to clarify a few things and overcome the continued intention of the authorities to control the media," he argued.

Nino Brajovic, president of the Association of Serbian Journalists, UNS, said very little about lustration itself, except to note that "such cleansing" is yet to happen even in Serbia's neighbouring countries, "notably Croatia, Bosnia and Macedonia". UNS was considered one of the main instruments of the Milosevic regime.

A phone-in poll on the program indicated that 75 per cent of viewers favoured the process.

## August 2002 Presidential Race

In the first half of August, the Belgrade media was dominated by upcoming elections for Serbian president, which are scheduled for September 29. Reports speculated on the possible candidates in a transparent effort to remain unbiased.

In particular, media sought to strike a balance in marketing the rival factions to have emerged from Serbia's governing coalition, the Democratic Opposition of Serbia, DOS.

They are represented by two candidates – Yugoslav president Vojislav Kostunica of the Democratic Party of Socialists and Federal Deputy Prime Minister Miroljub Labus, backed by the remaining parties within DOS.

This was best illustrated in the August 15 editions of Belgrade weeklies NIN and Vreme. Two interviews, with Kostunica and Serbian prime minister Zoran Djindjic respectively, were almost identical in length and layout.

As the campaign picked up pace, media and agency polls touted Labus and Kostunica as clear favourites and predicted the election would be won in the second round. The former enjoyed most coverage by virtue of throwing his hat into the ring in early August, unlike the latter, who waited until August 23. The majority of commentaries presented Labus and his programme for president in a positive light.

According to the Strategic Marketing Agency, Labus enjoyed a total of four hours airtime on the television news in the second half of August. Kostunica trailed with just three and a half hours, much of which concerned his duties as head of state and his role in drafting the founding charter of the future state of Serbia and Montenegro.

The prime time news on TV BK, B92 and Studio B followed Labus' campaign closely, particularly his tour of Serbian cities. Other candidates merited only snippets of information on their activities or summaries of their statements and speeches. State-run Radio Television Serbia, RTS, was the most consistent, reporting on every candidate within brief news slots.

Labus, who has based his campaign on his economic pedigree, has the indirect backing of the media and the financial team within the Serbian government. The economists are publicly acknowledged as the government's driving force and in August

issued a flurry of interviews concerning the country's fiscal situation and the policies on which Labus' campaign rests.

Ljilja Djurdjic, in her column in daily Danas on August 13 entitled "Presidential Pas de Deux", hailed Labus as the "absolute favourite who will allow the continuation of reform, that is the free flow of US and European money and goods". Kostunica, she said, "is still bargaining". The Yugoslav president "would like to sell his highly-rated image of national saviour for a very high price – by voting for him the people will have the impression – note, only impression – that they are voting for Europe, and moreover, right-wing Europe!"

Djurdjic asks whether Serbia will finally soberly accept a servant of the international community as president. "Is it mature enough to realise it has no other choice ... or will it embrace Kostunica's or some other leader's story that is likely to relegate this country to political prehistory?"

A report in the August 22 edition of Vreme said it was "pretty obvious that the Serbian authorities are behind Labus' candidacy", as illustrated by the presence of a number of leading officials – including the prime minister – at his campaign launch in the capital. Labus has said he is running as an independent candidate, leading journalist Milan Milosevic to claim that the government was "afraid of elections, hence it is hiding beyond a non-party candidate".

Labus, the article continues, "essentially embodies the vision of a modern, economically prosperous state". However, "it is unclear whether he is running for president or prime minister, since his six-point programme could fall directly under the jurisdiction of the government".

At the end the text mentions Kostunica, who at this point had yet to announce whether he would stand. The journalist likens his indecision to King Petar II's message from London – "I'm coming soon". The king never came and communist leader Josip Broz Tito stepped into the breach.

Politika's August 26 commentary is neutral. Under the headline, "The race is on", the daily echoes the general consensus that the election is likely to end in a "photo finish between Labus and Kostunica". The presidential ballot, it said, will be a test of support for the two "factions of the political alliance which in late 2000 emerged victorious at the polls and simultaneously trounced the Milosevic regime".

The paper believes the race must not degenerate into "a naked struggle for power, but rather a competition between two visions of Serbia's political future, before the country and the world". Neither would it be wise "to underestimate or devalue the achievements and developments since October 5, 2000 – to ignore the fact that reforms have been initiated and that they are not easy".

While it should be debated whether an alternative path exists, "it would be dangerous to belittle the quantity and quality of the expert team of the Serbian government occupying the top reform posts, with no domestic or international substitutes at this time".

An editorial in *Danas* on August 26 criticised the election frontrunners – Labus for touring factories in the "style" of Slobodan Milosevic's Socialist Party of Serbia, SPS, and Kostunica for promising "confrontation with the authorities". In the Dialogue column of the same issue, Gordana Logar says the incumbent president's comments on the "Colombianisation of Serbia" were "inappropriate" for a presidential election campaign.

Such statements, says Logar, send a bad message to potential investors. Perhaps, she adds sarcastically, Kostunica meant that if he were elected, "Serbia would not metamorphose into Colombia (the international home of drug-trafficking)".

All media reported on DOS's August 18 decision to throw its support behind Labus. Belgrade daily *Glas* carried the front-page headline, "DOS reluctantly backs Labus".

*Vreme*'s August 29 issue was awash with election coverage. A caricature on its cover by Predrag Koraksic-Koraks pictured the two candidates as athletes under starter's orders. However, with Labus depicted as riding piggyback on Djindjic, the message is that the Serbian prime minister is looking to reap the benefits of a Labus victory.

Vojislav Seselj, the presidential candidate of the ultra-nationalist Serbian Radical Party, has long been engaged in a hate-hate relationship with the independent media.

Although boycotted during the Milosevic regime for threatening reporters, Seselj's statements are now reported regularly, although he remains deeply unpopular with the country's independent press. On August 15, weekly NIN published an archive photograph of Seselj holding a journalist at gunpoint in the lobby of parliament.

Politika was particularly critical on August 18, after Seselj won the official backing of Slobodan Milosevic from his cell in The Hague. Under the headline "Favourite opposition firebrand", Nada Kovacevic writes that in the latest twist of his "topsy-turvy career, Seselj lands smack in the middle of the Yugoslav Left and the SPS".

The Yugoslav left is headed by Milosevic's wife Mira Markovic, whom the socialists have since accused of trying to wrench control of her husband's party. The text noted Seselj's nickname, the Red Duke, "because of his sudden and frequent shifts in political position". Seselj, it says, entered Serbia's recent history on a wave of nationalist romanticism. The author reminds readers of his attempts to "re-tailor borders, threats against students and taxi drivers, and promises to destroy Zagreb and other Croatian towns".

*Vreme* reported Milosevic's August 15 call for his party to back the radical candidate. "Seselj was the front-man of the previous regime in its struggle against democratic parties, using strong national and anti-US rhetoric and frequently attacking the weak", wrote Milan Milosevic.

"Slobo turns to Seselj", was the heading of a text in NIN's issue the same week. Dragan Bujosevic considered the possible consequences of the former's move and concluded that the latter will reap the rewards whatever the outcome of the election.

NIN published an interview with the radical candidate on August 22, under the headline "I shall destroy the mafia". The interviewer reminded Seselj of his past statements about the Milosevics and insults directed at political opponents. He recently branded Serbian parliament deputy speaker Natasa Micic "extremely stupid", claiming her IQ was "well below 30".

However, in the same issue of NIN, Petar Ignja says Velimir Ilic is Seselj's most likely successor as Serbia's most vulgar politician. In the text entitled "Barbarogenius", the New Serbia leader is quoted as saying, "The president of Serbia must be only a true, genuine Serb, devoted to the Orthodox religion".

"The hatred candidate", is the headline of a *Danas* editorial on August 28. The article reports on a press conference given by Ilic in Cacak two days earlier, at which, the daily says, he "sent a message to Labus that while he may win, he is not likely to ever become president".

"The presidential candidate of New Serbia could not hide his hate-driven candidacy", said *Danas*. It called for a "ban on

such statements and messages" and branded Ilic "the most intolerant of the advocates of the so-called Serb cause".

An interview by FoNet news agency with Serbian prime minister Zoran Djindjic on August 28 caused a stir among the Belgrade media. The headline in daily Novosti picked up on his criticism of Kostunica as "a symbol of tardiness and pessimism".

The article opened with, "Djindjic says that by voting for Labus we vote for a symbol of European integration, economy and a positive attitude towards life. If we vote for Kostunica, scepticism, pessimism, tardiness, passivity and bitterness will win".

Politika was more measured in its interpretation of the prime minister's comments. The interview was confined to page seven, under the headline "Serbian president just a symbol".

"Kostunica a symbol of scepticism", was the heading of a page two article in Glas. The interview also made page two of Blic, with the title "Djindjic says: Kostunica is trying to turn the elections into a referendum on Djindjic. I don't want to try to right the wrongs, only to be proclaimed guilty if someone hampers my efforts". His comments appeared on page three of Danas, under the heading, "Labus a symbol of integration, Kostunica one of scepticism".

The Socialist Party of Serbia, SPS, hit the headlines on August 22 and 23 when it nominated popular Serbian actor Velimir "Bata" Zivojinovic for president. Headlines recalled his most significant film roles – Novosti, "Walter defends Sarajevo"; Blic, "This shall be my best role so far"; Glas, "Bata lands the lead role" and Politika, "New role for actor Bata Zivojinovic".

"I don't make promises, I don't lie", was the headline on the cover of NIN on August 29, which carried an interview with the SPS candidate. Zivojinovic gave a number of interviews and appeared on the BK talk show, "It's not Serbian to stay silent". The popular actor won favourable treatment in the media, most notably for his statement, "I know I won't win, but I'm testing the strength of my party".

An editorial in NIN on August 29 considered Milosevic's demand that the SPS sack Seselj and that Mirko Marjanovic be sacked as acting leader. In the article – headlined "After me comes total ruin" – Dragan Bujosevic said the order to support Seselj had a hidden motive. "Its envisaged effect or consequence was the death of SPS", he wrote.

September 2002

## Running for Serbian Presidency

The presidential election campaign in Serbia this year failed to dominate either print or broadcast news for the first time since the multi-party system was introduced in the Nineties.

Despite the candidates' self-proclaimed historic pledges, the campaign was treated as equal, if not secondary, to other events.

Broadly speaking, media coverage of the election campaign was fair, with most outlets making an effort to report on all eleven candidates alike. The state broadcaster, Radio Television Serbia, RTS, denied its former reputation as a forum for hate speech, and was particularly cautious, giving all candidates equal airtime.

The print media – most notably Belgrade daily Politika – also sought to avoid favouritism either in column-inches or layout.

In a no holds barred campaign, the media acted as a filter for invective and harsh words, with journalists paraphrasing speeches or simply noting that insults had been exchanged.

Most avoided comment when reporting on the elections. Any such opinion that did creep in was limited to campaign policies or statements that prompted public reaction.

Both the Centre for Free Elections and Democracy, CeSID, and the Citizens' Media Monitoring Association, Media Works, welcomed the standard of coverage.

Just days before polling, the CeSID research team noted that September's coverage had been objective, and that the media had not "fallen for hate speech". On September 26, Media Works' findings showed that campaign reporting had improved considerably since the 2000 presidential elections.

The media kept pace with the campaign, refrained from comment and treated all candidates equally, said the report.

Nevertheless, Democratic Party of Serbia candidate Vojislav Kostunica and independent frontrunner Miroljub Labus dominated the headlines. These election favourites also benefited from their respective roles as Yugoslav president and Federal deputy prime minister.

Radical Party leader Vojislav Seselj, the preferred candidate of former president Slobodan Milosevic, also enjoyed extensive airtime and went on to score unexpectedly well, with 22 per cent of the vote.

According to the Strategic Marketing Agency, Kostunica filled almost six and a half hours of television news in the latter half of September. Labus was granted three and a half hours, with other candidates accruing much less.

Kostunica again dominated the headlines as the campaign drew to a close, drawing much public criticism for a number of controversial statements.

Labus enjoyed the indirect support of Zoran Djindjic's Serbian government, and the public backing of its expert economic team.

In mid-September the government launched a high-profile campaign entitled "Proud of Serbia". Since Labus was campaigning on the strength of his economic policy, the statements of ministers and their economic assessments were clearly aimed at defending the government.

Belgrade daily *Danas* was one of the few papers to criticise the authorities for this. "The identification of those 'Proud of Serbia' and Miroljub Labus is apparent", wrote Bojan Tonicic on September 14-15. The government can be expected to channel all state resources into the Labus campaign, he added.

Serbian prime minister Zoran Djindjic, who gave his personal backing to Labus, frequently appeared in the media during the run-up to elections, prompting criticism from daily *Glas*.

Under the headline "Djindjic's mask", columnist Kosta Cavoski accused the media of letting the prime minister "run the show" instead of getting the presidential candidates into the headlines.

Campaigning really got underway when Yugoslav president Vojislav Kostunica entered the race in the central Serbian town of Cacak on September 5.

The previous day, the town's mayor Velimir Ilic – the New Serbia leader renowned for his nationalist outbursts – withdrew from the contest and threw his support behind Kostunica. *Novosti's* subheading on September 6 quoted Ilic as saying Kostunica is "a Serb and a man from Sumadija", the area regarded as the heart of Serbia.

The bulk of Kostunica's Cacak speech was a savage attack on Djindjic. He compared the prime minister to Milosevic and accused him of stealing parliamentary seats from his own Democratic Party of Serbia, DSS, and of planning fresh electoral theft. The DSS was recently expelled from Serbia's ruling coalition,

the Democratic Opposition of Serbia, DOS, and stripped of its seats in the parliament.

Certain media, dailies *Politika* and *Danas* in particular, were critical of the rhetoric from Kostunica, who had generally been classified as a moderate.

On September 8, in his regular *Politika* column "Between two weeks", Ivan Torov wrote that the presidential campaign "is just one of the stronger reasons for a new assembly and homogenisation of the forces that, as many believed immediately after October 5, would not survive the fall of the old regime".

Torov said that Kostunica, in a bid to placate the "genuine" small-town nationalist Velimir Ilic and reward him for his "generous and patriotic" withdrawal from the race, had levelled the worst possible accusation against Djindjic – that he was conspiring to fix the elections. The Yugoslav president pointed to the fact the prime minister was trying to get ethnic Albanians onto voting lists.

The Cacak speech and the "primitive, nationalist and even racist statements that Kostunica had never once publicly distanced himself from" were further indication that Serbia would again come apart at the hands of national intolerance, said *Politika*.

The daily branded Kostunica a leader of "democratic nationalist forces" and said that the "apparent intellectual, national elite" – the Serbian Orthodox Church and a section of DOS – are all ready to take the Yugoslav president's side.

Finally, *Politika* reported, "the movement behind Seselj is once again expanding and gaining unexpected popularity with the break up of the Socialist Party of Serbia, SPS".

All media reported Kostunica's remarks in Uzice that certain members of the Serbian government came "from some Bolivias" – a reference to the fact that energy minister Kori Udovicki was born in that country, and that several cabinet ministers had enjoyed successful careers abroad. "They don't know how Serbia lives", claimed the Yugoslav president, adding that "when they leave Serbia they'll have nowhere to go".

The reaction of Yugoslav National Bank governor Mladan Dinkic also made the headlines. Dinkic, a member of Labus' campaign team, condemned the remarks as "shocking" and said he no longer believed Kostunica was a democratic candidate.

On September 7, Kostunica told a rally in Mali Zvornik that the Republika Srpska, RS, was "only temporarily separated from Serbia, and is always ours".

The comment sparked a media frenzy. Bojan Toncic said the statement was "scandalous". In his article headlined, "From Mali Zvornik to New York" – in the September 14-15 issue of *Danas*, Toncic wrote, "There is a tangible connection between the messages that are being sent out from the political arena and various forms of crazy behaviour that, as a rule, go unpunished and unnoticed by society".

Blic published an article on September 15 under the heading "Never enough of nationalism", alongside a photo of Kostunica.

According to the text, the president's reference to the Bosnian Serb entity "was most likely intended to strengthen his position as a well-meaning nationalist who cares for the Serbian tradition". Coming on the eve of elections, the remark produced a backlash in the Bosnian media, with headlines such as "One step away from war" and television reports referring to "Serbian territorial claims".

Blic focused on the response from Sarajevo, and also covered Kostunica's later protestations that "ill-informed and malicious people" had misinterpreted him.

Vreme journalist Teofil Pancic was particularly scathing. "Nothing Kostunica said or did during the Nineties shows us he has ever had any serious problem with hate speech".

Pancic condemned the president's failure to distance himself from Ilic – whose claims include allegations that Labus is the "antichrist" and RTV B92 is a "traitorous television station that employs people who hate Serbs".

Instead, Kostunica brushes the matter aside with the "red lace glove of moderate nationalism, suggesting that the real problem is actually hidden elsewhere".

On September 15, under the heading "Power is relish", Ivan Torov wrote in *Politika* that "nationalism, in its primitive and aggressive forms, becomes a powerful weapon in an election campaign, even when it is perfectly clear to the post-Milosevic nationalists that their behaviour is pushing Serbia into new trouble".

Next to a photo of the Yugoslav president, the text reads, "[Kostunica] clearly recognises that nationalism is music to the ears of the majority of the Serbian population. He scores by throwing an unconnected issue such as the status and future of RS into the boiling pre-election passions and showdowns".

Weekly publication NIN and daily newspaper *Glas* adopted a very different stance on the RS story.

NIN journalist Liljana Smailovic took a detailed look at Kostunica's visit to the United Nations' annual assembly in New York in a three-page article headlined "The use of America".

"New York was Kostunica's chance for a winning combination, while his political rivals could just bite their nails", wrote Smailovic. The Yugoslav president, she continued, "used all the privileges of a guest in a foreign terrain, but there was one thing he could not do – take all the weaknesses of the domestic field with him".

The text went on to explain that as Kostunica set off for the US, accompanied by Yugoslav foreign minister Goran Svilanovic, media in Belgrade reported that Svilanovic had urged his party's supporters to back Labus in the elections later that month.

Smailovic then turned to Kostunica's comments on the status of RS, quoting from his speech in Mali Zvornik. She included the reactions in Bosnia and the West.

His remarks, she claimed, "created a certain momentum: this was such a good opportunity to diminish Kostunica's presidential advantage and play down the importance of New York that even local contenders could not resist the challenge. So, the statement was also condemned locally as a diplomatic scandal and a red flag".

Smailovic put the "clumsy" statement down to carelessness. She suggested that Kostunica had simply forgotten to add the "ritual swearing on the Dayton Agreement", the peace deal that brought the war in Bosnia to an end.

"He had mentioned it so many times in the past that he probably became careless and thought he didn't have to say it each and every time", the text concluded.

The *Glas* editorial on September 19 focused on Svilanovic's statement to Voice of America that the RS comment could cost Yugoslavia the normalisation of its trade relations with America.

Under the headline, "Serbian elections in the middle of America", authors D. Cirovic and B. Ristic quoted Serbian deputy minister Nebojsa Covic as saying that Svilanovic's claim, coming in the heat of an election campaign, should be taken with a pinch of salt.

"The inference was, it seems, that Svilanovic was exaggerating when he spoke about the danger to Yugoslav interests in a bid perhaps to damage Kostunica – that is, he

abused his position in order to back his choice for Serbian president", said the text.

The article ends with a statement by Washington analyst Obrad Kesic, that Kostunica repeated "this seemingly harmless sentence on RS" as many as three times during his stay in America.

The state media – known during the Milosevic regime as the "manufacturers of hate" – were extra careful to avoid the insults and accusations banded about between the candidates, particularly as polling day neared.

Through editorials and expert opinion the state media warned against the tainted political and media language they had grown so adept at under Milosevic.

Blic quoted culture sociologist Ratko Bozovic on September 11 as saying that "the style of disqualification and ruthless intolerance is back on the scene once again". This, he claimed, was the consequence of "bad habits deriving from political extremism". He failed to provide examples to back this up.

An article in the September 18 edition of Politika said that Serbian political tradition consisted of conflict, celebration, singing and gunfire. Under the headline, "Program and cabaret", Ljubomir Stojadinovic branded Seselj "the master of primitive media manipulation". Kostunica is criticised for "not finding the time to distance himself from Ilic's vulgar chauvinism and anti-Semitism" and for being xenophobic.

"Tolerance in Serbia is on the back foot – it had to withdraw in the face of aggressive party categorisation", wrote Politika.

On September 22, in his column "Between two weeks", Ivan Torov looked at the undesirable language and tone of the election campaign.

With Serbia in the grips of social and economic crisis, "it's logical that the emphasis is no longer on the economy but on politics", he wrote in Politika. Torov added that after a short break, hate speech – racial, ethnic, religious and political – and all other forms of intolerance are again on the rise".

On a more positive note, September 19's Vreme looked at the language employed by Djindjic. Biljana Vasic claimed the Serbian prime minister was sharp-tongued, quick and most of all figurative.

Looking at a number of his statements, Vasic noted that the premier mainly used "La Fontaine rhetoric". This, she added,

marked a departure from the "messianic political and rhetorical approach that characterised the Serbian political scene in the second half of the last century".

October 2002

## The Hague Tribunal

After the limited media interest in the Kosovo part of the Milosevic trial, progression to the indictment for Croatia and Bosnia thrust the war crimes tribunal back into the headlines.

Several developments attracted particular attention in the period monitored – the decision of former Bosnian Serb president Biljana Plavsic to plead guilty on a number of counts against her, the appearance of Croatian president Stipe Mesic as a prosecution witness in the trial of Slobodan Milosevic, Chief Prosecutor Carla del Ponte's visit to Belgrade and, of special interest, the testimony of two journalists from the Belgrade weekly Vreme.

In common with most newspapers, Politika branded Plavsic's unexpected change of plea a "sensational turn at The Hague tribunal". The former Bosnian Serb leader, previously portrayed as an "iron lady", had protested her innocence before surrendering to the court.

Most papers featured headlines such as "I am guilty" and alleged that she had cut a deal with the prosecution. On October 4, Belgrade daily Danas carried the entire text of the agreement between Plavsic and the prosecution, noting that the defendant could still be sentenced to life in prison.

Belgrade weekly NIN, on October 10, published an article speculating on the reasons for her decision, under the headline "The lady's finale". For NIN, the big question is whether the reasons can be found in political dealings or Plavsic's courage in facing the truth and contributing to the process of reconciliation. "Maybe her motives are far stronger and more prosaic, maybe she is just a crushed woman".

According to NIN, Plavsic could prove an important witness to the prosecution, as suggested by the protection afforded her in Belgrade since her temporary release in September last year.

Under the headline "More than a personal confession", Zoran Suvakovic wrote in Politika on October 16, "Nothing will be the same in this part of international justice after Biljana Plavsic – for some bravely, for others traitorously, for some too little and others too much – admitted her guilt".



Politika wrote that in sacrificing the worst charge of genocide in return for her confession to "small genocide", analysts agree that the prosecution scored a significant victory and may have eased its task in other trials, including that of Milosevic.

The development, the paper claimed, could prove the catalyst in attracting the much needed insider witnesses in the case against the former Yugoslav president, that were so obviously missing from the Kosovo phase of the trial.

Most papers on October 4 carried a report from Beta news agency on Milosevic's cross-examination of Croatian president Stipe Mesic. Headlines varied, Danas – "Milosevic, JNA did not shoot Vukovar prisoners", Blic – "Greater Serbia not the aim", Glas – "Greater Serbia a fabrication".

In Novosti on October 4, Miroljub Zaric discussed Mesic's testimony under the heading, "Witness ready for indictment". The sub-heading read, "The Croatian president has found himself in a position in which he is unconvincingly justifying the reasons why Croatia attacked Serbs and organised ethnic cleansing in zones under UN protection, and why he personally went against decisions for a peaceful resolution of the crisis that he, as president of the former Yugoslavia's presidency, had signed".

"Battle without weapons or end", was the headline of Zoran Suvakovic's piece on the testimony in Politika on October 3. The sub-heading said it appeared "war would again break out between the two countries if led by the same politicians today".

Suvakovic described events in the courtroom as "an unexpected verbal stampede" in which for a moment one could not tell between judge, defendant and witness.

Danas took the opportunity to remind its readers of the processes that led to the break-up of the former Yugoslavia.

Focusing on Mesic's testimony that the former presidents of Serbia and Croatia – Slobodan Milosevic and Franjo Tudjman – had agreed on the carve-up of Bosnia, Danas wrote on October 3, "A valid witness has finally confirmed in a valid place what many in the territory of former Yugoslavia knew, but also what people across the world, which certainly took part in the new Balkan wars, were well aware of – that the bloody feast with its far-reaching consequences, was started by the heads of the two leading republics of the former joint homeland".

"After Mesic's testimony, judging today whether Milosevic could have slaughtered the former Yugoslavia without the help of his Croatian counterpart is really of no importance. Of course, it

will be some day, when someone begins writing an unbiased history – if such a thing exists".

For Danas, the important thing now is whether all parties in the conflicts "will face their own consciences and roles in drawing the bloody borders".

Carla del Ponte's visit to Belgrade caused a stir in the Belgrade media. The chief prosecutor said she would inform tribunal president Claude Jorda of Yugoslavia's failure to cooperate with The Hague, which some claimed could result in new sanctions at the UN Security Council.

Politika wrote on October 23 that it was up to Jorda to decide whether del Ponte "is completely correct when she talks of non-cooperation". "It is not completely certain that this question will be raised in New York after all, despite Carla del Ponte's warnings", said Zoran Suvakovic.

"Carla del Ponte misses no opportunity to point out Belgrade's unsatisfactory cooperation with The Hague", wrote Politika, adding that, "according to various sources, she has the same problem with the American administration, but the problem of Washington's unsatisfactory cooperation is discussed in closed session, far from the eyes and ears of the public".

NIN took a similar line. Liljana Smailovic wrote on October 24, "Carla del Ponte...has neither surprised nor frightened Belgrade. Her rhetoric remains unchanged, the tone of voice is equally raised and her behaviour is somewhat monotonous".

Looking at the pressure on Zagreb to extradite former generals Janko Bobetko and Ante Gotovina, NIN accused del Ponte and the international community of employing the same methods as the Tito era, symmetrical tools of education for all of their ill-fated protégés, "regardless of their current improprieties".

According to NIN, the Europeans have taken over from the Americans in the task of "teaching Serbs and Croats good manners". The weekly quotes EU special advisor Stefan Lehne during his visit to Belgrade in September that Yugoslavia's accession to the Council of Europe relies on improved cooperation with The Hague tribunal. The Europeans, says NIN, are looking for some other way "to please the Americans besides backing them in their war games against Iraq".

On October 28, Belgrade daily Glas published an opinion piece by Kosta Cavoski entitled "Foreign Mercenaries", a reference to Yugoslavia's incumbent authorities. Cavoski reminded readers of the suspects Belgrade has so far extradited, and of Zagreb's

refusal to hand over former Croatian chief of staff Janko Bobetko. He criticised del Ponte's "understanding" for Zagreb, while Belgrade's "power-holders obey all orders from abroad".

The appearance of Vreme journalists Dejan Anastasijevic and Jovan Dulovic as prosecution witnesses in the trial of Milosevic sparked discussion of whether reporters should testify in such cases. The profession's unions were divided.

In a statement on October 11, the state Association of Serbian Journalists, UNS, urged its members against testifying in court, including The Hague tribunal, "so that their professional mission does not become a court-investigative one".

Journalists "should not become professional insider witnesses, since, in doing so, they could lose credibility and throw into question the possibility of any form of investigative journalism".

Milica Lucic-Cavic, the president of the Independent Association of Serbian Journalists, NUNS, criticised the UNS statement. "If a journalist wants and wishes to testify they should testify, because they are an eye-witness, because they have seen things done in the field and because they can help find true answers to the questions posed in connection with the defendants and the crimes that took place in this region", she told B92.

Instead of a report from The Hague, Vreme's October 17 edition published Dejan Anastasijevic's "Hague Diary" – his encounters with the prosecution, his personal feelings and impression of Milosevic – as well as a commentary by editor-in-chief Dragoljub Zarkovic in which he argued that it should be left to the individual journalist to decide whether or not take the stand.

Zarkovic argued that the unions had no right to impose their will on their members, but should stick to the protection of journalists and their integrity.

He revealed that on the day of Anastasijevic's appearance in court, Vreme received numerous phone calls criticising his decision and threatening the magazine.

On October 18, Politika carried two texts on the appearance of the Vreme journalists. Referring to Anastasijevic's "Hague Diary", Zoran Suvakovic noted that BBC journalist Jacky Rowland had done a similar thing, disclosing "insider details that ordinary reporters from The Hague trials have no access to".

The sub-heading was particularly critical, "Witnesses in the trial should not sign up for this race just so that they could

publish their insider experiences right after". The article noted that the international media and journalists are also divided on the issue of whether reporters should testify.

In the same issue, Ljubodrag Stojadinovic wrote an opinion piece entitled, "Maybe it was worth it". Stojadinovic said that although his colleagues from Vreme were in for a rough time, "if their testimony helps shed even a little light on the darkness indicating that the Balkan war mafia really did lead true patriots into death while committing crimes all over the place – then it was worth it".

On October 18, in its regular column, "Personality of the Day", Danas published an article by Ivan Nikolic on Jovan Dulovic's claim that he went to The Hague to "wash" his biography. Citing "many colleagues of Dulovic", the text says his appearance in court was an attempt "to improve his rating in his older years". It adds that Dulovic, as a former Ekspres reporter, was "part of Milosevic's propaganda machinery" through 1991.

Under the heading, "Undesirable witnesses", Danas on October 21 said that the testimonies of Anastasijevic and Dulovic had caused "an avalanche of mainly negative reactions and moralising on the journalistic profession, which, by choice, rules out the possibility of facing The Hague Tribunal in the capacity of witness and revealed the thin line that separates and joins together the profession of journalist and direct participation in an event – two inseparable areas that everyone doing this job has faced".

While the Vreme journalists decided to tell the tribunal of what they heard on the battlefield and in different headquarters, "various committees and militant associations are asking the journalists to keep quiet about war crimes like doctors about a patient's venereal disease".

Danas concludes that the issue is not the courage of the witnesses, but the intention of the Serbian people to forget everything they took part in, either actively or passively. "Unfortunately, this is Serbia after October 5 – a state in which journalists are a pebble in a patriotic shoe".

Glas Javnosti published a number of letters from readers branding the journalists as traitors. On October 21, the daily devoted an entire page to a letter written by Ljubisa Vukasinovic, "an eye-witness to events". The text – headed "Dulovic's Munchhausen-like recollection" – was highly critical of the journalist and his testimony.

Vreme reacted strongly. Its front page on October 24 was a collage of clippings from various papers which had been critical of Anastasijevic and Dulovic.

Under the heading "The public and witnesses", Vreme journalist Milos Vasic said it was not just about journalists but about anyone that the prosecution brought before Milosevic. "The more accurate and reliable the witness, the greater the public criticism".

"There must be a reason", said Vasic, why the Vreme journalists came in for such fierce attack.

"What crawled into the mouse-hole on October 5, covered its ears and tried to be more silent than the grass, is now slowly crawling out and holding its head high, encouraged by [Yugoslav president] Vojislav Kostunica's moderate nationalism but also by Velja Ilic's 'small-town fascism'."

November 2002

### Relations between Serbia and Montenegro

Coverage of Serbian-Montenegrin relations was limited to factual reports on the drafting of the constitutional charter and the activities of the Christian-Democratic Party of Serbia. The party, headed by Serbian justice minister Vladan Batic, has been a long-term advocate of independence for Serbia.

According to the Strategic Marketing Agency, 12 per cent of news time was dedicated to the federal shake-up, and as much again to the constitutional charter. None of the four major Serbian television stations – RTS, BK, Studio B and B92 – chose to air any special programmes on relations between the two republics.

Media blamed the failure of constitutional negotiations and the subsequent deferral of Council of Europe membership on Belgrade and Podgorica. Some singled out Montenegrin president Milo Djukanovic as the main culprit.

In an opinion piece on November 11, Danas claimed that the problem with the charter was of a political, rather than legal nature. "The work on the charter reflects the interests of those in power and of the contenders for key political posts", wrote Danas, under the heading, "All or Nothing".

An editorial two days later warned that, "the chaotic status of Belgrade-Podgorica relations will probably continue, in view of the new thesis on the existence of Yugoslavia, launched by the

constitution makers". Consequently, "there is no urgency to adopt the charter at this moment in time".

According to Danas, the "October 5 coup brought about a distribution of power that obviously suits many...hence their indifference to a swift, new constitutional arrangement". This manner of governing society "is totally unrelated to genuine democracy".

Glas, in its November 11 edition, predicted that the Montenegrin president, "after his sweeping election victory, will play a key role in the fate of the charter and in the election of the new Serbian president".

Under the headline, "Serbia in Milo Djukanovic's hands", Vinko Duric argued that the adoption of the constitutional charter would "hinge on the goodwill of Djukanovic". With his "strengthened negotiating position he can insist on the solutions that suit him best".

Forecasting that Djukanovic would not allow direct parliamentary elections in a joint state, Glas claimed this would "embolden Djindjic to postpone elections and adopt the charter and Serbian Constitution without these provisions".

The daily recalled the 1996-1997 findings of the IMPRES Information Agency that Montenegrins in Serbia enjoyed 7.44 times the political and economic influence relative to their total share of the population in Serbia.

Since the Second World War, wrote Glas, "our fate has been linked to the intentions of the Montenegrins". Serb people "are still struggling to find their own political identity, while all neighbouring peoples found their own a long time ago".

Belgrade weekly NIN laid the blame for the constitutional debacle on Djukanovic, and to a lesser extent Yugoslav president Vojislav Kostunica and Serbian prime minister Zoran Djindjic. The editorial on November 14, headlined "Waiting for Solana", accused Djukanovic – whose party won a majority in elections in October – of intentionally delaying the adoption of the charter in order to undermine the joint state and justify his bid for independence.

"According to Djukanovic's dream scenario, Serbia will run out of patience, denounce the entire proceedings, and thus Serbia, not Montenegro, will declare its independence".

NIN claimed that, "due to complications in the negotiating process, for which the politicking of both sides is mostly to blame, the Serbian prime minister believes it is best to give up in the face of Djukanovic's demands".

A declaration adopted in the federal parliament, calling on The Hague tribunal to release Slobodan Milosevic for medical treatment in Yugoslavia, prompted a special opinion piece on Belgrade-Podgorica relations in *Danas* on November 15.

The declaration was proposed by Milosevic's Socialist Party of Serbia and the Radical Party, and backed by Montenegro's Socialist People's Party and the Yugoslav Left. "Despite all the talk about transition and reform, Belgrade has not moved an inch from the policy of the red-black coalition".

"The spirit of that coalition still prevails in Serbia, while Podgorica at the last elections said a historical 'no' and delegated in a single move that burden to Belgrade, unwilling to continue along the path of October 5".

Belgrade daily *Blic* – under the headline, "Presidential elections next on the agenda" – wrote on November 17 that "Djukanovic's absolute election victory caused considerable confusion among his opponents, the pro-Serb Coalition for Change and the independence-minded Liberal Alliance".

The text forecast a vote of no confidence in Predrag Bulatovic, leader of the Socialist People's Party, the coalition's largest member.

Politika's Podgorica correspondent, Dragomir Becirovic, says that, "even foreign diplomats are not allowed to say anything resembling criticism of the current authorities".

The claim came in an article on the reporting provided by Podgorica-based *Publika*, which, according to Politika, "reflects the policy of Montenegro's leadership". *Publika*, it said, even criticised Britain's ambassador in Yugoslavia, Charles Crawford, for his claim that "rampant smuggling of cigarettes and other goods has destroyed economic development and political life in Montenegro".

*Publika* wrote, "Crawford is supposed to elect a presidential candidate for Montenegro prepared to work on the elimination of Montenegrin statehood and national identity for the sake of the promotion and supremacy of Serb nationalism".

Politika's response was, "At issue is not Crawford's Greater Serbia nationalism, but his words on organised crime and the destruction of economic and political life. Such words ought not be mentioned in Montenegro, and hence why Crawford was immediately labelled the 'leader of Serb nationalism'".

NIN's November 21 issue focused on the question of Serbian independence. A survey of political analysts concluded

that the campaign launched by the Christian Democratic Party of Serbia, DHSS, was an expression of resistance to Milo Djukanovic.

The issue contained an interview with DHSS leader and Serbian justice minister Vladan Batic. In his introduction, interviewer Dragan Jovanovic noted parliament's recent decision to postpone a debate on a referendum on Serbian independence. Jovanovic emphasised Batic's decision to set up a separate MP caucus and his threat to quit the government unless the initiative was discussed within the year.

Batic stressed again that no one had asked Serbia whether it wanted to be part of the new joint state. He drew attention to an earlier poll by the Strategic Marketing Agency, in which 57 per cent of those surveyed said they were in favour of independence for Serbia. (The percentage rose to 66 per cent in a second survey).

All media covered the agreement of the constitutional sub-commission on the election of representatives to the future federal parliament. Negotiators agreed on November 21 that deputies should be elected by parliamentary ballot for the first two years, and then direct elections. It was noted that Montenegro's ruling Democratic Party of Socialists, DPS, had insisted that the election of deputies be an integral part of republic law, not of the charter.

"To the utter disbelief of all the parties involved and the general public, [DPS member] Dragan Kujovic assessed that the charter would be debated by deputies within 10 to 15 days", wrote *Vecernje Novosti*.

Javier Solana's arrival in Belgrade on November 28 inevitably made the headlines. A statement by the EU foreign policy chief that agreement had been reached on the political aspect of the charter drew little attention, since Djindjic had made a similar statement the day before.

Politika journalist Ivan Torov said Solana had reprimanded all the key players, before finally announcing the deal.

"Now the key question is: does this European diplomat possess the mechanism to keep Serbian and Montenegrin negotiators in line, or will negotiations collapse the moment he leaves?"

Belgrade media are generally sceptical of the deal reached on the constitutional charter, particularly considering the time it has taken and the reluctance of the main players to reach agreement without the involvement of Solana.

December 2002

## Sex Trafficking, Police Methods and a Crime Pyramid

December was a tough month in Serbia and Montenegro. The Belgrade-based media paid close attention to the issue of crime and adopted an analytical approach rather than covering one particular incident.

The majority of articles were critical of the police service for its inability to get to grips with the mafia. Many warned of the enduring ties between organised crime and the authorities, which dates back to the Slobodan Milosevic regime.

Montenegro's sex trafficking scandal provided the spark for the close interest in crime. For days, the story was headline news in all Belgrade media as they closely followed the account of a Moldovan girl and her experience at the hands of the traffickers.

In looking at the issue in Serbia, most of the press concluded that the larger Yugoslav republic was just a transit region for the slave trade – a route to Montenegro, Kosovo and Albania.

In an article filed from Bujanovac, a town near Serbia's administrative border with Kosovo, Belgrade daily *Novosti* reported that Serbia had become one of the main transit centres for the white slave trade. South Serbia, he wrote on December 5, was an oasis for the slave trade.

Citing police sources, *Novosti* claimed that no fewer than eight highly-organised white slavery routes in south Serbia had been severed last year alone. The region, the text added, was a stopover to "104 bars in Kosovo...where forced prostitution is one of the major problems despite the new UNMIK decree on human trafficking".

In a text from Bijeljina, a Bosnian town near the Serbian border, daily *Blic* claimed Belgrade was the largest regional sex trafficking centre. *Blic* wrote that in the past, live auctions had been organised at the Arizona market, where "traffickers of women" picked out girls for their bars or for their employers.

The daily quoted Mara Radovanovic, head of Bijeljina non-governmental organisation Women's Association Lara, as saying that Belgrade was now the largest regional sex trafficking centre with routes to Bosnia and Hercegovina, the Arizona market, Montenegro and Kosovo, and then further west.

On December 11, *Nedeljni Telegraf* printed a three-page feature on forced prostitution under the headline, "Horrible". The text claimed that 60 women and girls had gone missing in Serbia in the space of just nine months this year. It featured an account of a woman whose daughter had gone missing in Nis. The article echoed familiar stories of mental and psychological problems, drug and alcohol abuse.

The death of Milan Jezdovic during questioning at the Belgrade police department – the third such case in 2002 – prompted *Blic* and other media, to look at the methods used by police when dealing with suspects.

*Blic* opened the issue on its front-page on December 10 with the bold heading, "Questioning in the police department with a bag over the head".

The text claimed that the autopsy report blamed Jezdovic's death on the injuries and the physical harassment he had been exposed to. It quotes Veroljub Djukic, a lawyer with the Humanitarian Law Centre, who said, "police torture is present in all cities".

*Blic* picked up the story on December 13 with a statement from Aleksandar Draskovic, one of the men arrested with Jezdovic, who described in detail the alleged torture they had been subjected to.

Early the same day, Radio B92 broadcast statements from detainees who claimed that they had been exposed to "electric" torture and suffocated with plastic bags placed over their heads.

*Nedeljni Telegraf*, which is known for its close ties to the police, devoted its December 4 issue to the problem of crime.

Yugoslav interior minister Zoran Zivkovic said in an interview that criminals in Serbia were building a new pyramid of power. The minister added that he believed there was less room for organised crime now because the police and state were actively fighting it.

Dobrivoje Radovanovic, the director of the Institute of Criminal Research, claimed the mafia was blackmailing the government. The current authorities, he said, had made a "big mistake" on October 5 when they organised "a mini-revolution with the help of the underworld".

He continued, "These things are done in the world, but once the job is done, those who gave the orders pay the underworld and then no longer owe it anything. Over here, instead of getting money, the executioners received promises that they

would either be exempt from criminal prosecution or awarded with some business".

Writing in Belgrade weekly *Vreme*, Milos Vasic said that frequent street killings – such as those of Nenad Batocanin, deputy head of the federal police first department, and Zeljko Skrbic, a businessman "already known to the police" – had left ministers baffled, the police losing patience and smart gangsters fleeing the country.

"All this will not end well", warned Vasic in the December 5 text. Pointing to other countries in which reprisal killings had spread, Vasic commented, "If it comes to that, may God help us".

On December 12, *Vreme* published an interview with the Serbian deputy interior minister, Nenad Milic, in which he branded the judiciary the "bottleneck" in the fight against organised crime. The prosecution of many cases, he said, is taking far too long – possession of illegal firearms takes on average two years to prosecute – while any objections are seen as interference in the judicial process.

Five days later, *Blic* reported the adoption of "anti-mafia" changes to the law on criminal proceedings by the federal parliament, under the heading, "Go-ahead in the fight against mafia".

The same day, the magazine *Reporter* published an interview with Serbian interior minister Dusan Mihajlovic, in which he promised "major results" in a number of investigations once the law on organised crime was adopted.

Mihajlovic's claim that the police knew who killed Slavko Curuvija – gunned down in broad daylight in Belgrade in 1999 – also caught the eye of other Belgrade media. Although he refused to disclose whom he had in mind, the interior minister was confident that as soon as the legislation was adopted, "they will have Curuvija's killer in court".

In its column *Glas Investigates* on December 29, Belgrade daily *Glas* published a series of interviews with analysts specialising in crime and the military. The feature concluded that the spiral of violence would continue.

"The authorities will have to make arrests, and the criminals will fight back even stronger", read the sub-heading, announcing the arrival of the FBI and other foreign police agencies, as happened in Prague, Budapest and Moscow. Marko Nicovic, the director of the SIA and a former criminal investigator, is quoted as saying that organised crime groups will openly attack

the authorities, their facilities, police chiefs, the prosecution service, and disclose potentially damaging information.

An explosion at a private asphalt company on December 21 kept crime in the headlines. Owned by controversial businessman Ljubisa "Cume" Buha, the Defence Road company had become famous for winning the asphalt contract for the whole of Serbia, thanks, some allege, to Cume's close friendship with Prime Minister Zoran Djindjic.

On December 23, under the headline "Explosives at 20 locations", *Politika* revealed on its front-page that Cume's company was based in Surcin, a village on the outskirts of Belgrade known as the centre of the car mafia.

*Novosti* on December 23 claimed the explosions at the Defence Road company were almost certainly the work of "top professionals". Danas concurred, quoting Dobrivoje Radovanovic, the director of the Institute for Criminal Research, as saying that the attacks were carried out by the same group of people who killed police chief Bosko Buha earlier in the year. According to Danas, the explosion could mark a mafia showdown over the distribution of business or territory, and even an attack on the reputation of the Serbian government.

*Politika* columnist Ljubodrag Stojadinovic warned that the fight against mafia was useless without the authorities knowing who it is they are fighting against. "Chaos everywhere has the law and order bodies up against the wall: they don't know what is happening. And if they do, they won't say", he wrote on December 25.

Regardless of what the police say, *Politika* continued, they are being "rocked by crimes that they are unable to cope with and by scandals within".

Stojadinovic too believes the Defence Road bombers had to have been professionals, but adds that they "must have learnt their craft in the police or the army". He rubbished police claims that no one was untouchable or protected by the authorities. Such individuals do exist, he wrote, and "the police know this very well".

*Vreme* looked at the issue on December 26. The front-page carried the heading, "Paving the sky with asphalt", while the sub-heading to Dejan Anastasijevic's text inside read, "As long as politicians and police try to convince us that there is no organised crime, Belgrade will be rocked by spectacular explosions".

In his column in the same issue, Stojan Cerovic comments dryly, "we are not dealing with terrorism here, but just a case of

misunderstanding between business partners". For him, the expected dismissal of Interior Minister Dusan Mihajlovic is not enough.

"What is needed is at least some kind of distinction between the police and the underworld. The police must collect evidence of something that everyone knows about", he concluded.

## Activities of the Helsinki Committee in 2002

Title	Place	Date	Descript.	Participants
Act on National Minorities	Novi Sad	03.2002	Round-table	Jovan Komšić, Andraš Agošton, Stanko Pihler, Miroslav Samardžić, Laslo Vogel, Slavko Almažan, Zoroslav Spevak, Mihajlo Ramač, Đorđe Subotić, Tomislav Žigmanov, Pavel Domonji, Andreas Birgermajer, Antal Bozoki
Cohabitation in Multi-Ethnic Communities	Nova Varoš	05.2002	Panel discussion	Mirko Djordjević, Mihailo Mihajlov, Esmedin Jukić, Ismet Bihorac, Milanka Šaponja-Hadžić
Republic or Monarchy	Belgrade	17.01.2002	Panel discussion	
Democracy and Corruption	Subotica	25.01.2002	Panel discussion	Srećko Mihajlović, Nemanja Nenadić, Nikola Perušić, Branimir Đorđević, Paval Domonji
Anti-Semitism Today	Sombor	26.01.2002	Panel discussion	Aleksandar Lebl, Mirko Đorđević, Milenko Perović, Pavel Domonji
Unlearned Lesson	Belgrade	29.01.2002	Promotion	Lazar Vrkatić, Pavel Domonji, Sonja Biserko
Vojvodina Today	Belgrade	07.02.2002	Round-table	Stanko Pihler, Stevan Šogorov, Laslo Vogel, Sonja Biserko, Lazar Vrkatić, Pavel Domonji, Đorđe Vukadinović
Problems of Local Self-Rule	Sombor	14.02.2002	Panel discussion	Snežana Đorđević, Stanko Pihler, Jovan Komšić, Gojko Mišković, Pavel Domonji
Act on Hungarians Living in Neighbouring Countries	Novi Sad	19.02.2002	Round-table	Miroslav Samardžić, Laslo Galamboš, Tomislav Žigmanov, Zoroslav Spevak, Ivan Petrović, Slaven Dulić, Janoš Oros, Pavel Domonji
Media on the Brink of Profession	Belgrade	07.03.2002	Panel discussion	Sonja Biserko, Snježana Milivojević, Gruja Spasović, Petar Luković, Milanka Šaponja-Hadžić
Hate Speech and National Minorities	Novi Pazar	07.03.2002	Panel discussion	Nenad Daković, Mirko Đorđević, Ramiz Crnišanin, Mehmed Slezović, Pavel Domonji

Title	Place	Date	Descript.	Participants
Serbia and the Hague Trials	Sombor	08.03.2002	Panel discussion	Latinka Perović, Sonja Biserko
Measures of Confidence-Building Between the Young Elites	Novi Sad	26.03.2002	Seminar	Božidar Jakšić, Stanko Pihler, Alpar Lošonc, Milenko Perović, Janja Beč, Matijas Helman, Svenka Savić, Čedomir Čupić, Laslo Vegel, Mihail Ramač, Mirko Đorđević, Pavel Domonji
Corruption - Challenge of the New Authorities	Belgrade	28.03.2002	Panel discussion	Božo Prelević, Nenad Konstantinović, Čedomir Čupić, Jelisaveta Vasilić, Djordje Djurišić, Dobrivoje Radovanović
Constitutionality of Peoples of B&H	Belgrade	08.04.2002	Promotion	Predstavnici Srpskog građanskog vijeća iz Sarajeva
Journalists at the Accused' Benches	Belgrade	11.04.2002	Panel discussion	Snežana Milošević, Milan Mišić, Grujica Spasović, Petar Luković, Vojin Dimitrijević, Sonja Biserko
New Pressures on the Media	Novi Pazar	18.04.2002	Panel discussion	Šaban Šarenkapić, Svetlana Jajić, Aida Čorović, Milanka Šaponja-Hadžić
Human Rights in Transition	Belgrade	22.04.2002	Promotion	Predstavnici Helsinškog odbora, autori izveštaja
Rules of Procedure of Organisation and Work of Elector Assemblies for Election of National Councils of National Minorities	Novi Sad	24.04.2002	Round-table	Vladimir Đurić, Miroslav Samardžić, Pavel Domonji, Andreas Birgermajer, Janko Kubinjec, Stanko Pihler, Kukurović, Zoroslav Spevak, Laslo Vegel, Nikola Šanta, Antal Bozoki
Local Self-Rule - Challenges and Possibilities	Preševo	26.04.2002	Panel discussion	Nikola Perušić, Riza Halimi, Žeqrija Fazlin, Ljiljana Palibrk
Is There a New Minority Policy?	Bački Petrovac	26.04.2002	Lecture	
Revision of History	Belgrade	15.05.2002	Panel-discussion	Latinka Perović, Olja Milosavljević, Olga Popović, Todor Kuljić
Roots of Evil	Belgrade	17.05.2002	Promotion	Olga Popović, Žarko Korać, Nebojša Popov, Ivan torov
Minorities and De-nationalization	Novi Sad	23.05.2002	Discussion	Slavenko Grgurević, Andreas Birgermajer, Nikola Šanta, Antal Bozoki, Slaven Dulić, Pavel Lomanski, Ivan Petrović, Karolj Bereš, Tihomir Ungar, Miroslav Samardžić, Pavel Domonji
Facing the War Crimes	Bujanovac	24.05.2002	Panel discussion	Nenad Daković, Mirko Đorđević, Agim Ymeri, Fatmir Asani, Ljiljana Palibrk

Title	Place	Date	Descript.	Participants
Education in Minority Languages	Novi Sad	30.05.2002	Round-table	Miroslav Samardžić, Stanislava Pribiš, Srđan Šajn, Mihalj Kočić, Jakov Kišjuhas, Marija Puja Badesku, Janko Ramač, Viera Boldocka, Zoroslav Spevak, Branimir Andrić, Marton Matuška, Slaven Dulić
Disintegration of Yugoslavia	Belgrade	30.05.2002	Panel discussion	Ivo Banac, Latinka Perović, Olga Popović, Olja Milosavljević
NGOs and Urban Culture : Helsinki Committee for Human Rights in Serbia	Novi Sad	05.06.2002	Lecture	
Army, Police and Civilian Society	Preševo	07.06.2002	Panel discussion	Stipe Sikavica, Filip Švarm, Nadir Sadiku, Shaip Kamberi, Ljiljana Palibrk
Lustracija – Yes or NO?	Novi Sad	10.06.2002	Panel discussion	Stanko Pihler, Jovica Trkulja, Slobodan Antonić, Mirko Đorđević, Pavel Domonji
Media and Transition	Bujanovac	11.06.2002	Panel discussion	Božidar Andrejić, Mirjana Vujović, Sevdail Hyseni, Mikirem Ahmeti, Ljiljana Palibrk
Life in Multi-Ethnic Milieus	Prijepolje	13.06.2002	Panel discussion	Tomislav Žigmanov, Mirko Đorđević, Alija Halilović, Pavel Domonji
Problem of National Identity in Multi-Ethnic Society	Preševo	14.06.2002	Panel discussion	Tomislav Žigmanov, Jan Briza, Čani Osmanović, Arben Jusufi, Ljiljana Palibrk
Rights of the Child and Democracy	Vrnjačka Banja	25.06.2002	Lecture	
Serbia Between Past and Present	Stara Pazova	27.06.2002	Panel discussion	Mihajlo Mihajlov, Nenad Daković, Đorđe Vukadinović, Mirko Đorđević, Pavel Domonji
The Hague Conference – the Last Chance for Yugoslavia	Belgrade	15.07.2002	Panel Discussion	Ljubivoje Aćimović, Milan Šahović, Vladimir Bilandžić, Sonja Biserko
Act on Radio-Diffusion	Novi Sad	06.08.2002	Round-table	Rade Veljanovski, Slobodan Budakov, Đorđe Subotić, Miroslav Samardžić, Branislav Dragaš, Mirko Mandrino, Laslo Galamboš, Perica Luković, Ana Makan, Marija Tot, Tomislav Žigmanov, Vlada Miljković, Zoroslav Spevak
Media and coverage of the 1991-1999 wars	Belgrade	15.08.2002	Panel discussion	Mirjana Vujović, Safeta Biševac, Petar Luković, Teofil Pančić, Pavel Domonji



Title	Place	Date	Descript.	Participants
Lustration	Belgrade	02.09.2002	Panel discussion	Stipe Sikavica, Jelena Milić, Dragoljub Todorović, Zoran Lukić, Pavel Domonji
Facing up to the Past: Do We Need That Process?	Belgrade	16.09.2002	Panel discussion	Nenad Daković, Mirko Đorđević, Jelena Milić, Srđa Popović, Pavel Domonji
National Identity and Multi-cultural Society	Belgrade	01.10.2002	Panel discussion	Tomislav Žigmanov, Branislav Dragaš, Slavija Stanojlović, Olga Popović-Obradović, Pavel Domonji
The Vlasch Issue	Novi Sad	02.10.2002	Panel discussion	Čedomir Čupić, Dragomir Dragić, Lučijan Marina, Pavel Domonji
In Nationalistic Tradition	Belgrade	19.10.2002	Promotion	Latinka Perović, Olja Milosavljević, Đorđe Vukadinović, Dubravka Stojanović
Cultural Production and Nationalism	Belgrade	20.10.2002	Panel discussion	Mirko Đorđević, Filip David, Slavija Stanojlović, Pavel Domonji
Minorities: From Assimilation to Affirmation	Bor	21.10.2002	Panel discussion	Pavel Domonji
Facing the Past- Yes or No?	Vršac	24.10.2002	Panel discussion	
Serbia and national minorities	Dimitrov grad	01.11.2002	Panel discussion	Pavel Domonji
Road to Wasteland	Sombor	01.11.2002	Panel discussion	
Media	Stara Pazova	02.11.2002	Panel discussion	
Culture	Novi Sad	05.11.2002	Panel discussion	
Politics and Policy	Belgrade	07.11.2002	Promotion	Miodrag Marović, Nebojša Popov, Dragoš Ivanović, Sonja Biserko
Resistance to Facing	Indija	19.11.2002	Panel discussion	
Stereotypes about Us and Others	Subotica	22.11.2002	Promotion	Olivera Milosavljević, Dubravka Stojanović, Latinka Perović
Lustration	Kikinda	29.11.2002	Panel discussion	
Civil Society and Transition	Belgrade	03.12.2002	Panel discussion	Tanja Petovar, Vladimir Bilandžić, Latinka Perović
The Other Serbia- Ten Years On	Belgrade	07.12.2002	Promotion	Ivan Čolović, Filip David, Borka Pavičević, Aljoša Mimica, Obrad Savić, Seška Stanojlović, Petar Luković
Media and War	Kraljevo	09.12.2002	Panel discussion	

Title	Place	Date	Descript.	Participants
Stereotypes in Works of Serb Intellectuals of the 20 <sup>th</sup> Century	Niš	11.12.2002	Promotion	Latinka Perović, Olja Milosavljević, Dubravka Stojanović
Democracy or Nationalism	Stara Pazova	17.12.2002	Panel Discussion	
Intellectuals and War	Kragujevac	18.12.2002	Promotion	
In the Nationalistic Tradition	Kragujevac	24.12.2002	Panel discussion	Latinka Perović, Olja Milosavljević, Dubravka Stojanović
Journalists as Testimonies	Kragujevac	27.12.2002	Panel discussion	Dejan Anastasijević, Jovan Dulović, Ljiljana Palibrk

## Publishing Activities in 2002

### **Annual report for the year 2001**

*Human Rights in Transition - Serbia in 2001*

(in Serbian and English)

### **Helsinki Files**

**No. 11** (in Serbian and English)

Olivera Milosavljevic, Todor Kuljic, Olga Manojlovic-Pintar: *The Balkans Rachomon - Historic and Literary Perception of the SFRY Disintegration*;

**No. 12** (in Serbian and English)

*Minorities and Transition* (contributions from Conference "Transition and Status of Minorities", Belgrade, 8-9 November 2001);

**No. 13** (in Serbian and English)

Vladimir Vodinelic: *The Past as a Challenge to the Law - Serbian Side of the Legal Coping with the Past* (co-publisher- Centre for Advanced Legal Studies);

**No. 14** (in Serbian and Romanian)

Dragomir Dragic: *Vlachs and Romanians from Eastern Serbia and the "Vlach Issue"*;

**No. 15** (in Serbian and English)

Jan Briza, Miklos Biro, Mirej Grčki, Nataša Novakovic, Ljiljana Palibrk, Pavel Domonji: *National Minorities and Law*;

### **Testimonies**

(All in Serbian)

**No. 9**

Bogdan Bogdanovic: *Mire and Blood*;

**No. 10**

Ivan Stambolić: *The Root of Evil*;

**No. 11**

*The Last Chance of Yugoslavia* (the 1991 Hague Conference);

**No. 12**

*The Other Serbia - 10 Years On* (compendium);

### **Experiments**

(All in Serbian)

**No. 1**

Olivera Milosavljevic: *In the Tradition of Nationalism or Stereotypes of Serb Intellectuals of the 20<sup>th</sup> century on "Us" and "Others"*;

**No. 2**

Miodrag Marović: *Politika and Policy*;

**No. 3**

Todor Kuljic: *Overcoming the Past*