

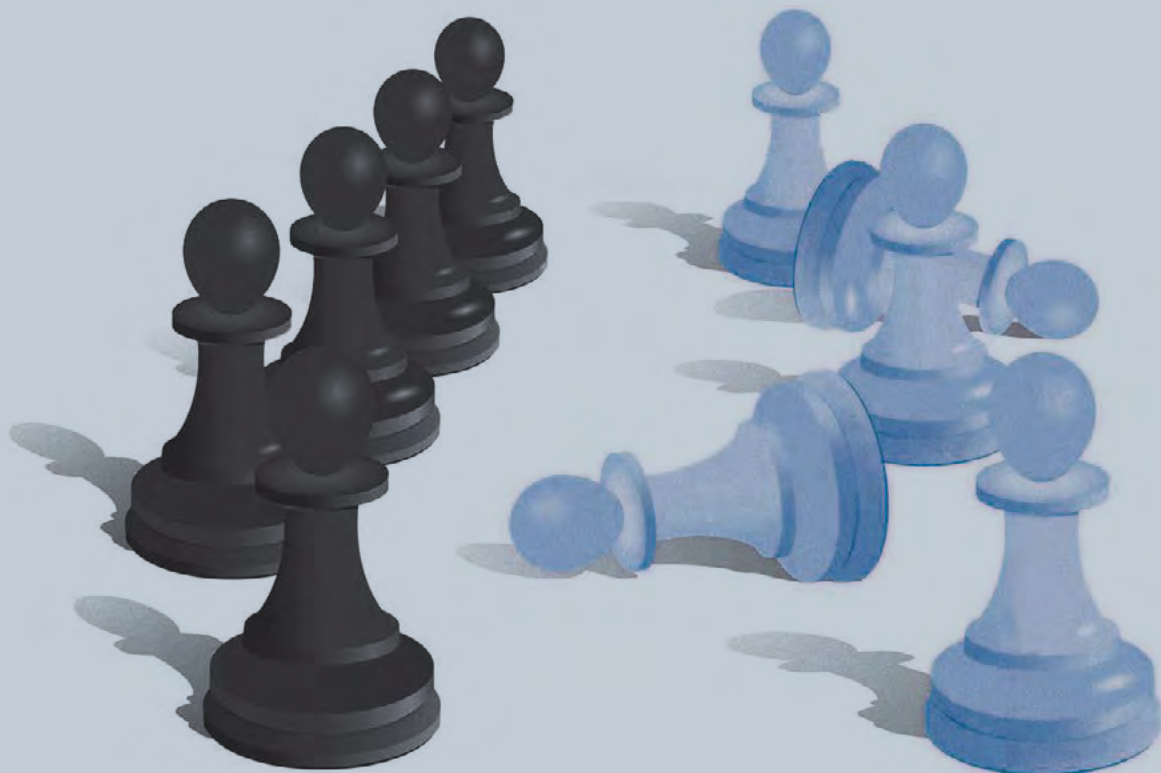


HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA

## HUMAN RIGHTS IN SERBIA IN 2012

### **POPULISM: ENTROPY OF DEMOCRACY**

ABRIDGED VERSION



HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA

**HUMAN RIGHTS IN  
SERBIA IN 2012**

**POPULISM:  
ENTROPY OF  
DEMOCRACY**

*Abridged version*

BELGRADE, 2013

Human Rights in Serbia in 2012

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Sonja Biserko

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Ivan Hrašovec

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# Contents

## I – INTRODUCTION

Conclusions and Recommendations . . . . .	7
Human Rights: In the Shadow of Xenophobia . . . . .	17
Extreme Right-Wing: A Value System Imposed on the Society . . . . .	31
Transitional Justice: Inappropriate and Inconsistent . . . . .	45

## II – THE JUDICIARY

Snail-Paced Reform . . . . .	59
Anti-Crime Campaign: Between Self-Satisfaction and the Realities . . . . .	77
Questionable Privatizations: Still in EU’s Focus . . . . .	87
Prisons: Overcrowded and Inadequate . . . . .	89

## III – THE SECURITY SYSTEM:

### SLOW ADJUSTMENT TO EUROPEAN STANDARDS

Serbia’s Military Neutrality and EU Security and Defense Policy. . . . .	95
Major Challenges for the Ministry of the Interior and Law Enforcement. . . . .	115
The Situation of the Ministry of Defence and Serbia’s Armed Forces . . . . .	123

## IV – SERBIA’S ASSEMBLY

Extreme Multipartism . . . . .	161
--------------------------------	-----

## V – DRAMATIC ECONOMIC SITUATION

The Impact of the Economic Crisis on Election Results . . . . .	175
---	-----

## VI – RELIGIOUS COMMUNITIES:

### PRIVILEGED MAJORITY CHURCH

Institutional Framework . . . . .	199
-----------------------------------	-----

## VII – ETHNIC MINORITIES

Still Targeted by Nationalists . . . . .	243
--	-----

## VIII – THE MEDIA

In the Service of the Government . . . . .	269
--	-----

## IX – KOSOVO

Progress Made under the Pressure from Realities . . . . .	303
---	-----

**X – SERBIA AND ITS NEIGHBORS**

Bosnia-Herzegovina: Waiting for the Circumstances to Change .....317

**XI – SERBIA AND THE WORLD**

Serbia Turns Toward EU .....343

Russian interests in Serbia .....363

# I – INTRODUCTION



## Conclusions and Recommendations

Though formed a year ago, the Serbian government is still at the beginning – it has not yet adopted a systemic program or strategy. The structures in power are in permanent election campaign having an eye on their ratings on the one hand and demonization of the former government on the other. The biggest party of the ruling coalition, SNS, spares not even its coalition partners from criticism. SNS populist rhetoric is mainly after promoting Vice-Premier Aleksandar Vučić. The predominant populism is best exemplified by the arrest of suspects in “the struggle against corruption” and the “socially-oriented” budget for the year 2013 that subsidizes health insurance of a larger circle of citizens. All this gives rise to speculations about early elections, which are not to be ruled out. Aleksandar Vučić manifests a growing ambition to hold all the reins of power. He already controls all security services. Hence, citizens are under the impression that he is the most powerful man in Serbia.

The steps the government has taken so far do not indicate its intention to reform the security sector; on the contrary, they indicate an ambition to strengthen partisan control over it. They neither indicate a plan for setting up permanent anti-corruption institutions and mechanisms. Primarily through the media controlled by parts or entire security services corruption is used for political showdowns and elimination of business competition. The security sector that has not undergone reform, operating under half-finished and legally discordant system of the democratic control and with cadres compromised on corruption will be unable to meet ambitious duties that have been allegedly imposed on it.

Despite a changed rhetoric and the agreement signed with Prishtina what marks domestic policy, except for populism, is a strong resistance to Serbia’s Europeanization and modernization. Populism is nothing but one of manifestations of Serb nationalism that persists as the only ideology now in the hands of Aleksandar Vučić. One cannot deny that some governmental steps – such as negotiations with Prishtina agreement – were



positive. But only the implementation of the agreement will show whether or not the government signed it in good will. Speaking of the promises given in the election campaign, most of them have not been met – and stand no chance for being met.

The public in Serbia responded to the U-turn in the decades-long Kosovo policy as to something that could not have been avoided. People have been aware for long that Kosovo was a lost cause. Kosovo has been used only as a tool for the achievement of the goals in Bosnia. Persistence on the “Kosovo policy” threatened to “drown” Serbia. Germany’s resoluteness to put an end to the misuse of Kosovo and clearly define preconditions for Serbia’s membership of EU turned out to be most efficient.

Belgrade’s and Prishtina’s agreement was in the focus of attention of domestic and international public alike. Kosovo has always been the topic the pro-European and anti-European Serbia clashed on. The platform that preceded the agreement opened the door to dilemmas about Serbia’s future course. Generally speaking, the attitude towards Kosovo oscillates between two extremes: the irrational belief that getting a part of Kosovo is still a possibility on the one hand, and grim social and economic realities on the other. Resistance to Europeanization is to be expected in this context.

As an exponent of the conservative bloc, President Tomislav Nikolić retained his ambivalent attitude towards Kosovo and Serbia’s course towards EU. All his Kosovo related statements have been contradictory. They stand for his attempt to win over the public, especially the conservative circles he represents but also reveal his poor understanding of international circumstances. Nevertheless, his natural allies (SPC, parts of SANU, right-wing organizations such as Dveri, Naši et al, right-wing papers such as NSPM, Pecat, Geopolitika, etc. and broadcasters like Copernicus or Radio Focus, DSS and other parties of the bloc) had expected him to behave quite differently once in power. Now, disappointed in Nikolić they criticize him profusely.

The conservative bloc takes that Serb Progressive Party has let it down as it failed to make a clear break with the “treacherous” policy of Democratic Party and its leader, Boris Tadić. According to it, the West “precisely

cast SNS as the lead only a party with patriotic aura could possibly play.” So far the advocacy for the establishment of a “strong patriotic bloc” as “a genuine opposition and a new force at the Serbian political scene” sounds more like a cry for the moon than a serious threat. The attempt by anti-European forces assembling DSS, SRS and their allies from right-wing groups and organizations to stage massive protests failed: so far these forces do not pose a serious threat to the ruling coalition.

Kosovo North leader’s opposition to the agreement is chilling out. This only testifies that their area for maneuver has always depended on Belgrade. Their grudge, deprived of Belgrade’s support, can only to some extent stand in the way of the agreement’s implementation.

The democratic opposition and civil society organizations do not respond promptly and adequately to the state of affairs in the society: they are either tired out and disappointed, and take uncoordinated actions or irresponsible, corrupt and prioritize personal or group interests over the country’s modernization. All this contributed to an atmosphere of apathy. The present-day situation in Serbia calls for prompt responses from the opposition, civil society organizations and free media.

The process of accession to EU is crucial for Serbia regardless of all the criticism of EU for its ongoing crisis. That is the only way for Serbia to establish the rule of law and stabilize its institutions, as testified by all earlier cases of the countries acceding EU.

## RECOMMENDATIONS TO EUROPEAN UNION

- Approach to Serbia – but also to all West Balkan countries – has to be more creative; the “stick and carrot” policy produces limited effects in the societies such as Serbian;
- The criteria and preconditions for Serbia’s accession are not attainable in foreseeable future; Serbia’s capacities are inadequate; its regressive, anti-European trends need to be curtailed through new policies, sectorial integration and developmental strategy;
- Serbia needs to be better integrated into economic areas dominated by EU; this is a huge market, the biggest in the world, which will survive despite all the challenges facing it today;
- Serbia’s civil society needs EU’s assistance to be able to monitor the implementation of the agreement with Prishtina and foster the country’s Europeanization;
- Overcoming of ethnic divides would open up vistas for pluralization of both Serbia’s and Kosovo’s societies and, therefore, needs to be insisted on;

- The implementation of the agreement will be disputed from many sides; this calls for continued monitoring by European Commission on the one hand and civil societies in Kosovo and Serbia on the other.

## **RECOMMENDATIONS TO THE SERBIAN GOVERNMENT**

- A date for accession negotiations will be imbued with political energy only if all pro-European forces join hands for the common goal and initiate the society's transformation with enthusiasm and faith in a European Serbia.
- Moral renewal of the society needs to be fostered at least in the domains under the government's jurisdiction (education);
- Security services have to be radically transformed and be placed in the service of the country's democratic transformation;
- Renewal of regional trust and regional relations – considerably undermined over the first year of the government's rule – call for earnest engagement;

- Regional cooperation needs to be upgraded inasmuch as possible; Croatia could greatly help Serbia in the process of negotiations for EU accession;
- Foreign policy needs to be agreed on by all factors and adjusted to the country's course towards Europe;
- Xenophobia and prejudice against minorities, especially Roma, call for an inter-cultural dialogue aimed at preventing ethnically, religiously and linguistically motivated conflicts;
- A dialogue on true decentralization has to be opened and include the status of the autonomous province of Vojvodina; more competences, obligations and rights the central government transfers to local/regional level contributes to the exercise of citizens' human, social and cultural rights;
- Sandžak and South Serbia have to be approached with special care, notably when it comes to economy and minority infrastructures; fueling of the fear of Islamic fundamentalism has to be stopped;
- Civil sector and all relevant factors have to be involved in the upcoming accession negotiations to help the government achieve its desired goals;

- A comprehensive program for the reform of the judiciary and a systemic strategy against corruption have to be developed and implemented;
- Social and political climate of pluralism has to be created and, in this context, measures against the influence of extreme right-wing organizations taken;
- The struggle against xenophobia and discrimination of minorities need to be on the governmental priority agenda; position of minority groups, especially LGBT population, cannot improve without a radical change of the mainstream value system; what Serbia needs is a value system establishing diversity as a potential rather than a threat;
- Human rights activists and the media have to be protected in earnest against assaults by extremist groups;
- Coping with the legacy of the wars of 1990s calls for veracity; this implies the respect for ICTY contribution to revealing the truth about the crimes committed;
- An action plan for the implementation of the National Strategy against Violence against Women and Domestic Violence has to be adopted as soon as possible;

- The CoE Convention on Preventing and Combating Violence against Women and Domestic Violence has to be ratified;
- Relevant authorities need to increase accommodation capacities of shelters and social care centers, especially for the most vulnerable groups of population in make-shift settlements (such as Roma);

### **RECOMMENDATION TO THE CIVIL SECTOR**

- Capacities for the advocacy of European values have to be strengthened;
- Individual, opposition parties, non-governmental organizations and free media need to join hands in the above-mentioned advocacy and in combating the mainstream populism;
- The entire democratic opposition bloc needs to launch a series of joint actions, including an initiative for the adoption of a new constitution.







# Human Rights: In the Shadow of Xenophobia

The Serbian society is far from being tolerant to diversity. Despite existing anti-discrimination legislation and institutions, certain social groups have trouble to exercise their rights. Besides, Serbia is a closed society. The radical nationalism of 1990s has scarred the social tissue and values – value judgments by the majority are changed at snail's pace. The lack of political will for reforms of the educational system and the media unwilling to contribute to a change of the predominant discourse produce generations often prone to extreme right-wing ideologies and are, as a rule, xenophobic and intolerant. By reverting to tolerance – a benchmark of the modern civilization – Serbia would make a major step towards integration into EU. As underlined in a number of EU, CoE and OSCE reports, a country's attitude towards minorities is among key criteria in the process of accession to EU.

The new regime speaks more of changes to be made than acts to implement the adopted standards and legislation. Besides, the regime is itself at the stage "self-taming" with regards to these standards and attitudes. A change in attitudes, however, calls for a moral minimum each and every public servant would be duty bound to respect.

After years and years of incriminated institutions and disastrous policies, and against the backdrop of slow-paced transition and social transformation, one can hardly expect to see a civilized society in the short run. In addition, Serbia lacks an "alternative" elite, a torchbearer of "civilized behavior." The incumbent regime was a part of Milošević's machinery and his warring policy. Its legitimacy and credibility are, therefore, extremely fragile.

The international community's inadequate stance on Serbia's responsibility for the wars of 1990s after October 5, 2000, now resulted in the thesis that only nationalists were capable of pacifying extremists. Relativized

responsibility for wars, relativization of morals and the cynical theses about “Serbia that has not waged a war” prevented a climate propitious to a dialogue on facing the past. These are the premises that imbue interpretation of the 1990s, as well as the attitude towards the international community, notably ICTY that is labeled anti-Serb. Historical revision of the entire 20th century additionally confuses citizens, especially younger generations. And it is such attitude towards the past that generates intolerance and discrimination against “others” and negatively affects the exercise of human rights.

The situation of human rights reflects the state of affairs in governmental institutions and in the judiciary. The failed judiciary reform, along with corruption and unprofessionalism permeating the branch, add fuel to the fire of citizens’ grudge when it comes to the right to fair trial without unnecessary delay. The fact that Serbia is among most sued countries in Strasbourg (9,500 cases) testifies of the situation of its judiciary. Hence, citizens distrust not only the judiciary but other institutions as well.

## **The Change of the Regime**

The May 2012 elections tectonically changed Serbia’s political scenery. The victory of the Progressists and their coalition partners restored the political bloc of 1990s marked by nationalism, populism, deinstitutionalization, revanchism and political radicalism. The Progressists and the government they formed know not how to address pressing economic and social problems. The new government resorted to the struggle against corruption, which gained it public trust over the initial months. As it turned out, however, the government lacked both strength and will to transfer the anti-corruption campaign to authorized institutions, including public prosecution offices.

Tailoring of the outcome of local elections to the central government threatens with anarchy. Serbia has not yet reached a consensus on its political system. Serbia’s political, institutional and administrative architecture remains among most controversial issues twelve years after the ouster of the Milošević regime. The Constitutional Court’s decision on Vojvodina

statute, claiming many of its provisions contrary to the 2006 Constitution, coincided with the beginning of the new government's rule. After ousters in Novi Sad and some other towns in Vojvodina, what we have now are demands for abolishment of the province's autonomy.

Professional public servants were massively dismissed, including the Governor of the Central Bank. They were replaced by "old cadres," notably in the security sector. Reappointment of judges and prosecutors who had not been reelected (about 500) contributed to the climate of revanchism and practically annulled the anyway faulty judiciary reform. Depositions throughout the governmental hierarchy almost equal a "cultural revolution" with longstanding consequences.

Except for the government's strong position against membership of NATO and for military neutrality, little is known about the future course of army reforms – once successful thanks to assistance from NATO. Though outside the ruling coalition, Democratic Party of Serbia /DSS/ was a major factor in drafting the new government's policy: with regards to Kosovo and territorial arrangements at home. In almost no time the new regime demonstrated its affinity for Russia.

The country's economic situation deteriorated in the past year. Political energy was almost entirely directed towards negotiations with Prishtina, a precondition for obtaining the date for accession negotiation. There was no telling at first whether the new regime was ready to go at the negotiations with hammer and tongs – and sign an agreement with Prishtina. The government's initial steps were mere marketing, while its criticism mostly targeted Democratic Party /DS/ with a view to marginalize it politically. And in this the government was rather successful. With the opponent DS hesitating to make a major breakthrough in politics, SNS had played on this "populist matrix" that won it the elections.

## **A Turn towards EU: Under the Pressure from Realities**

The agreement with Prishtina signed in Brussels is a major step for Serbia. However, only its implementation will show how serious about European integration Serbia's regime and elites are. Hardly any progress was made at home: the carefully built cult of Vice-Premier Aleksandar Vučić – who behaves as if everything depends on him – turned all institutions senseless. All in all, what marked the entire 2012 was a non-stop election campaign of Serb Progressive Party /SNS/: the party was working on its ratings in the event early elections were called.

Domestic scene was hardly in turmoil over the Brussels agreement. Actually, citizens of Serbia have been aware for long that Kosovo was a lost cause and that they should prioritize everyday life over the issue. In this context the public largely supported the make-believe struggle against corruption.

In its coalition-forming agreement the new parliamentary majority composed of Serb Progressive Party /SNS/, Socialist Party of Serbia /SPS/ and United Regions of Serbia /URS/ committed itself to the country's accession to EU as a strategic priority. This convinced EU and US officials that the new regime would pursue the course the former government, led by DS, had paved notwithstanding all vacillations and hesitations.

The dramatic economic situation threatening with collapse pushed the new government towards negotiations with Prishtina. Although obstructed all the time, the agreement was finally reached. The conservative bloc that believed that the Progressists would turn over a new leaf and put an end to Serbia's course towards EU, strongly criticized such sudden turn of events. The bloc staged several protests against the agreement – but these protests just proved that the Kosovo issue could not mobilize people any longer.

EU Commission's Serbia Progress Report in October 2012 was "negatively neutral" – the date for the beginning of accession negotiations was postponed for some time or other in 2013. EU made no bones about conditions Serbia had to fulfill to obtain the date for accession negotiations. For EU (as clearly stated by its most influential member-state, Germany)

and US normalization of relations with Prishtina will crucially test the new authorities' intention to pursue Euro-integration. But it is the attitude towards Kosovo where statements by incumbent officials most manifestly contradict one another and thus contribute to general confusion.

Leaders of the ruling coalition, including President Tomislav Nikolić, Premier Ivica Dačić and Vice-Premier for European Integration Suzana Grubješić expressed their dissatisfaction with the postponed "date." As it seems, they would still not recognize that all candidate-countries have to fulfill the same preconditions. "In the process of European integration Serbia will come up with preconditions of its own," said President Nikolić. "Serbia will not rush towards EU in a devil-may-care manner," commented Suzana Grubješić. For his part Ivica Dačić said Serbia was pressed for time but "will not run after the date for the start of accession negotiations at any cost."

## **Russian Factor**

Russia's bigger influence on Serbia's foreign policy after the change of the regime has been clouded to a certain extent. Though Tomislav Nikolić and Ivica Dačić try to pass on themselves as pro-European politicians, their orientation towards the East is undisputable. "Serbia is the only country I love more than Russia," Nikolić told the Russian Channel I on the eve of his meeting with Russian President Vladimir Putin in Sochi on September 11, 2012.<sup>1</sup>

Nikolić, a Russophile, hoped that Moscow would help "Serbia to get to its feet." According to media reports, the two presidents agreed in Sochi on a budgetary loan to Serbia, saying nothing about provisions of the agreement.<sup>2</sup> Speaking of financial arrangements between the two countries, Russia had promised an 800-million-dollar loan to Serbia for modernization of its railroad. It was only after three years of being "on ice" that the arrangement is gradually implemented now (the issue was discussed

1 Tanjug, 10. septembar 2012.

2 Tanjug, 11. septembar 2012.

in October 2010 during the then President Dmitry Medvedev's visit to Belgrade).

During Dačić's visit to Moscow, Serbia was admitted as a permanent observer of the parliamentary assembly of the Collective Security Treaty Organization /ODKB/, the treaty assembling most of ex-Soviet republics – Russia, Belarus, Kazakhstan, Armenia, Uzbekistan, Kyrgyzstan and Tadzhikistan. The media in Russia called Serbia's involvement Russia's geopolitical success – as the treaty was for the first time enlarged beyond ex-Soviet territory.

### **Serb Orthodox Church**

Serb Orthodox Church /SPC/ strongly advocated against the agreement with Prishtina. "We shall not accept Europe's invitation if it is conditioned with Kosovo. If they expect us to give it up, we shall send our apologies and go on with our life, the hard and painful life we've lived for 500 years," said Patriarch Irinej.<sup>3</sup>

SPC did not miss the opportunity to raise its voice on the eve of the crucial decision. Two days before Brussels' deadline it publicized Patriarch Irinej's appeal (on behalf of the Holy Synod and believers). The Patriarch directly appealed to three highest state officials – the President, the Premier and the Vice-Premier – to keep their "promises made in the election campaign and in the post-election period to never and on no account surrender, betray or sell Kosovo and Mehotija, the historical 'Old Serbia.'"<sup>4</sup> SPC did not change its position once the agreement was signed.

### **Kosovo Overshadows Domestic Scene**

While cooperative at the international scene, the present regime was repressive at home: it continued Slobodan Milošević's policies for Vojvodina, territorial arrangements, minorities and pluralism. While the international community lent it a helping hand for its cooperative attitude

3 Helsinki Bulletin No. 91

4 Danas, April 8, 2013.

towards the issue of Kosovo – the assistance investing it with legitimacy of sorts among citizens – the regime pursued the policy of centralization. Non-stop campaigning against Democratic Party, the regime is after its destruction on the one hand, and a one-party system on the other. In brief, it is after a long-term rule of SNS.

While all the attention was focused on negotiations with Kosovo, domestic affairs stagnated: the reform of the judiciary came to a standstill, the reform of the army and security sector as a whole was deadlocked and the undermined autonomy of Vojvodina threatened with abolishment. Consequently, the situation of human rights deteriorated, especially in the domain of minority rights and the rights of vulnerable groups.

The situation of the media worsened as well. It was obvious that the new regime wanted to control the media, which were to be its tools in the process of demonization and destruction of the opposition. As fear reigned again, criticism of the regime almost disappeared.

Except for adopting the budget for the year 2013, the government did nothing to change the course of economic collapse. “Economic policy banks on subventions only. And this can hardly encourage investment in the country in which both individual and public expenditure show a steady fall,” says Vladimir Gligorov of the Vienna-seated Institute for International Economic Studies.<sup>5</sup>

According to IMF estimates, Serbia’s budget deficit will amount to 8 percent of GDP and national debt to 65 percent of GDP unless the country fails to consolidate its fiscal policy. Public servants were dismissed massively throughout the administration: directors of state-run enterprises, ambassadors, members of executive and management boards, directors of medical centers, social care centers, museums, galleries, theaters, cultural centers, public libraries, members of school boards, etc., and even managers of the Safe House in Niš.

All this indicates that the regime wants to entrench a one-party system and further undermine the rule of law. Overnight deposits have introduced party membership as an absolute standard for public service. SNS has based most of its election campaign on promises, including the

<sup>5</sup> <http://www.sindikalizam.org/index.php?fullnews=1545>.



promise of deparitisation of the public sphere. As it turned out, all political parties, including SNS, gave up benefits and privileges with heavy heart and only partially. This is best exemplified by the fact that the legislation on state-run enterprises or public procurement failed to provide against *all* possibilities of systemic corruption. The struggle against corruption boiled down to arresting people every now and then: culmination of the campaign was the arrest of Miroslav Mišković, owner of Delta Holding Company, indicted only after six-month custody. No systemic step against corruption was taken: a new strategy against corruption was not adopted, the same as a law on the protection of whistle-blowers, independent institutions and agencies were not invested with more authority. In brief, a reform to enable systemic coping with corruption did not take place: systemic laws were not adopted and the public sector was not reformed by the principles of good management.

Findings of the survey “Citizens’ participation in democratic processes in Serbia” conducted by the Center for Research, Transparency and Accountability /CRTA/ and Ispos Strategic Marketing did not come as a surprise. They indicated an extremely low level of citizens’ participation and trust in institutions. It goes without saying that changes cannot be expected without citizens’ participation.

The origins of Serbia’s problems of today are in the faulty and slow-paced transition. What mark this transition are hybrid solutions that can be neither labeled capitalist nor socialist. Hence, its hallmarks are impoverished society, low standard of living, high unemployment rate and low salaries, nepotism, dependence on unfavorable loans, educational institution in deplorable state of neglect and citizens seeing no prospects of a better life. All this fuels general frustration and aggressive behavior among people, especially the young. Violence prevails in all spheres of social and political life, and domestic violence spirals.

## Attitude towards the Region

Shortly after the elections, representatives of the new regime managed to impair the anyway fragile regional relations with many intemperate statements. These statements were indicative of its prevalent mindset when it comes to the region. Interpretation of the recent past remains the main stumbling bloc in the way of regional normalization, especially with Bosnia-Herzegovina, Croatia and Kosovo.

The attitude towards Bosnia, which is still perceived as booty, is the most problematic. The joint session of Serbia's and Republika Srpska's /RS/ governments clearly manifested the character of mutual relations and goals. President Nikolić said that Serbia had accepted the Dayton Accords but Bosnia-Herzegovina was, as he put it, a dysfunctional state that "slowly disappears before our eyes." For Serb politicians, Croatia is a main rival to permanently compete with. The issue of refugees is Belgrade's "main weapon" against Croatia. As evidenced by recent electoral outcome in Montenegro, Serbia has neither changed its attitude towards this country. Montenegrins have voted for independence once again. As it seems, Belgrade will continue to undermine Montenegro's independence.

Speaking of Macedonia, it was during his visit to Skopje that Nikolić suggested that the two states should mediate the dispute between Serb and Macedonian orthodox churches. He also seized the opportunity to warn Macedonians against Albanians, saying "Once they /Albanians/ realize their rights in the territory of Serbia, they will claim the same rights in other countries. How would you explain that they are entitled to a state of their own in Kosovo but not in Macedonia, how would you explain that they are entitled to a state of their own in Kosovo but not to an autonomous region in Greece or in Montenegro?"<sup>6</sup>

6 Ibid.

## Political and Social Mindset

Serbia's political scene is permeated by nationalism and issues that have distanced citizens from politics. The media scene lives on scandals and sensationalism that discredit political elites and the sense of political engagement. The society as a whole is apathetic. Citizens do not get self-organized. The overall character of a society reflects all collective and social processes in it: and this is what earmarks the entire territory of the Balkans.

Nationalism is most manifest in the manner in which the recent past is interpreted, new identity of Serbia created, Vojvodina treated and neighboring countries and minorities perceived. Findings of a number of surveys indicate high levels of xenophobia, religious intolerance and homophobia among citizens; negative trends in the trials of the accused for war crimes before domestic courts; huge deficiencies in the security sector; and, many shortcomings of the alleged anti-corruption campaign.

The society in disorder and the pressure of having the ends meet affect each and every individual this way or another. The society is incapable of coping with the challenges and contemporary trends at the level of individuals. Hence, various personality disorders and pathological behaviors that threaten the lives of other people. The state has not developed a multisectorial and integrative approach to these problems.

Findings of the survey "Interaction of Value System and Cultural Preferences among Secondary School Graduates" conducted by the Institute for the Study of Cultural Development, were devastating. They showed, in the context of "hatred for other nations," that young people are most intolerant to Albanians and Croats, as well as to Roma. One in four or five graduates opposes any contact whatsoever with other nations, while 50 percent of them are specifically against contacts with Albanians, Croats and Roma.<sup>7</sup>

<sup>7</sup> <http://www.autonomija.info/igor-besermenji-mrznja-i-stereotipi-drzavni-problem-broj-jedan.html>.

## Identity Crisis

What Serbia's new identity is and the values it rests on are among key problems facing the country in the aftermath of wars, defeats and social devastation and demoralization. Against the backdrop of confusion permeating all the spheres of social life, the process of identity building is marked by inconsequence, inauthenticity and, above all, fabrications.

A national identity is not a static but a dynamic and changeable notion. It is permanently built and rebuilt through debates and social responses to national and international developments. Each country perceives itself and the outside world in its own way and thus influences global politics. Nationwide debates on the country's position and goals at global level characterize political discourses of all countries with foreign policy ambitions, including those that are not democratic.

A state plays a major role in this symbolic sphere. It can impose interpretation of the reality on the society through administrative (educational standards) and legal measures (citizenship acts), bestowing special status to certain symbols (national holidays, emblems, national awards) and representation at the international arena. Hence, statements by governmental officials are significant directives to other participants in political discourse. The policy of symbols has a special place in public sphere and its mutually competing interpretations of social realities.

The process of Serbia's identity-building demonstrates not only confusion and fabrication of the past but also narrow-mindedness about "others." Serbia celebrates its national holiday on February 15 – the date associating the 19th century constitution that was in effect for two weeks only. Serbia has renounced anti-fascism – the legacy on which today's Europe rests – begun rehabilitating followers of retrograde ideologies. While the process of rehabilitation of Draža Mihailović is nearing its end, rehabilitation of Nedić and Ljotić is announced. Mihailović was not only a Nazi collaborator – he was also a racist: his program called "Homogeneous Serbia" gave rise to atrocities against Bosniaks, Croats and even Serbs opposing his ideas.

Only a handful of civil society organizations question the fact that President of Serbia Tomislav Nikolić still holds the title of a “Tchetnik Duke.” Serbia’s leadership seized the opportunity of King Peter II’s, Queens Mary and Alexandra’s and Prince Andrei’s re-entombments in the family crypt in Oplenac to appeal for the nation’s unity and reconciliation, reconciliation between partisans and Tchetniks in the first place. Their appeal mirrors the policy of equalizing the “anti-fascist” roles of the two movements and prioritizing the Tchetnik movement in the process. President Nikolić stated on this occasion, “Differences and quarrels are frequent over here, even among siblings, and sometimes over nothing. The epilogue of such a dispute emerging in the World War II was tragic and affects us till this very day. The hatred between two Serb movements, Tchetniks and Partisans, which were after the same or similar goals, resulted in a grudge among brothers and enormous loss in human lives.”<sup>8</sup>

What mark the social climate are ideological differences about the entire history of the 20th century. This notably refers to reinterpretations and revisions of the history of the World War II that picture the Tchetnik movement as a right-wing anti-fascist one. Consequently, history textbooks have been revised and state symbols changes: revisions that are crucial in the process of identity-building.

Serbia has renounced the legacies of the “first” and the “second” Yugoslavia as fatal to the Serb nation. It spared only the above-mentioned figures, followers of the Greater Serbia ideology that predominated the 1990s. Identification with the ideology of Draža Mihailović stands in the way of democratic transformation as, like all similar ideologies, it is based on racism. All this puts across negative messages to Serbia’s minorities and its neighbors in the region and fuels tensions and anxiety.

Activism of extremist groupings, backed by the state and some leading parties, is in full swing. Statements Serbia’s representatives give in the so-called non-aligned world that mostly play on ex-Yugoslavia and Tito’s repute also mirror the general confusion.

8 [http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=05&dd=26&nav\\_category=11&nav\\_id=717249](http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=05&dd=26&nav_category=11&nav_id=717249).

The prevalent interpretation of the 1990s wars boils down to the thesis that the West destroyed ex-Yugoslavia with its support to secessionist republics. ICTY has been denied from the very beginning as anti-Serb. Acquittals of Ante Gotovina and Ramush Haradinaj were welcomed as arguments against ICTY decisions. Notwithstanding the fact that Serbia adopted a parliamentary resolution on Srebrenica, a campaign against the resolution and Serbia's responsibility for the wars, especially the war in Bosnia, is in full swing.

Shortly after the presidential inauguration Tomislav Nikolić declared that there had been no genocide in Srebrenica. This is what the incumbent authorities are saying too. Interpretations of the 1990s wars and the consequences of these wars are major stumbling blocs for regional relations.

A fixed date for the beginning of accession negotiations with EU will mean little to Serbia unless the government and the entire society harness their energy for unavoidable changes. Only this could launch reforms, breathe life into economy, build market economy, establish competition, modernize the educational system and social policy, and mitigate pressing problems in the healthcare and pension system.



## Extreme Right-Wing: A Value System Imposed on the Society

Extremists groups intensified their activism, especially in Vojvodina, once the “new” coalition was in power (May 2012). The elections have brought about radical changes at the Serbian right-wing. So it happened that, got registered as a citizens’ association, the “Dveri” non-governmental organizations scored pretty well in the elections. With its election campaign targeting “tycoons” and unfair privatizations, while promoting itself as an organization with “clean hands,” Dveri won 4.35 percent of the vote (a bit below the election threshold). Dveri is known as a clerical and pro-Russian organization.<sup>9</sup> After the party split in two (SNS is now in power) Serb Radical Party remained the most radical but failed to pass the electoral threshold. The biggest portion of its electorate has sided with SNS. The best organized of all, Serb People’s Movement “Naši” also scored pretty well considering its electoral debut. Having joined the ruling coalition the movement now participates in local self-government in Aranđelovac. Another radical organization beside Dveri and Serb People’s movement 1389 is “Delije” – the “fan club” of the Red Star football team. This informal political organization belonging to the extreme right-wing is mostly used as a screen behind which young people are mobilized for extremist policies. “Delije” was most active when it came to Kosovo, chanting “Oh, Kosovo, the soul of Serbia, Turkey will never forget you. Neither will the rest who dare step on your soil.” The organization claims to be “the voice of people,” loyal to Serbhood and a fervent advocate of Eastern Orthodoxy.

9 „Dveri” is strongly present at the University, assembling, as it puts it, intellectuals of integrity. Its followers call themselves family people, patriots without “a homeland in reserve” and people caring for all and sundry. Europe is for those prone to stealing, homosexuals disrupt our families and they were the first to tell the truth about the regime of Boris Tadić but the opposition as well, they say.



By the number of victims of extremism in the period 1999–2010<sup>10</sup> Serbia ranked second in South Europe and sixth in Europe as a whole. Fully supported by the then president, Vojislav Kostunica, and Serb Orthodox Church the extreme right-wing bloomed after October 5. It was present in the media and in public sphere in general without any critical distance from the ideology it advocated or bothering to reexamine its value judgments. This extreme right-wing was skillfully presented as the right to free expression counterpoising another extreme – the civil sector advocating human rights, pictured as the extreme left-wing. This so-called extreme left-wing has been practically all the time smeared by the media and right-wing groupings refraining not from physical assaults.

These extreme right-wing organizations live on xenophobia and populism characterizing the societies such as Serbian. Remarkably conservative and populist, the Progressists are their natural allies, respected for their nationalism and radicalism – true, somewhat whitewashed nowadays.<sup>11</sup> Their traditionalism, conspiracy theories (typical for right-wing parties), anti-modernism and anti-Westernization are turning politically acceptable.

The media contribute to this acceptability as they mostly refrain from opposing these stands. On the contrary, they promote them abundantly without value judgments of their own. Tabloidization of the media fuels the overall atmosphere: the media feel free to communicate hate speech, anti-Semitism, and fabricate affairs. They are not called to account for their discourse and lies. Hence, the media have become the most powerful tools for the promotion of right-wing organizations.

Flanked by conservative circles of Serb Orthodox Church /SPC/ and “football fans” in the past three years, right-wing organizations used threats to prevent pride parades. Their threats paid back in 2009 and 2001:

<sup>10</sup> [http://www.athenainstitute.eu/en/select\\_country\\_profiles](http://www.athenainstitute.eu/en/select_country_profiles)

<sup>11</sup> Populist democracy of SNS is evident in plebiscitary decisions it makes, personalized power (A. Vučić), primacy of politics (legalism and the rule of law equal the rule of people), etc. This was probably best exemplified by its fight against corruption (the arrest of „tycoon” Miroslav Mišković without solid evidence and his protracted detention citizens allegedly applaud to).

the government banned prides. They used the one and only Pride Parade in 2010 as a pretext to demolish downtown Belgrade, including assaults against LGBT persons, Roma and foreigners.<sup>12</sup>

The most agile among these organizations, Serb People's Movement "Naši" was established in January 2006 in the then State Union of Serbia and Montenegro. In almost no time the organization had access to the media. It fervently advocated against Serbia's membership of EU and NATO, and for close ties with the Russian Federation. In August 2010 it signed a memorandum on cooperation with Serb People's Movement 1389 but began acting independently only a year later. "Naši" is after turning its ideology into Serbia's mainstream policy. This is why it participates in elections at all levels.<sup>13</sup>

With SNS in power "Naši" notably shifted their activism against Vojvodina's autonomy and, in this context, were active on almost daily basis. Its activists set Vojvodina's flag on fire in front of the offices housing League of Vojvodina Social Democrats /LSV/ in Novi Sad. Then they hung parched remnants of the flag on the front door as a "New Year greeting card" to LSV.<sup>14</sup> The action, released "Naši," was in support of their activist, Stefan Petrović, "condemned, in a political trial, to 15 years in prison for putting on fire the so-called flag of Vojvodina." In 2012 activists of the Movement were several times repeating the same action in Novi Sad, Zrenjanin and Backa Palanka. "Naši" announced a continued campaign against "autonomists in North Serbia." "A claim for a ban on LSV on the account of its unconstitutional activity has been submitted for consideration of the Constitutional Court," released the movement.<sup>15</sup>

Neither the state nor the Prosecution does anything against the movement's actions and extremism. The movement was notably active in its advocacy against Serbia's membership of NATO. On March 24, 2012, marking the anniversary of NATO intervention the movement staged a rally at the

12 See Helsinki Bulletin No. 72, Pride Parade: Culture of Violence

13 <http://Našisrbija.org/index.php/o-nama/>.

14 In early hours of January 12, 2012, unknown perpetrators smashed the glass at the entrance to LSV offices. LSV released that its premises in Pančevo, Novi Sad, Vršac, Čoka and other towns have been assaulted 23 times in the past three years.

15 Ibid.

Liberty Square in Novi Sad to “pay homage to victims of the aggression.” Alarm signal announcing NATO planes in 1999 opened the rally held under the slogan “NATO aggressors, get lost from Serbia.” Addressing the rally, the movement’s president, Ivan Ivanović, said, “The end of the bombardment was not the end of the war. The war against Serb nation and state has been on till this very day. NATO aggressors are not satisfied with the fact that they have occupied Kosovo but want to conquest the entire Serbia through their underlings paid by Western agencies. Nenad Čanak is their aider and abettor in Vojvodina.”<sup>16</sup>

“Naši” also staged a campaign against Turkish TV series, most popular in Serbia and the region. The campaign under the slogan “Obilić is a hero, Suleiman is nothing but a sissy” was their response to the ongoing series “Suleiman the Magnificent.” They printed posters and leaflets with the campaign’s slogan.<sup>17</sup>

“Naši” pressed criminal charges against the EXIT music festival for “unconstitutional and shameful promotion of the false state of Kosovo.” The charges were meant, they said, to prevent the promotion of the “pro-Shiptar” project “Kosovo 20” at the festival’s share conference scheduled for April 26, 2012. The project, claimed the movement, promotes the “narco-state of Kosovo as a state independent from Serbia, which directly breaches the constitutional order of the Republic of Serbia.”<sup>18</sup>

“Naši” also sued the on-line magazine e-novine for spreading religious hatred. Namely, on July 26, editor Petar Luković and director Jelić bylined the story under the headline “A Boob Attack at the Patriarch” along with a video showing an activist of the feminist group Femen assaulting Russian Patriarch Cyril. The last line of the story run “Fuck you, Cyril.”<sup>19</sup>

In the town of Arandjelovac, “Naši” activists have staged a campaign called “Urban guerilla” for months. The town was covered with graffiti and

16 <http://Našisrbija.org/?p=7631>.

17 <http://Našisrbija.org/?p=7685>.

18 <http://Našisrbija.org/?p=7901>.

19 <http://Našisrbija.org/?p=8723>

patriotic slogans targeting young population in the first place. Many secondary school students joined in and were spreading their ideology.<sup>20</sup>

Within the campaign titled “No to NATO murderers in the skies over Serbia” activists from the organization, along with their companions from “Kanon” and “Korak Srbije” organizations and bystanders booed US and NATO delegations at the military show in Batajnica. They shouted “Fuck, fuck, NATO pact.” Army officers had to remove US and NATO insignia from the exhibition given that some citizens were spiting on them. A poster saying “NATO, fuck off” was placed alongside US planes.

“Naši” sent a letter of support to the Congress of the International Euro-Asian Movement to point out that “Naši” had been the first organization “to promote the first Serb political program for Serbia’s Euro-Asian integration, even before Putin publicly declared the Euro-Asian strategy of the Russian Federation.” The letter also emphasized that Russia important to Serbia more than ever before and that the idea of the Euro-Asian alliance was the “light at the end of the tunnel of death.” For Serbs, quotes the letter, the idea and process of Euro-Asian unification is a natural course of action that gets them back to their roots, to their own being and future. For Serbs, as parts of the Eastern Orthodox and Slovene organism, “that is the only course that could be called the course towards victory.”<sup>21</sup>

In tandem with the group called “Ultra Tchetniks” “Naši” was promoting “life and deeds” of Ratko Mladić in several towns in Serbia. The action, released the organization, was launched to mark March 12 and the birthday anniversary of Ratko Mladić. Graffiti with Mladić’s portrait and accompanying slogan first appeared in Novi Sad and Belgrade. The purpose of the action was “to demonstrate the Serb nation’s loyalty to hero Mladić and to let the quisling regime of Boris Tadić know that by arresting and extraditing him /Mladić/ it did not manage to choke Serbs’ unfailing love for freedom.”<sup>22</sup>

In Belgrade, several right-wing organizations went on protest march labeled “No to borders, Kosovo is Serbia” protesting against the

20 <http://Našisrbija.org/?p=8740>.

21 <http://Našisrbija.org/?p=8888>.

22 <http://dalje.com/hr-svijet/srpski-narodni-pokret-Naši-pokrenuo-akciju-promocije-lika-ratka-mladica/423480>,

implementation of integrated border management in Kosovo. Starting from the Congregational Church /Saborna crkva/ protest marchers directed themselves towards the seats of the President, the government and the Constitutional Court – the march ended at the St. Sava Temple where protesters lit candles in memory of Serb victims in Kosovo. The march was organized by Dveri, Srpski Obraz, Zavetnici /Pledgers/, Naši, 1389, Council of the Diaspora Assembly, Movement for Serbia, Free Serbia, Serb People's Defense, Zekim, the government of Srpska Krajina in exile, National Movement and New Standard. Addressing protest marchers President of "Naši" Ivan Ivanović said, "Without Kosovo and Metohija Serb youth have no future...They are telling us that there is no border with Kosovo. Do you hear this crying shame? Do you hear this political sluts and bunglers telling us that they are not tearing our country apart?"<sup>23</sup> He also reminded of father Atanasije's oath to rebels in 1804 – "The one who betrays, may his health betray him." "We, Serbs in 2013, assembled by the monument to KaraĐorđe are saying, 'The one who says that Kosovo and Metohija are independent, may he lose not only his tongue but also his head.'"<sup>24</sup>

"Naši" publicized a list of non-governmental organizations that allegedly breach the Constitution of the Republic of Serbia and its criminal laws, and are financed by foreign foundations and embassies. Under the Constitution and other legislation, claimed "Naši," these are the organization to be banned under summary procedure since their activity blatantly undermines interests of citizens of Serbia and the Republic of Serbia and its laws. The NGOs on the list are after destroying the legal system of a sovereign state and for this purpose propagate partition of the Republic of Serbia: they call for recognition of the independence of the false state of Kosovo, and "use hate speech and discriminate Serbs in their motherland in many ways," explain "Naši."<sup>25</sup>

The list of "traitorous" organizations includes B92, Peščanik, NUNS, Danas, Vreme, Republika, Humanitarian Law Center, Women in Black,

23 <http://www.vesti-online.com/Vesti/Srbija/276474/Nikad-granica—Kosovo-je-Srbija>

24 <http://www.smedia.rs/vesti/vest/107973/Kosovo-SNP-Naši-Nezavisno-Kosovo-Miting-SNP-Naši-Za-nezavisno-Kosovo-ode-glava-VIDEO.html>.

25 <http://www.novimagazin.rs/vesti/ds-trazi-zabranu-rada-snp-Naši>

Center for Cultural Decontamination, YUCOM, Helsinki Committee for Human Rights, Youth Initiative for Human Rights, Sandžak Committee for the Protection of Human Rights and Freedoms, EXIT Foundation, Autonomous Women's Center, Women's Fund "Reconstruction," Belgrade Center for Human Rights, Amnesty International, Civic Initiatives, Queria Center, Gay-Strait Alliance and "Dokukino." The purpose of the campaign, quotes the accompanying release, is to raise public awareness about the urgent need for "ban and arrest of the listed NGOs that openly commit the crime against the Constitution through a series of grave crimes."<sup>26</sup>

Further on, "Naši" announced publication of "The White Book of Black Organizations" prepared by its team of lawyers. This will be Serbia's WikiLeaks leaving no one indifferent, says Ivan Ivanović. The list of the media and NGOs it published, says this organization, "strikes the very center of CIA project developed in Serbia for more than 20 years, the purpose of which is to constantly destabilize Serbia as a key factor in the Balkans with the helping hand from mercenary media, organizations and political parties."<sup>27</sup>

In response to the list published by "Naši," Independent Journalists' Association of Serbia /NUNS/ addressed President Tomislav Nikolić and Premier Ivica Dačić to warn them of the lists of unwelcome organizations and individuals composed by extreme rightist organizations and of continuation of such a dangerous trend. NUNS has never received a reply to its letter. In its letter, NUNS says it is "deeply concerned with fueling of the climate of lynch and intolerance for people with different views" and appeals to democratic public to vigorously confront the hate speech and the brutal campaign against individuals and organizations. "The Parliament's clear-cut stance about such harmful phenomena would be by far more effective than bans on organizations and other administrative measures. Otherwise, the Serbian society could drown in the waters of 1990s when people with alternative views were exposed to public lynch and journalists even gunned down," says NUNS release.<sup>28</sup>

26 [http://www.rtv.rs/sr\\_lat/drustvo/snp-Naši-spalili-zastavu-vojvodine-plakati-sa-spiskom-neprijatelj\\_363902.html](http://www.rtv.rs/sr_lat/drustvo/snp-Naši-spalili-zastavu-vojvodine-plakati-sa-spiskom-neprijatelj_363902.html).

27 <http://srbin.info/2012/12/snp-Naši-bela-knjiga-crnih-organiz/>.

28 <http://www.vesti-online.com/Vesti/Srbija/280023/NUNS-Zasto-se->

Liberal-Democratic Party /LDP/ called upon the government to urgently respond to “Naši” threats to the media, the civil sector and people campaigning against social violence. “Once against Serbia has become a country in which differently minded people are stigmatized, political opponents proclaimed traitors and criminals, in which everybody could prey on them as their pictures are posted, as those of the most wanted criminals, at every corner,” says the party release, adding that the ruling coalition was the most responsible for the present “atmosphere of lynch:” by putting the lid on these topics, it silently supports violence.<sup>29</sup>

Ombudsman Saša Janković also expressed his concern over “Naši” posters accusing NGOs and NUNS of working for foreign intelligence services, released his offices. “Given that these are accusations of grave crimes, the accusers should be summoned by relevant authorities to document their claims. Either are Serbia’s NGO activists and journalists spies to be put on trial or someone slanders them and acts against law and order and should be adequately punished for it,” quotes the release.<sup>30</sup>

“Naši” proposes adoption of a law providing that all NGOs financed from abroad shall be labeled “foreign agents.” The Movement – the controversial proposals of which and its lists of “anti-Serb” NGOs and media have raised wide polemics – advocates a law on foreign agents, by US and Russian models, which “shall earmark every organization engaged in politics and financed from abroad as ‘a foreign agent.’”<sup>31</sup> In support of their claim the Movement will submit evidence against “blacklisted” NGOs and media. According to “Naši,” all the organizations on their black list are financed from a common source – US government and the “infamous NED foundation that operates as an implementing organization for CIA special operations and is paid from USAID budget subsidized by the Department of State.”<sup>32</sup>

*ne-reaguje-na-spisak-desnicara December 25, 2012.*

29 Ibid.

30 Ibid.

31 [http://www.rtv.rs/sr\\_ci/drustvo/Naši:-za-nvo-finansirane-iz-inostranstva-oznaka-strani-agent-\\_357118.html](http://www.rtv.rs/sr_ci/drustvo/Naši:-za-nvo-finansirane-iz-inostranstva-oznaka-strani-agent-_357118.html), Ibid.

32 Ibid.

USAID and NED, it claims, are prohibited in Latin America for “establishing structures that interfere in domestic affairs and undermine constitutional orders,” while Russia treats them as foreign agents under its law on foreign agents. “The best paid on the list” of NED beneficiaries are B92, Peščanik, ANEM, NUNS, Independent Journalists’ Association of Vojvodina, Balkan Investigative Reporting Network /BIRN/, Helsinki Committee for Human Rights, European Movement in Serbia, YUCOM, Youth Initiative for Human Rights and e-novine, says the Movement’s release, adding that CIA openly financed broadcasters Free Europe and Voice of America till 1999.<sup>33</sup>

Several NGOs called upon relevant authorities to have their say about the publishing of the black list and condemn “this act of public stigmatization and lynch of human rights organizations and media.” In a joint declaration released on the eve of the International Human Rights Day, December 10, 15 NGOs appealed against “unconstitutional activities by the organizations that spread hatred and intolerance, either those registered as citizens’ associations or informal groups.”<sup>34</sup>

These NGOs also called the state to fulfill its international obligations in the domain of human rights and human rights standards. They demanded the state of Serbia to adequately and efficiently protect human rights defenders assaulted for standing for and promoting human rights. Except for the Office for Cooperation with the Civil Sector, quotes the declaration, not a single governmental agency has condemned the black list by “Naši,” which may make them “accomplices in violence against all human rights defenders.” The declaration was signed by Women in Black, Regional Center for Minorities, Women’s Fund “Reconstruction,” Civic Initiatives, Youth Initiative for Human Rights, Dokunino, Helsinki Committee for Human Rights in Serbia, YUCOM, Autonomous Women’s Center, Center for Advanced Legal Studies, Human Rights House, Labris, Belgrade Center for Human Rights, Gay-Strait Alliance and Center for Cultural Decontamination.<sup>35</sup>

33 Ibid.

34 Ibid.

35 Ibid.



In the meantime “Naši” announced that it would request the state to respect the Constitution and “strongly ban any form of gay-pride propaganda and any gay parade in the next hundred years, including a ban on flags in the colors of a rainbow in public spaces, other gay-pride symbols and the use of the foreign term ‘gay.’” Citizens of Serbia have clearly manifested over the past years that they would not want their state to promote “gay-pride” ideology as a value but wanted a social climate in which Serb children would be raised in the spirit of Christianity and in a morally upright environment, says the movement’s release.<sup>36</sup>

As publicized at the “Naši” website, Ivan Vejvoda is the best paid foreign agent. The movement, therefore, demands the government to have the office of Balkan Trust for Democracy closed down, given that this organization promotes Kosovo’s independence and finances “Shiptar” NGOs. It also demands the arrest of Ivan Vejvoda and others responsible of “grave crimes of years-long undermining of the constitutional order of the Republic of Serbia.”<sup>37</sup>

The Belgrade-seated office of Balkan Trust for Democracy, claims “Naši,” is an operations center with the budget of over 50 million us dollars to finance the entire “Shiptar NGO sector in the occupied Serb territory of Kosovo and Metohija meant to strengthen the quasi-state of Kosovo, all of which is coordinated by Ivan Vejvoda.”<sup>38</sup>

Among the projects financed by Balkan Trust for Democracy is the one titled “Support to the Finalization of the Supervised Independence of Kosovo” that is realized by Kosovo Institute for Political Research and Development, explains “Naši.” Other beneficiaries, according to the website, are Kosovo Democratic Institute, Kosovo Initiative for Stability, Inter-news Kosovo, Kosovo Youth Initiative for Human Rights, Kosovo Foundation for Civil Society, Kosovo Youth Council, etc. All in all, BTD has financially assisted over 30 projects and “Shiptar” NGOs over the past three years. “From Belgrade Ivan Vejvoda and Balkan Trust for Democracy coordinate

36 <http://www.novimagazin.rs/vesti/snp-Naši-trazi-zabranu-prajda-na-100-godina>.

37 <http://ceas-serbia.org/root/index.php/sr/home-sr/93-preuzeto/642-snp-Naši-ivan-vejvoda-najplaceni-ji-strani-agent> , December 17, 2012.

38 Ibid.

the budgets of tens of million us dollars to finance Shiptar organizations and projects aimed at strengthening Kosovo's independence."<sup>39</sup>

The Office for Cooperation with the Civil Society released that with its "black list of NGOs" "Naši" was disgracing Serbia and the entire civil sector. Responding to it, "Naši" said that the Head of the Office Ivana Ćirković and her associates were "obviously nervous" about its "disclosure of a hotbed of corruption and criminal hookup between governmental agencies and the non-governmental sector." It, therefore, called upon Vice-Premier Aleksandar Vučić to urgently depose Ivana Ćirković.<sup>40</sup>

In response to "the scandalous campaign meant to pass on late Premier Zoran Đinđić as a visionary and a model politicians to generations to come," "Naši" pasted up posters saying "A Foreign Agent, Not a Hero" in Arandelovac, Mladenovac and Novi Sad.<sup>41</sup>

Democratic Party /DS/ called upon relevant authorities to remove the posters and punish perpetrators, emphasizing, "The shameful campaign against the assassinated president of DS and Premier, 'Naši' pursues its activism that brims with hatred, violence, lynch calls and persecution of people its dislike for one reason or another." DS release also reminds that Đinđić has paid with his life the idea of a society that is diametrically opposite to everything "Naši" and similar "extremist and retrograde" organizations advocate.<sup>42</sup>

"Đinđić was murdered in same climate of hatred today created by the organization that has compiled lists of unwelcome media and NGOs, disrupted round tables, exhibitions, concerts and meetings it disliked, threatened with its troikas patrolling the streets to prevent events it considered unsuitable, held out threats to political opponents..." quotes the party release.<sup>43</sup>

39 Ibid.

40 <http://www.pressonline.rs/info/politika/252030/pokret-Naši-trazi-smenu-ivane-cirkovic.html> , November 12, 2012.

41 <http://www.novimagazin.rs/vesti/ds-trazi-zabranu-rada-snp-Naši>.

42 Ibid.

43 Ibid.

## The State and Extremism

The Republican Public Prosecutor initiated the procedure for the ban on the “Serb People’s Movement Naši 1389” association. However, having deliberated the case the Constitutional Court decided on November 15, 2012 that the Constitutional and the legislation provide no ground for the procedure since the said organization was not registered – and then it dismissed the case.

According to the Constitutional Court the specific case did not “meet the constitutional requirements for banning organizations,” whereas a ban on any organization has to be an unavoidable measure by a democratic society. Such a measure, explained the Court, is taken only when activities of an organization or its members seriously and intensively violate constitutionally guaranteed rights and freedoms, whereby these activities “are obviously after violent destruction of the constitutional order, violation of guaranteed human and minority rights or incitement of racial, national or religious intolerance.” The Court dismissed the Public Prosecutor’s claim that the activities of “1389” and “Naši” were blatantly breaching Article 55, para 4 of the Constitution.<sup>44</sup>

When many public figures criticized the government’s failure to take measures against “Naši” activities, Nikola Selaković, Minister of Justice and SNS official, denied that the movement was the ruling coalition’s tripwire on Vojvodina. Neither SNS nor the ruling coalition as a whole plans to annul the province’s autonomy, he explained. He added that relevant authorities were investigating the “black list case.” “I am against any witch hunt whatsoever as such practice benefits no one,” said Selaković.<sup>45</sup>

Be it as it may, the Republican Public Prosecution again initiated proceedings against “Naši.” Tomo Zorić, spokesman for the Prosecution, said, “The case has been prepared. Activities by this organization have been followed by some time now. We are in the process of double-checking

44 <http://www.ustavni.sud.rs/page/view/sr-Latn-CS/88-101728/ustavni-sud-odbio-predlog-za-zabranu-rada-udruzenja-graana-srpski-narodni-pokret-1389-iz-beograda-i-udruzenja-graana-snp-Naši-iz-aranelovca>.

45 <http://www.nuns.rs/info/news/18461/selakovic-Naši-nisu-udarna-pesnica-sns.html>

everything. The Prosecution will act according to the Constitution and the law, as usual, and put on trial every suspect proved beyond doubt to have breached the law.”<sup>46</sup> Vladimir Cvijan, member of SNS Presidency, confirmed that on the basis of new aggravating circumstances a ban on “Naši” could be initiated again with the Constitutional Court.<sup>47</sup>

The Appeals Chamber of the Appellate Court suspended the two-year jail sentence to Mladen Obradović, leader of the banned “Obraz,” punished for the violence accompanying the 2010 Pride, and called for a retrial on the basis, as it put it, “crucial irregularities of the criminal procedure.” In mid-November 2012 the Appellate Court suspended yet another sentence to Mladen Obradović – a 10-month jail sentence for racial and other discrimination.

In June 2012 the Constitutional Court banned the organization “Obraz.” The Appellate Court suspended several other sentences and called for retrials. This includes the 8-month jail sentence to Marko Vučković, leader of the Red Star football fan club, punished for extremely violent behavior. The Appellate Court also demanded a retrial to Lazar Malović, conditionally sentenced for fraud (by presenting himself as a close relative to Snezana Malović, the then minister of justice).

The state has no clear-cut criteria when it comes to the threat posed by extreme right-wing groups. It is often lenient to their activism arguing that “everyone has the right to free expression.” In many cases some political parties have been in hookup with these groups ideologically close to them.

Inadequate response by domestic authorities indicates that a situation as such suits them. On the other hand, distribution of funds to the civil sector illustrates the extent to which it is marginalized.

The Office for Cooperation with Civil Sector conducted a survey on ministries’ and governmental agencies’ subsidies to the civil sector. The findings showed that the great majority of all subsidies (93.2 percent or 2.8 billion RSD) came from the budget item for non-governmental organizations. About 3.5 percent of the total sum went to social insurances payments, around 2.5 percent to cover the expenses of non-profit enterprises,

46 <http://www.kurir-info.rs/tuzilastvo-zabranjuje-pokret-snp-Naši-clanak-604073>.

47 Ibid.

and about the same percentage was spent on contractual services.<sup>48</sup> The findings also indicated that considerable sums were distributed without invitations to tender. The Ministry for Youth and Sports topped the list of institutions operating this way.

In 2012 the government subsidized 1,428 projects by 1,178 non-governmental organizations, quotes the relevant report. Some 1,000 NGOs were funded for one project each, 114 for two, 28 for three, 12 for four, 3 for six, whereas the rest received seven, eight, nine or even more grants. Over 10 million RSD went to 56 organizations: the biggest beneficiaries were sports organizations.

The Ministry for Youth and Sports distributed grants amounting to 2.1 billion RSD, the Ministry of Labor and Social Policy about half a billion, while the Fund for the Protection of Environment about 130 million. The rest of institutions allocated funds totaling 276 million RSD.

The biggest beneficiary was the Olympic Committee of Serbia, having received 284 million RSD for its annual program of activities. The second on the list was the Sports Association of Serbia with a 117-million-grant, the third the Volleyball Association (88 million), the fourth the Tennis Association (75 million), etc. Considerable grants were also given to the EXIT festival (about 30 million), Citizens' Association "Young Serbia" (12 million), "Palacea Solution" (11 million), Beer Festival (8 million), SUBNOR (about 10 million), Scout Movement of Vojvodina (13 million), Association of War and Peacetime Invalids (about 10 million), Association of Veterans of 1990s Wars (9 million), Belgrade Open School (10 million), etc. Several associations assisting persons with various types of disabilities were beneficiaries of substantive grants.<sup>49</sup>

48 <http://www.vesti-online.com/Vesti/Srbija/273692/NVO-od-Vlade-dobijaju-pare-na-rec> , 30. November 2012.

49 Ibid.

## Transitional Justice: Inappropriate and Inconsistent

Over the past decades transitional justice has been a major trend of the international law. As defined by the International Center for Transitional Justice, it is not “a ‘special’ kind of justice, but an approach to achieving justice in times of transition from conflict and/or state repression. By trying to achieve accountability and redressing victims, transitional justice provides recognition of the rights of victims, promotes civic trust and strengthens the democratic rule of law. Transitional justice is crucial in the process of political, social and moral restoration of societies and also to their international democratic legitimacies.”<sup>50</sup>

All the experience so far testifies that transitional justice implies a thorny and painful process the outcome of which pivots on specific circumstances and the character of post-conflict transition, political choices made and the political will for a society’s moral and political reconstruction.

Serbia has not adopted a national strategy for transitional justice. Transitional justice exists in the societies with governments that have defined and, above all, implemented some form of transitional justice. Different elements of a transitional justice policy, practiced so far, include truth and reconciliation commissions, criminal prosecutions before domestic and international courts, reforms of the security sector, memorization such as various efforts to keep the memory of the victims alive through the creation of museums, memorials, and other symbolic initiatives, etc.

Except for individual initiatives not a single Western Balkan country has adopted a generally acceptable concept of transitional justice. Some elements of transitional justice are implemented at national levels such as war crime trials. Reforms of security sectors – the army and the police – are still in process. Civil society organizations and activists work on issues

<sup>50</sup> <http://ictj.org/about/transitional-justice>

states would not deal with: they analyze the general context of the crimes committed and the origins of wars and systemic crime, publicize documents compiled during the wartime, publish books, produce documentaries, and speak openly in the public thus trying to incorporate the facts about victims into “collective memories.”

ICTY and the International Court of Justice have not fully accomplished their primary tasks. On the other hand, no other court could have done what they did: remove main actors of the war from public life. Unfortunately, when it comes to Serbia, the effects of their work have not changed the public opinion about the 1990s wars and Serbia’s responsibility.

Serbia’s cooperation with ICTY has been complex and under strong pressure from the international community. Refusing to submit to ICTY documents dating back in 1990s and testifying of ex-Yugoslavia’s disintegration and the wars, Serbia has often obstructed its functioning. ICTY has raised 161 indictments. Thirty-five trials are in process.

As the weakest link in the chain of ICTY operation, its Outreach Program was hardly a success story. Some war crime trials have been broadcast live but the broadcasts as such have not effectuated a change in the public opinion or raised citizens’ awareness about the wars. The live broadcasts of the trial of Slobodan Milošević before ICTY were more channeled towards arousing sympathy for Milošević than imparting information about the roles of Serbian institutions in the wars. Testimonies by witnesses of the prosecution were treated as insignificant. Lawyers and other experts, commenting the trial during the breaks, were after diminishing Serbia’s role and minimizing possible damage.

Well-organized in this regard, Serb elites have prevented the effects of ICTY decisions from changing the public opinion. The sentenced criminals have never been morally condemned. Many of them, like Biljana Plavšić, have been welcomed as heroes. Once in Serbia they never said they were sorry what they had done. The manner in which they were treated upon release actually invalidated ICTY functioning.

Serbia established its war crimes court under the pressure from the international community and with its assistance. Unfortunately, the court proved to be in the function of the state strategy for minimizing Serbia’s

responsibility. Although unbiased in some cases, the court was, generally, under the political influence.

Hardly any progress has been made in the domain of reparations, another element of transitional justice. Given the entire region's devastation and impoverishment it can hardly be expected from countries in question to compensate civilian victims of the wars. Therefore, the international community had to lend a helping hand. While the international community financed return of refugees through grants for houses and small businesses, the process of the return was strongly obstructed – and more by civil society organizations than domestic governments.

The very approach to justice is flawed. For instance, Serbia that had “not waged wars” totally neglected the problem of veterans and civilian victims, especially victims of sexual abuse. Over 40,000 veterans have been left in the lurch. The Court of Human Rights in Strasbourg decided that the state was duty bound to reimburse the veterans of the war in Kosovo.

Serbia has no law on reparations to victims. Victims of torture, sexual abuse and prisoners of concentration camps go to a lot of trouble to evidence injustice before Serbian courts. Besides, unless they initiate proceedings within the period of five years their cases are time-barred under limitation act.

The issue of missing persons is still highly politicized and thus stands in the way of regional cooperation between expert commissions. More than 30,000 persons are registered as missing.

The process of facing the past froze up with the change of the regime and has been regressing since. The “torchbearer” of the regression, President Nikolić, managed to impair relations with almost all ex-Yugoslav republics as soon as elected. In addition, many problems remained unsolved in 2012. Protection of witnesses is still the Achilles' heel of proceedings before domestic courts. Masterminds of war crimes among high-ranking military and governmental officers are still not called to account. Reparations are still not available to the great majority of plaintiffs. They were compensated in two cases only. It remains to be seen whether these two court decisions will be adopted as a practice in the period to come – to compensate victims both financially and morally.



## War Crimes Trials

In 2012 thirteen procedures were before the War Crimes Department of the Higher Court, Belgrade. The court decided in seven cases, sentencing 37 defendants and acquitting eight.<sup>51</sup>

In 2012 the War Crimes Department of the Appellate Court in Belgrade made four decisions concerning the appeals against sentences ruled by the Higher Court and the Appellate Court. It confirmed the sentences ruled to four accused persons and acquitted two.<sup>52</sup>

In the past year Serbia's general jurisdiction courts decided in two cases of war crimes against civilians: the Orahovac case processed before the Higher Court in Pozarevac and the Kusnin case before the Higher Court in Niš.<sup>53</sup>

Serbia's War Crimes Prosecutor raised two indictments against 7 persons for the crimes against civilians and/or prisoners of war in 2012.<sup>54</sup> Ever since establishment the Prosecution Office has not indicted such a small number of people over a year.<sup>55</sup> Out of these seven indictments the cases of Prizren, Tenja II and Bosanski Petrovac are new while those in the cases of Ovčara V and Čuška had resulted from the proceedings before the War Crimes Department of the Higher Court in Belgrade. However, even the "new" indictments were not the products of the Prosecutor's independent investigation: the Bosanski Petrovac case had been transferred to it by the Bihac Canton Municipal Court, while the Tenja II case by the Public Attorney Office of the Republic of Croatia.<sup>56</sup>

Evidently, Serbia's courts are still "passing over" high-ranking police and army officers (of Serbia and former FR of Yugoslavia) despite all evidence. From its establishment in 2003 till 2012 the Prosecution has indicted only three noncommissioned officers. In 2012 the Prosecution was

51 [www.bg.vi.sud.rs](http://www.bg.vi.sud.rs).

52 [www.bg.ap.sud.rs](http://www.bg.ap.sud.rs).

53 Humanitarian Law Center, 2013.

54 [www.tuzilastvorz.org.rs](http://www.tuzilastvorz.org.rs).

55 Ibid.

56 Report on War Crimes Trials in Serbia in 2012, Humanitarian Law Center, 2013.

criticized for the first time ever by a trial chamber.<sup>57</sup> Nevertheless it has not indicted a single person on the account of command responsibility up to now.

Witness protection program is still a major stumbling bloc. The program has not yet been transferred from the Ministry of the Interior to the jurisdiction of the Ministry of Justice.

War Crimes Prosecutor Vladimir Vukčević and Main Prosecutor of Bosnia-Herzegovina Goran Salihović signed a protocol on cooperation in the prosecution of suspects of war crimes, crimes against humanity and genocide on January 31, 2013 in Brussels.<sup>58</sup> The protocol with Bosnia rounded off the “frame for achieving justice” in the region. The document provides exchange of evidence and information between the two prosecutors, especially in the cases of parallel investigations. The protocol was enforced on February 28, 2013.<sup>59</sup>

## Institutional Reforms

No major reforms aimed at achieving transitional justice were undertaken in 2012. The faulty witness protection program still rests on the legislation passed in 2006 providing protection to parties involved in criminal proceedings, especially witnesses.<sup>60</sup> The newly adopted Law on Criminal Procedure also lays down the criteria for the protection of witnesses.<sup>61</sup> Also relevant to this domain is the Regulation of the Higher Court in Belgrade – it envisages the establishment of a department for assistance and support to witnesses and damaged parties.<sup>62</sup> ICTY has established major mechanisms for the protection of witnesses and victims. However, the

57 Ibid.

58 [http://www.tuzilastvorz.org.rs/html\\_trz/VESTI\\_SAOPSTENJA\\_2013/VS\\_2013\\_01\\_31\\_CIR.pdf](http://www.tuzilastvorz.org.rs/html_trz/VESTI_SAOPSTENJA_2013/VS_2013_01_31_CIR.pdf).

59 [http://www.tuzilastvorz.org.rs/html\\_trz/VESTI\\_SAOPSTENJA\\_2013/VS\\_2013\\_02\\_28\\_CIR.pdf](http://www.tuzilastvorz.org.rs/html_trz/VESTI_SAOPSTENJA_2013/VS_2013_02_28_CIR.pdf).

60 Law on the Protection Programs for Parties in Criminal Procedures, (Official Gazette, No 85/2005).

61 Law on Criminal Procedure (Official Gazette, No. 72/2011 and 101/2011).

62 Regulation on Management and Job Descriptions of the Higher Court in Belgrade, No. 9/10 – 2, April 30, 2010.

experience of ICTY in this sensitive area has not been adequately used over war crimes trials in Serbia.

Over the tripartite summit with members of the Presidency of Bosnia-Herzegovina on February 3, 2012 at Mt. Jahorina, presidents of Croatia and Serbia, Ivo Josipović and Boris Tadić agreed to sign a memorandum on cooperation in war crimes proceedings.<sup>63</sup> The objective of the memorandum was to prevent political influence on war crimes trials and secure fair trials before domestic courts. In 2012, the only form of bilateral cooperation envisaged in the memorandum was the one between national judicial bodies.

## Facts and Testimonies

Little was done to attest new facts in 2012. The process of facing the past that would lean on the testimonies by victims and war criminals was not launched. The situation in the domain of transitional justice worsened after the general elections of May 2012. Statements by newly elected President Nikolić denying or marginalizing the crimes committed in 1990s impaired Serbia's relations with the region. At the same time the very idea of facing the past was seriously relativized: developments in the WWII that were combined with the transitional justice emerging from ex-Yugoslavia's disintegration further undermined unbiased research of the recent past.

The trial in the case of rehabilitation of Draža Mihailović before the Higher Court in Belgrade opened on May 11, 2012. Taking the stand, historian Slobodan Marković claimed that the summations by Mihailović before the court in 1946 had been changed.<sup>64</sup>

While 40-odd followers of the Tchetnik ideology assembled in front of the court on the occasion, activists of the organization "Women in Black" were protesting across the street against the attempt at rehabilitation of a war criminal. Apart from members of the Ravna Gora Movement, activists of "Obraz" were among and their leader, Mladen Obradović, were in the crowd of Mihailović's supporters. They were chanting Tchetnik songs and

63 Balkan Insight, February 3, 2012.

64 RTS, April 11, 2012.

hailing Mihailović and ICTY indictees Radovan Karadžić, Ratko Mladić and Vojislav Seselj.<sup>65</sup>

Despite all the pressure from extreme rightist organizations, the process was ended on February 22, 2013. When the First Basic Court in Belgrade decided that Mihailović had been executed by firing squad on July 31, 1946, plaintiffs requested a new hearing claiming that he had been killed on July 17, 1946. President of Trial Chamber Aleksandar Ivanović said the procedure was suspended until a higher instance decided on the exact date of Mihailović's death.<sup>66</sup>

In addition to the attempt at rehabilitation of the Tchetnik movement, ICTY acquittals of high officials from Croatia, Serbia and Kosovo negatively affected the process of facing the past. On November 16, 2012 ICTY Appellate Chamber acquitted Croatian generals Ante Gotovina and Mladen Markac on all counts of the indictment for the "Storm" operation. The verdict caused strong reactions in Serbia – by governmental institutions, political parties and the media. Even the great majority of non-governmental organizations, advocating for the respect for ICTY over the past 20 years, criticized the verdict.

"This verdict only proved that decisions by ICTY are more often than not political rather than judicial. We are disappointed with such attitude of international institutions towards the Serb nation, their neglect of facts and disrespect for the victims of the 'Storm' operation, the biggest crime committed since the WWII," released the ruling Serb Progressive Party.<sup>67</sup>

On the day the verdict was publicized the Serbian government held a meeting to discuss it. In addition to strong criticism of the verdict, the government threatened with reducing the cooperation with ICTY to a "technical level." "This decision is a slap in the face of international justice and regional reconciliation, and will not contribute to normalization of the relations between states and nations in the territory of the former

65 Ibid.

66 RTS, February 22, 2013.

67 RTVB92, November 16, 2012.

Yugoslavia,” said President of the National Council for Cooperation with ICTY Rasim Ljajić.<sup>68</sup>

Thirteen days later, on November 29, 2012, ICTY acquitted Ramush Haradinaj, former commander of KLA, accused of war crimes in Kosovo. This only added fuel to the fire of the campaign against ICTY. Even the more liberally-minded RTV B92 commented the verdict by the following headline: “Another Slap in the Face: Haradinaj Acquitted.”<sup>69</sup>

Commenting the Haradinaj case, Rasim Ljajić said that credibility of ICTY was further undermined. The ruling Serb Progressive Party called for the end of any communication with ICTY, while War Crimes Prosecutor Vladimir Vukčević labeled the acquittal unjust and a result of unprofessional protection of witnesses.<sup>70</sup>

President Nikolić was the fiercest critic of all. He revived the populist and right-wing criticism of ICTY by saying, “The latest decision by the Tribunal has nothing to do with the law and justice, and fundamental principles by which this international court should operate. To all appearances, the Tribunal was established in defiance of international law and to try Serbs only. It was established to attain the goals the Serb public is well aware of.”<sup>71</sup>

On February 28, 2013 the ICTY Appeals Chamber acquitted the former head of the General Staff of the FRY Army, Momčilo Perišić. Despite the fact that this time a high officer of the Yugoslav Army was acquitted, politicians in power did nothing to change “the bad image” of ICTY they had worked on at the time of the acquittals of Kosovo’s and Croatia’s military commanders. The government welcomed the decision by the Appeals Chamber – it even sent a plane to bring General Perišić back from The Hague.<sup>72</sup> Premier Dačić seized the opportunity to question FRY’s role in the wars in the territory of ex-Yugoslavia. The decision by ICTY is of major significance to Serbia and the Serb people as it negates all the accusations of

68 Večernje Novosti, November 16, 2012.

69 RTVB92, November 29, 2012.

70 Ibid.

71 Ibid.

72 RTV B92, March 1, 2013.

the Yugoslav Army and its alleged aggression against Bosnia-Herzegovina and Croatia, he said.<sup>73</sup> In Serbia as a whole, Perišić's acquittal was barely commented – it was overshadowed by earlier acquittals of Gotovina and Haradinaj.

## Reparations

On March 29, 2012 the government adopted the *Program for the Return of Bosniak Refugees and IDPs from the Priboj Municipality in the Period 1991–99*. The Program envisages “creation of infrastructural conditions” for the return of Bosniaks, citizens of Serbia, who had fled this part of Sandžak or had been expelled from it in the next four years. For the first time ever, the state terror against Sandžak Bosniaks was recognized in an official document. “This is a way for remedying the injustice done to citizens from the above-mentioned villages of the Priboj municipality, who fled their homes under threats or out of fear in the period 1991–99,” quotes the Program. According to the Program, those citizens of Kukurović, Sjeverin and other villages bordering on Bosnia-Herzegovina are entitled to reparations and sustainable return to their homesteads.<sup>74</sup>

Since the adoption of the Program, courts have made two decisions in favor of damaged parties. On the one hand, this stands for a progress when compared with the previous period. On the other, two decisions are insufficient when compared with numbers of requests for reparations still waiting to be settled. One of the two decisions was made by the First Basic Court in Belgrade on September 10, 2012, obliging the state of Serbia to compensate 360,000 RSD to Sead Rovcanin, a Bosniak from Prijepolje, for police torture he suffered in 1993. Gordana Vuković, spokeswoman for the court, explained that the state was duty bound to pay 160,000 RSD to Rovcanin on account of “mental pain” plus 200,000 RSD for “the fear he was exposed to.”

According to the decision, on October 27, 1993 officers of the Ministry of the Interior of Serbia arrested Rovcanin, beat him in the police station

73 Večernje Novosti, February 28, 2013.

74 E-novine, April 5, 2012.

and forced to confess that he had arms in his possession. Further, the decision underlines that the amount of reparations would only partially indemnify Rovcanin who had waited 19 years for the justice to be meted out, while perpetrators have never been punished and were still in police forces. The torture he underwent left serious and lasting consequences on the health of Sead Rovcanin.<sup>75</sup>

On September 26, 2012, the Appeals Court in Belgrade decided that Ivica Bačić, a resident of Split, Croatia, should be compensated for the property YPA confiscated from him in November 1991. On his way to hospital to cater for his injured neighbor, Bačić had been arrested and the army confiscated his vehicle and other personal belongings. The decision of September 2012 was the first ever to recognize that Serbia's present-day army was responsible for YPA's doings. As such it paves the way to many other complaints by citizens of Croatia, Bosnia-Herzegovina and Kosovo against Serbia and its army.<sup>76</sup>

On the occasion of the 13th anniversary of NATO intervention, on March 24, 2–12, commemorations for victims of bombardment were organized throughout Serbia. A memorial was held in the town of Aleksinac where 11 civilians had been killed and 50 wounded. Addressing the audience President Tadić called NATO bombardment “a crime against our country and our people.”<sup>77</sup> Neither Tadić nor other officials attending these commemorations touched on Albanian civilians killed in the period March-June 1999. The anniversary and hardships of Albanians at the time seemed to be totally unrelated.

Marking the 13th anniversary of NATO intervention Belgrade city authorities announced funding for a memorial to “victims of the war and homeland defenders in the period 1991–99.” Strongly responding to the announcement, CSOs and families of the victims released that a monument as such would relativize crimes, fabricate the history and harm the dignity of the victims.<sup>78</sup> “The cynical fabrication of the history whereby

75 Danas, September 10, 2012.

76 Radio Free Europe, September 26, 2012.

77 Večernje Novosti, March 24, 2012.

78 E-novine, February 17, 2012.

the criminals from the aggressive armies of the state of Serbia are passed on as homeland defenders must be ended. A monument to participants in Serbia's aggressive wars, who left the trail of victims, the killed, the crippled, the raped and destroyed and plundered homes would be a crying shame," quotes a release by the Women in Black.<sup>79</sup>

In response to public protest Deputy Mayor of Belgrade Zoran Alimpić told the Radio Free Europe, "All the monuments worldwide to soldiers in wars are in a way also monuments to people who were shooting and killing. This goes without saying. Whoever lights a candle at the bottom of this monument or lays a wreath on it, will understand in his or her own way."<sup>80</sup> Accordingly and despite all protests Belgrade authorities headed by Mayor Dragan Đilas unveiled a memorial at the Sava Square in Belgrade on March 24, 2012. Three weeks later, however, the memorial corroded and was removed. City authorities commented it was all about a "conceptual installation."<sup>81</sup>

Serbia's relations with its neighbors (especially the countries emerging from ex-Yugoslavia) are closely related to the process of facing the past and the responsibility for the bloodshed of 1990s. This is about a painfully slow and inconsistent process that is constantly obstructed. In only a couple of statements and in a handful of interviews the newly elected President Nikolić managed to annihilate Serbia's (modest) achievements in the domain of regional reconciliation. His statements about Vukovar as "a Serb town" and Srebrenica in which "genocide was not committed" triggered off strong reactions in Croatia and Bosnia-Herzegovina.<sup>82</sup> Leaders from the region, therefore, boycotted Nikolić's presidential inauguration. Only Montenegrin President Filip Vujanović and Milorad Dodik, president of the Serb entity in Bosnia, attended the ceremony. Croatian President Ivo Josipović said he would not meet with Nikolić until the later changed his stands about the past. The two presidents have not met yet.

79 Ibid.

80 Radio Free Europe, February 16, 2012.

81 Danas, April 11, 2012.

82 Al Jazeera, Balkan, May 25, 2012.



Premier Dačić paid an official visit to Bosnia-Herzegovina in September 2012. Over the meeting with Bakir Izetbegović, member of the Bosnian Presidency, in Sarajevo on September 12 he said Serbia would respect the state of Bosnia-Herzegovina.<sup>83</sup> The two leaders agreed that their countries should upgrade mutual cooperation.<sup>84</sup> Only a day later, on September 13 the governments of Serbia and Republika Srpska held a joint session in Banjaluka – and confirmed “special relations” between Belgrade and Banjaluka.<sup>85</sup>

Dačić’s attitude towards Montenegro was more clear-cut than towards Bosnia-Herzegovina. The Premier emphasized the significance of the cooperation between the two countries, which, as he put it, should not be burdened by emotions.<sup>86</sup> He reiterated that Serbia’s fully respected Montenegro’s independence.<sup>87</sup>

At the meeting with the head of the probe into the Kosovo organ trafficking case, Williamson, Dačić said he fully supported the investigation of the crime and promised assistance from Serbia’s institutions.

However, he said nothing about the readiness of the same institutions to probe into the crimes Serbia’s citizens had committed in Kosovo, arrest them and put on trial.

83 „Press, September 12, 2012.

84 Kurir, September 13, 2012.

85 Kurir, September 16, 2012.

86 Press, September 13, 2012.

87 Press , September 14, 2012.

## II – THE JUDICIARY



## Snail-Paced Reform

The international community was critical about Serbia's judiciary reform enforced on January 1, 2010. In the meantime Serbia adopted and amended scores of legislation aimed at efficient implementation of the reform, strengthening of judicial bodies and their independence and efficient trials. However, the reform has not been rounded off yet.

The snail-paced reform of the judiciary resulted in spiraling corruption. According to Transparency International's report for 2011, Serbia lags behind in the struggle against corruption. A faulty judiciary reform, breaches of anti-corruption laws and influence of political parties on the public sector are stressed as major obstacles. Out of 182 countries on the list of Transparency International Serbia had been on the 86th place with the corruption perception index /CPI/ of 3.3 percent. In the past two years it was on the 71st place with 3.5% CPI.<sup>88</sup>

Participants in the debate "Judiciary in the Trap of Corruption and Partisan State," Conrad Adenauer Foundation organized in Belgrade, agreed that the judiciary reform had flopped and that everything should start from scratch. Commenting on frequent criticism from Brussels, Danilo Šuković, member of the Anti-Corruption Council, said, "The reform failed because of the hookup between parties, tycoons, executive branch, crime and the judiciary, which holds hostage the entire society. The judiciary contributes to the endemic corruption permeating all the spheres."<sup>89</sup> According to him, the judiciary reform was in the hands of incompetent people, the judiciary legislation had been passed without a thorough analysis of the situation in the domain and the judiciary has to have a budget of its own, as envisaged by the Strategy for the Struggle against Corruption /2005/ that remained a dead letter.<sup>90</sup>

88 [http://www.setimes.com/cocoon/setimes/xhtml/sr\\_Latn/features/setimes/features/2011/12/06/feature-04](http://www.setimes.com/cocoon/setimes/xhtml/sr_Latn/features/setimes/features/2011/12/06/feature-04).

89 Danas, April 26, 2012.

90 Ibid.

In 2011 the Disciplinary Prosecutor of the High Judicial Council /vss/ received 168 complaints alleging misconduct against judges or prosecutors. For his part, the Disciplinary Prosecutor submitted only one case for the consideration of the Disciplinary Commission – the case closed in 2012 with deposal of a justice of the Appellate Court protracting a trial for eight years.<sup>91</sup> A survey conducted by Transparency Serbia and Balkan Trust for Democracy shows that the number of complaints by litigants averages 5,000 each year and has rapidly grown since the beginning of 2012. Ten-odd complainers in the first 8 months in 2012 were either acting presidents of courts or public prosecutors. Researchers explain the fewness of acting presidents of courts among the total number of complainers by their unwillingness to stand up against their colleagues, as well as awareness that many judges are “backed up by politicians.” For their part, incumbent acting presidents of courts claimed all complaints so far had been against minor shortcomings and they would have submitted complaints had there been major breaches of law.<sup>92</sup> According to the survey, judges think as one about the necessity of clear-cut criteria for the cases of presidents of courts submitting complaints against judges – without clear-cut criteria any complaint could be interpreted as someone’s personal vendetta.

Apart from the growing corruption, the snail-paced reform of the judiciary badly affected functioning of courts of law. Against the backdrop of the faulty reorganization, pending cases are being accumulated while the number of judges to tackle them has been reduced. Fewer judges have to cope with overdue cases that had to be closed in the shortest possible while. Besides, they worked under the pressure of submitting weekly reports reflecting the number of cases closed. As they had to race against time the number of complaints by litigants only logically grew.

Despite all reformist moves, the reorganized network of courts implying fewer courts and judges, the state did not manage to cut down costs. Moreover, it had to set aside more money for the judiciary in 2010. On the basis of information obtained for the Ministry of Finance the Anti-Corruption Council was unable to assert how costly the new network of courts

91 „Mechanism for Judges’ Responsibility in 2010–2012.”

92 Ibid.

was. In its report of September 2010 the Council of Europe pointed out to non-existent information about the costs of the newly arranged network. For its part, the Ministry of Justice keeps no records about judges and prosecutors entitled to bonuses for rents in towns away from their residences, extra costs of lives separate from their families and transportation. However, some information is available: bonuses for “separate lives” amount to 25,000 RSD, the same as bonuses for rents. Therefore, the state pays each judge or prosecutor working away from his or her hometown 50,000 RSD in addition to salary, plus costs of transportation on weekends. For instance, bonuses paid to five deputy prosecutors of the Appellate Prosecution in Novi Sad, without transportation costs, average 250,000 RSD each month. Some judges or prosecutors working in places not that distanced from their homes are even driven to and fro at the government’s expense. In addition, judges and prosecutors who had not been reelected in 2009 have been entitled to regular salaries in the past three years.

Despite the fact that Serbia obtained an EU candidacy on March 1, 2012, European Parliament’s resolution of March 29, 2012 expressed concern over the judiciary reform and struggle against corruption. The resolution calls the Serbian government to ensure independence and professionalism of courts and prosecution offices, and finalize the reform of the judiciary. On January 25, 2012, the Parliamentary Assembly of CoE also adopted a resolution on Serbia (No. 1858) to note a considerable progress Serbia has made in fulfilling obligations but also to express concern over the parliaments’ and the President of the Republic’s influence on the judiciary. This resolution also appealed to the High Judiciary Council and the State Council of Prosecutors to round off the reelection procedure by clear-cut and undisputable criteria, in accordance with European standards and in within reasonable period of time. It requested Serbia to adopt and implement a judiciary legislation providing judges’ and prosecutors’ independence from political influence. <sup>93</sup>

The Judges’ Society of Serbia /DSS/ turned to Ombudsman Saša Janković to complain against VSS for discrimination and violating the right to fair trial to judges who had not been reelected, breaching the reelected

93 Politika, April 17, 2012.

judges' constitutional right to unlimited terms of office, and depriving citizens' of the right to fair trial. DSS especially questioned the legitimacy of VSS after resignation of Justice Milomir Lukić and arrest of Justice Blagoje Jakšić who used to be in its membership. All this, pointed out DSS, affected not only revision of the decisions non-re-elected judges had complained against but also the ongoing election of presidents of courts.

The Ombudsman agreed that VSS was rump and hence illegitimate. In a letter to the parliament he said that VSS should stop operating until the problem of membership was solved and that all decisions it made with only a part of its original membership should be annulled. He also pointed to the case of Justice Predrag Dimitrijević who had been in the membership of VSS for more than a year since the Anti-corruption Agency decided that his term of office had ended.

The Ombudsman also criticized the amended Law on Judges<sup>94</sup> providing that VSS shall be authorized to decide on complaints against the decisions it had made. He pointed out that VSS worked behind closed doors although the law explicitly provided that its sessions should be open to public, and that over the revision process it denied access to information to all candidates for judges without exception.<sup>95</sup>

In response to the Ombudsman's criticism, the Ministry of Justice asked for an amendment to the Law on Ombudsman to restrict his competences. On January 19, 2012 State Secretary Slobodan Homen put his signature under the draft amendment, quoting, "The Ombudsman shall not be authorized to control the work of the People's Assembly, the President of the Republic, the government, the Constitutional Court, courts of law and public prosecution offices, the High Judicial Council and the State Council of Prosecutors." However, in its draft resolution on Serbia,

94 In late 2010 the Constitutional Court held open sessions in 50-odd cases.

Judiciary legislation was then amended under summary procedure, providing that VSS should be authorized to reconsider its original decisions. All the complaints filed with the Constitutional Court were "transferred" to VSS. After months-long debate on the reconsideration procedure two commissions of VSS began reviewing complaints on June 15, 2011.

95 Politika, January 15, 2012.

the European Parliament especially commended the Ombudsman and demanded Serbia's authorities to fully support his work.

In a letter to President of vss Nata Mesarović Head of EU Delegation to Serbia Vincent Deger also expressed concern over the body's functioning and its quorum.<sup>96</sup> He reminded that EU, in its Serbia 2010 Progress Report, had criticized the process of reelection of judges and prosecutors, and that on several occasions EU had drew the attention of Serbia's authorities to this pressing problem. In response, President of vss Nata Mesarović claimed that vss decisions and functioning were not disputable because of its incomplete membership given that the law provided that decisions were made by majority vote. Vss had received complaints from 824 judges and prosecutors who had not been reelected. Only 78 of complainers were reappointed till December 8, 2011. Vss informed the Ombudsman and the Head of EU Delegation that, having completed the review of complaints, it would make all the decisions by the end of February 2012. It also informed them that it had called the elections for vss members from the ranks of judges of appellate courts.<sup>97</sup>

At the meeting in Brussels on March 1, 2012 two close associates of EU Commissioner Stefan Fule were most critical about Serbia's judiciary reform and were clear-cut in their demands: vss should revise all the decisions made without a quorum (given that EU considered them illegal and shared the Ombudsman's criticism) and EC representatives should attend all the vss sessions deliberating reelection of judges and prosecutors in the process of revision. They also insisted on access to the files of judges and prosecutors who had not been originally reelected. EC also criticized all the decisions on reelections by the State Council of Prosecutors /DVT/ as contrary to its guidelines. EC's final opinion about the judiciary reform will depend on the quality of vss and DVT argumentation for reelected judges and prosecutors.<sup>98</sup>

Regardless of all the criticism from EC, Snezana Malović, former Minister of Justice, argued that EU's opinion about the judiciary reform was

96 Danas. January 13, 2012.

97 Blic, January 19, 2012.

98 Danas, March 1, 2012.



evidenced by the fact that Serbia obtained candidacy and that some media outlets had published out-of-date stories about EC's stance with a view of promoting certain political parties.<sup>99</sup> Serbia's Public Prosecutor Zagorka Dolovac said the judiciary reform had been a great challenge for Serbia but Serbia had "followed the voice from Europe" and duly responded to all suggestions.<sup>100</sup>

After a three-month recess, the newly formed vss convened its first session on March 8, 2012 to discuss complaints filed by 18 judges from Belgrade. Vss will also reconsider all the decisions on judges elected for the first time after January 1, 2010. In March 2012 the Constitutional Court discussed, at an open session, complaints by judges and prosecutors DVT and vss had turned down (136 complaints against vss ad 123 against DVT).

Busily correcting the shortcomings of the judiciary reform vss adopted the rules for reconsideration of original decisions in March 2012. The rules provide two commissions that will scrutinize professional capacities and moral integrity of the judges reelected for the three-year term. Three members of each commission will not come from the ranks of "original" decision-makers.<sup>101</sup>

Besides, the funds for the judiciary were transferred from the Ministry of Justice to a "judicial budget" to be managed by vss. A separate budget managed by vss is meant to strengthen the independence of the judiciary branch.<sup>102</sup>

Addressing the press during their visit to Serbia in two judges of the European Association of Judges – Simon Gaborio from France and Hans Ernst from Germany said they were shocked by the situation of Serbia's reformed judiciary.<sup>103</sup> They put their impressions in black and white after inspecting documentation and talking to judges, Vss members, non-governmental organizations and governmental agencies. Their report stated that implementation of the judiciary reform, started back in 2009, was con-

99 Politika, March 9, 2012

100 Novi Magazin, March 8, 2012.

101 Večernje Novosti, March 20, 2012.

102 Politika, March 16, 2012.

103 Vreme, April 19, 2012.

trary to the principles laid down in the European Convention of Human Rights and recommendations from EU, Council of Europe and Venice Commission. Citizens of Serbia, they pointed out, cannot possibly place their trust in the judicial system incapable of respecting fundamental rights of its own judges and prosecutors.

Serbia received the official version of the expert report in late June 2012. The report quotes that the entire process of the judiciary reform should be revised and implemented anew by different standards – in other words, that the problem of judges and prosecutors deposed contrary to fundamental principles should be solved first. Serbia should take many other steps as well to restore the trust in its judiciary at national and international level, emphasized the report. The report also refers to Serbia's Constitution the Venice Commission was most critical about, especially in the matter of judges' and prosecutors' independence.<sup>104</sup>

A couple of days later, Serb Progressive Party /SNS/ announced that the revision of the reelection process would be on the new government's priority agenda and that all judges and prosecutors, not reelected in the first round, should be given the opportunity either to resume their offices or get compensated. This corresponded to the report's recommendation to the parliament: to amend the "reelection" law so as to make it possible for all professionals to resume their offices if they wished so.<sup>105</sup> Commenting SNS announcement, Professor Vesna Rakić Vodinelić said the judiciary would find itself in an even worse situation than before – it would have judges loyal to the former government on the one hand, and those siding the government to be on the other.<sup>106</sup>

104 Politika, June 30, 2012.

105 Večernje Novosti, July 4, 2012.

106 Blic, July 13, 2012.

## Reelection of Judges Reviewed

Having reviewed the complaints filed by deposed judges in two months only (March – April 2012), Vss voted down all 200 pending complaints. The percentage of the complaints sustained in the period June – December 2011 was much higher – out of 318 complaints, 235 were turned down and 74 judges were reappointed.

In May 2012 the President of the Judges' Society of Serbia said the revision had been "turned into a farce" and "a race against time," given that vss wanted to cement the situation till formation of a new government. According to her, Vss and the Ministry of Justice, having realized that too many decisions had been annulled, decided to put an end to the story. At 35 sessions discussing 636 out of 836 complaints vss had sustained 100 or 16 percent.

In September 2012 the Judges' Society of Serbia and the Association of Prosecutors and Deputy Prosecutors called the authorities to look into the responsibility of vss and DVT membership for the manner in which the reelection had been conducted. The two organizations invoked the July decisions by the Constitutional Court in favor of 120 litigant judges.<sup>107</sup> In late May 2012 vss completed the revision sustaining only 28 out of 753 complaints. The rest of complainers, totaling 650 former judges, turned to the Constitutional Court.<sup>108</sup>

Even before vss completed its revision, the Constitutional Court opened its sessions to discuss these complaints. Vss representatives did not show up at a single session out of six. DVT representatives attended nine out of 27 sittings. While DVT explained that its absence from sessions meant not disrespect for the Constitutional Court, Vss denied any comment.<sup>109</sup> Dragana Boljević, president of the Judges' Society of Serbia, called

107 Ministry of Justice warned that reappointment of 120 judges would cost the state 33.6 million Euros.

108 [http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=07&dd=11&nav\\_category=12&nav\\_id=625799](http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=07&dd=11&nav_category=12&nav_id=625799).

109 Politika, April 28, 2012.

vss attitude inappropriate, adding that vss members had been obviously shunning embarrassing questions about discrimination against judges.

Having observed that the same shortcomings were characteristic of all cases discussed, the Constitutional Court stopped discussing individual complaints and made a full-scale decision: given the lack of evidence that all judges who had not been reelected were incompetent and unworthy of their office, the court decided that all of them should be reappointed. Only vss is authorized to assign them to the courts by the criteria they meet.<sup>110</sup> Although some among the newly reelected judges were proven unworthy of their office, President of the Judges' Society of Serbia Dragiša Sljepčević argued these reelections could not be defied – only vss, while deciding on their new assignments could suspend them until the procedure for their deposal ended.

On the list of judges whose reelection was deliberated by vss was Časlav Maslaravić, former prosecutor, standing trial for 30,000-Euro-bribe at the time. He had not been reelected in the first place because of the 500-Euro-bribe he received in his capacity as prosecutor and for which he had been sentenced to 4 years in jail. Judges Tatjana Sunjka and Dragomir Milojević were also on the list – they had not been reelected because they had turned the case of priest Ilarion statute-barred. Justice Paločević had been sentenced for family violence, while his colleague from Kragujevac, Ivan Milojević had been in jail at the time of reelection. When it comes to prosecutors, Vss will be discussing the case of Aca Stojev whose role in the investigation of Dejan /Bugzy/ Milenković has not been clarified yet. Allegedly, in February 2003 Prosecutor Stojev decided not to press charges against Bugzy for the assassination attempt at Premier Zoran Đinđić. These are only some names of on said list.

The fact that 20-odd reassigned judges and prosecutors were promptly suspended because they were standing trial at the time testifies that they had not been reelected in the first place as incompetent and unworthy of their office. This confirmed EC's suspicion about vss being unselective in its decision-making.

110 Politika July 22, 2012.

In July 2012 the Constitutional Court decided in favor of 303 judges – 350 complaints were still pending at the time. The Ministry of Justice, therefore, asked the Constitutional Court to set a deadline for all reassignments.<sup>111</sup> VSS asked for extra time to conduct a survey among judges and see how many of them wanted to return to their office. The Constitutional Court turned down this request.

According to the Bar Chamber of Serbia, about one third of judges who had not been reelected have become lawyers – 269 of them from January 2010 till early August 2012. The figure is higher considering “new” lawyers of the Bar Chamber of Vojvodina that has not compiled the information yet.<sup>112</sup>

In September 2012, 303 newly reelected judges and 122 prosecutors resumed their offices. All the prosecutors announced to sue Serbia for compensation.

In November 2012 the Constitutional Court ruled in favor of another 202 complainers.

In August 2012 DSS put forth amendments and supplements to the Law on VSS. The Ministry of Justice said the amendment of the law was unnecessary.

After a meeting with Head of EU Delegation Vincent Deger in September 2012, Minister of Justice Nikola Selaković announced a strategy for the judiciary and an action plan by the end of year. He said that all stakeholders would be included in the development of the two documents – DSS, DVT, trade unions within the judiciary, NGOs, especially those concerned with corruption and organized crime, Council of Europe, OSCE and representatives of EC.<sup>113</sup> The meeting laid down three priorities for the Ministry of Justice: reintegration of the newly reelected judges and prosecutors, finalization of numbers of pending cases before courts of law and rearrangement of the existing network of courts and prosecution offices. VSS and DVT should clearly define the criteria for performance assess-

111 All newly reelected judges must take their reassignments within 60 days from the day of VSS and DVT decisions.

112 Večernje Novosti, August 24, 2012.

113 Politika, October 1, 2012.

ment of the reelected judges and prosecutors, and disciplinary liability of all judges and prosecutors, as well as secure relevant mechanisms, added Minister Selaković.

In April 2013 the government adopted draft laws on amendments of and supplements to laws on network of courts, judges and public prosecution offices. Should the parliament vote in the first law, the number of “judiciary units” would be reduced from 102 to 14, while the number of basic courts would grow from 33 to 73. According to the draft law on judges, Vss shall nominate only one candidate for one post. If the parliament turns the candidate down vvs shall have to nominate another, which, the draft explains, eliminates the possibility of political influence. The draft also envisages different criteria for evaluation of judges’ performance by establishing commissions composed of, say, judges of higher courts evaluating the work of their colleagues from lower courts. Dissatisfied judges shall have the right to complain and, if necessary, initiate administrative procedure.

In a year from now EC will scrutinize the progress made in the judiciary.

## **Deposal of the President of the Supreme Court of Cassation**

Revanchism was obvious at the political scene after the change of the regime. On several occasions did the newly appointed Minister of Justice Nikola Selaković announce a showdown with former governmental officials /from DS/ involved in the faulty judiciary reform. Associations of judges and prosecutors sided with him, emphasizing that those implementing the judiciary reform should be called to account.<sup>114</sup>

In May 2012 the Anti-corruption Council demanded the government to depose the President of the Supreme Court of Cassation Nata Mesarević and all members of vss. It also called for a review of the role the former Minister of Justice Snezana Malović played in the disputable reform. The Council’s report stressed that the reform opened the door to the executive

114 Danas, October 18, 2012.

branch's influence on the judiciary and that "the reelection of judges blatantly violated the constitutional principle of permanence in judicial office." "With its law the executive branch has bribed members of vvs by excluding them from reelection and making it possible for them to be promoted to higher courts after the end of their terms."<sup>115</sup>

On January 23, 2013 vss, at Minister Selaković's suggestion, called upon the parliament to depose Justice Nata Mesarović under summary procedure following the Constitutional Court's decision that her election to the office had been unconstitutional. Explaining its request, Vss said that on November 30, 2009 the parliament appointed Nata Mesarević, acting president of the Supreme Court, the President of the Supreme Court of Cassation, without consultation with the general session of this court, as provided under the Constitution.

It should be noted that back in 2011 Serb Progressive Party /SNS/ initiated the procedure before the Constitutional Court defying the provisions of the law on judges under which Nata Mesarević had been appointed. The Constitutional Court independently decides whether or not to proceed along an initiative. And so, on October 2012 – when SNS was already in power – it decided to proceed along SNS initiative and on December 2012 proclaimed the two provisions unconstitutional.

In September 2012 DSS excommunicated Justice Lidija Đukić while Justice Branka Bančević resigned her membership shortly before DSS planned to excommunicate her as well. In a letter to Justice Bančević of August 28, Vss said she would be excommunicated for participating in vss at the time it was violating her colleagues' right to fair trial.<sup>116</sup>

## Functioning of Courts of Law

According to the Ministry of Justice, over 8,600 appeals against the state of Serbia are pending with the European Court of Human Rights. By the number of appeals Serbia takes 6th place on the list of all CoE member-states.

115 Politika, May 3, 2012.

116 Danas, September 22, 2012.

Nevena Petrušić, commissioner for equality, commented that so many appeals to the European Court testified of the situation of human rights in Serbia. The great majority of the cases taken to Strasbourg are about unduly protracted trials and nonobservance of court decisions. It is estimated that labor disputes take 3–5 years on average. Litigations, according to Dragana Boljević of DSS, take 7 years on average.

Having met with judges of the Supreme Court of Cassation in September 2012, Sir Nicolas Bratza, president of the European Court of Human Rights, said that 9,500 cases from Serbia were awaiting trial in Strasbourg and that the biggest number of them related to nonobservance of court decisions on payment of salaries overdue to persons who used to work in state-run enterprises. Sir Bratza pointed out that Serbia should start implementing in full the European Convention on Human Rights and offered his court's assistance.<sup>117</sup>

According to 369 rulings of the European Court, Serbia owes 642,990 Euros to its citizens as compensation for immaterial damages and over 41 million RSD as compensation for material damages.<sup>118</sup>

By introducing a new network of courts within the judiciary reform and shortening the periods within which some proceedings should be over, the government wanted to reduce the number of cases taken to court, accumulated because of courts' inefficiency. As a result the growing number of people was appealing to higher courts because the decisions by lower had been made hastily and without respect for proper procedure.

On the other hand, the first verdict ruled in the case of threats to LGBT population publicized at Facebook – and the first ruling ever for violation of law and order via internet in Serbia – was a positive step the judiciary made in March 2012. Namely, the Higher Court in Belgrade punished one Sima Vladičić to three-month imprisonment for threatening LGBT population at the Facebook profile named “500,000 Serbs against the Gay Parade.” Human rights organizations welcomed the court's efficiency,

117 Danas, September 28, 2012.

118 Blic, September 28, 2012.



although taking that punishment should have been more severe (Vladicic got a minimal sentence for this type of offense.)<sup>119</sup>

At the beginning of 2012 the Appellate Court in Belgrade finally made a decision in the case of the murdered French national, Bruce Taton. It cut down sentences to two defendants – originally punished to 35 and 32-year imprisonment – to 15 and 14-year imprisonment. The two have been fugitives from justice since the murder of Taton. It also halved the sentences to the rest of the accused. Explaining its decision, the Appellate Court released that the Higher Court in Belgrade had not considered alleviating circumstances. The Taton family sued the state of Serbia for compensation. The trial for compensation opened in October 2012 before the Higher Court in Belgrade.

### **Fresh initiatives and amendments**

Laws that are not implemented also worsen the situation of Serbia's judiciary. Addressing the meeting "Challenges of European Integration," Vlatko Ratković, president of the parliamentary committee for the judiciary, said that 25–30 percent of laws were not implemented mostly because relevant ministries had failed to pass regulations and bylaws enabling their implementation. Judging by the fact that the parliament passed more than 1,000 laws in the past three years, there are some 250–300 laws that cannot be implemented at all. In his view, no public debates on draft laws and "ministries holding monopoly of the process," failures to properly analyze the effects of certain regulations in practice and incompetent governmental official are only some of the problems plaguing the process of development and adoption of legislation.

Initiatives launched in 2012 for adoption or amendment of legislation related to criminal law, law on criminal proceeding, law on litigation, law on private investigators, law on extrajudicial proceedings and law on free legal aid.

Only three years after the amendment of the Criminal Law, the new government amended it anew: it introduced ten "new" crimes. The newly

119 Danas, March 3–4, 2012.

amended law provides punishment for sports fraud (up to ten-year imprisonment), terrorism (up to 40-year imprisonment), misconduct in public procurement, considered the biggest source of corruption, etc.

The amendment to the Criminal Law decriminalized libel, which is now subject to litigation. Besides, it provided “special circumstance in deciding on punishment for hate speech:”<sup>120</sup> special circumstance here relates to hatred based on another person’s race, religion, ethnic origin, gender and sexual affiliation.

Although EU officials – including Jelko Kacin and Drago Kos of GREKO – warned Serbia on several occasions that, according to European legislation, the Criminal Law should not include misconduct, the offense remained in the draft amendment. EU criticized the provision for being loosely and anachronously defined.<sup>121</sup> On September 11, 2012 the Ministry of Justice decided to form a work group to draft the amendment to the Law on Criminal Proceedings that would abrogate the term “disturbing the public” as a reason for someone to be kept in custody (under the Law on Criminal Proceedings enforced on January 15, 2012). The term, according to the work group, could be arbitrarily used for putting someone “behind the bars.”

As for other changes, the government plans to “strengthen” the principle of truthfulness, though not in its absolute sense. Courts of law will not have to examine evidence submitted by the prosecution but will have to examine facts if they benefit defense. This will secure equality of parties in criminal proceedings, as Prof. Milan Skulić put it, and will be in accord with the Constitution providing the right of any party to question reasoning behind allegations. The point of the planned amendment of the Law on Criminal Proceedings is that investigation rests on public prosecutor, while courts of law can either sustain or overrule appeals against investigation orders.<sup>122</sup> As of mid-January 2012 prosecutors for organized crime and war crimes are duty-bound to collect evidence and on ground of

120 Izmene predliga zakona na inicijativu YUCOM-a i Gej-strej alijanse.

121 Danas, 19. oktobar 2012.

122 Vreme, 18. oktobar 2012.

which to decide whether or not to raise indictments. Investigation judges will no longer assist them in the process.

The killing of nine Serb nationals on August 8, 1995 in Dvor na Uni was the first case in which Serbia's Prosecution for War Crimes implemented the provisions on investigation of the new Law on Criminal Proceedings. War Crimes Prosecutor Vladimir Vukčević said the new model of investigation was a challenge, adding that it also opened the door to the institute of pleading guilty. The new law also provides prosecution methods such as intercepted communications, tailing and tape-recording, undercover investigator, etc.

Commissioner for Information of Public Interest Rodoljub Šabić and Ombudsman Saša Janković initiated reconsideration of the Article 286 of the Criminal Law before the Constitutional Court. The said article provides, "At the order of the Public Prosecutor, the police, as laid down in para 1 of this Article, obtain an overview of electronic communication or locate the places wherefrom the communication is conducted." The Article 41, points out Šabić, provides confidentiality of all means of communications unless a court of law decides otherwise. For the same reasons the Constitutional Court has already been asked to consider the constitutionality of the Law on Military-Intelligence Agency /VOA/ and the Law on Military-Security Agency /VBA/. The Court decided that disputable provisions of the two laws were unconstitutional.<sup>123</sup> In January 2013, Jovan Stojić, head of the Office of BIA Director, said that in 2012 the percentage of intercepted communications was almost halved when compared with the same time a year before. Janković, nevertheless, warned that despite all this the police continued to bug citizens. A decision by the Constitutional Court is pending.

## War Crimes Prosecution

In 2012 the Prosecution raised seven indictments against 29 persons for crimes against prisoners of war (Art. 144, Criminal Law) and against civilians (Art. 134 of the same law).

123 Blic, September 24, 2012.

In February 2012 Serbia's War Crimes Prosecution raised its first indictment under the new Criminal Law – against two former members of the Territorial Defense, municipality of Tenja, Croatia. They were accused of war crime against a prisoner of war. The “Tenja” case was handed over to Croatia's Prosecution under a bilateral agreement on cooperation in the prosecution of war criminals.

In June 2012 the Prosecution an appeal against the sentence the Trial Chamber of the Higher Court, Belgrade, ruled to Dragan Jović, Zoran Đurđević and Alen Ristić, former members of the volunteer unit within YPA. The three had been punished with total 40-year imprisonment for a war crime against civilians, committed on June 14, 1992 in Bijeljina, Bosnia-Herzegovina. The “Bijeljina” case had been handed over to Serbia's Prosecution by its Bosnian counterpart under the Law on International Legal Aid in Criminal Cases.

In June 2012 the Prosecution also announced an appeal against the sentence the Trial Chamber of the Higher Court, Belgrade, ruled to four former police officers in Beli Manastir, punished for a war crime against civilians in this Croatian municipality in October 1991. The case had also been handed over to the Prosecution by its Croatian counterpart in 2008.

On June 26, 2012 the Trial Chamber of the Higher Court, Belgrade, passed a sentence in the “Lovas” case. Fourteen YPA officers, members of local territorial defense and members of the paramilitary formation “Dušan the Great” were punished to total 128-year imprisonment for a war crime against civilians in the village of Lovas, Croatia, in October-November 1991. “The Prosecution is satisfied with the sentence that adequately punishes perpetrators of one of the biggest war crimes in ex-Yugoslavia in 1990s. Serbia's judiciary passed across a clear message of respect and apology to victims,” said Deputy Prosecutor Bruno Vekarić.

On September 20, Miroslav Jegdić, brother of Ratko Mladić's wife Bosiljka, entered a plea agreement whereby admitting his guilt to the charge of complicity in hiding ICTY fugitive Mladić. The plea bargain entailed a 6-month imprisonment.

In September 2012 the Prosecution indicted Dejan Bulatović, former member of the paramilitary formation “Jackals,” of a war crime against

Albanian civilians in the villages of Ćuška, Ljubenić and Zahač on April 1 and May 14, 1999.

In October 2012 the Trial Chamber of the Higher Court, Belgrade, agreed to amend the indictment against Srećko Popović et al. adding new charges on the war crime against Albanian civilians in these villages. The new indictment charges 12 persons of killing at least 73 civilians.

In October the Prosecution indicted Petar Ćirić of a war crime against at least 193 prisoners of war at the "Ovčara" farm near Vukovar on November 21, 1991. This was the fourth indictment in the "Ovčara" case. Out of 20 defendants, 15 have been sentenced to total 207-year imprisonment and five acquitted up to now.

On December 17, 2012, Serbia's Chief War Crime Prosecutor Vladimir Vukčević and Croatia's Chief Public Prosecutor Mladen Bajić participated in the investigation against yet another two members of the Danish battalion camping in Dvor at Una at the time unknown perpetrators in military uniforms killed 12 civilians, most of whom had been mentally or physically disabled. On the occasion the two prosecutors discussed their future cooperation. Later on, in January 2013, representative of the two prosecution offices participated in the investigation against another four members of the Danish battalion. Investigation and interrogation of witnesses of the crime are continued in Serbia and Croatia. <sup>124</sup>

## Anti-Crime Campaign: Between Self-Satisfaction and the Realities

The new government has placed the fight against the corruption and organized crime on the top of its agenda – at least in words. The same as its predecessor it claims that the effects of the campaign are more than good. In early 2012, the Democrats (and their coalition partners) argued that over the past years of their rule the state won a war against mafia: after almost 20 years all gang leaders were in jail, either at home or abroad, and the “Zemun clan” had been destroyed at long last.

According to many observers, the new regime’s anti-corruption campaign topped the list of its successes. Public opinion polls show that citizens’ support to the government’s efforts spiraled. On the other hand, independent analyst and experts warn that the struggle against corruption takes time – one cannot just arrest people but has to prove them and their accomplices guilty before courts.

The fact is that, in tandem with their colleagues from the region and beyond it, Serbia’s police have managed to tighten their grip on leading mafia clans. And yet, one would exaggerate by stating that the organized crime in Serbia has been uprooted. New generations gangsters, closely connected with their predecessors, have emerged in the meantime – making up the so-called third ring of the Zemun clan. Moreover, shootings, murders, robberies, sexual abuses or human trafficking make breaking news on daily basis.

### **Corruption: no sequels in courts**

For months now politicians, the media and the general public have been preoccupied with various corruption affairs. From June 2012 when the newly formed government proclaimed “a war on corruption” till early 2013 many persons were taken into custody or interrogated. On the other

hand, EU officials, including those from the European Parliament, have been warning the official Belgrade that corruption stands in the way of the country's accession to, let alone the membership of EU.

All in all, once it obtains a fixed date for the beginning of accession negotiations Serbia will have to open the most challenging chapters, 23 and 24, that deal with the judiciary, human rights, rule of law and struggle against corruption and organized crime. All this, stress EU officials, implies coping with "preconditions" – systemic reforms, adequate legislation and empowered control mechanisms.

Jelko Kacin, EP rapporteur for Serbia, said, "Unless it goes against systemic corruption from the very beginning the new government of Serbia will neither survive its full term nor meet EU expectations – prove that it has sufficiently reformed the country to make it compatible with other member-states." New political leaders, he added, "could maintain and strengthen the trust placed in them and establish the rule of law" only if they go against the organized crime and corruption within their own parties and in their closest circles. Boasting about numbers of persons arrested is not what EU expects of them or what citizens of Serbia expect having voted for them as they looked forward to a novel circle of investment in development and new jobs rather than moneys going to political parties and individual purses, he explained.<sup>125</sup>

In late March 2012 the European Parliament adopted a resolution calling for urgent review of 24 disputable privatizations and cases of high-level corruption. The European Commission released it was concerned with illegal privatizations especially referring to big companies such as "Sartid," "Jugoremedija," "Mobtel," "C-Market," "Belgrade Port," National Savings Bank, "Večernje Novosti," "Pančevo Nitrogen Plant," "Nuba Invest," etc.<sup>126</sup>

125 Danas, August 29, 2012.

126 Politika, April 16, 2012.

## Investigations, detentions and arrests

Having announced that no one would be “untouchable” in the war on corruption, the new government, under the leadership of Vice-Premier Aleksandar Vučić, began opening investigations, arresting people and keeping them in custody. Many of the scandals that broke in the process are intriguing by the very fact that suspects had been “protected” long before as politicians or tycoons with strong political ties. No wonder, therefore, that citizens were taken by surprise when “the richest Serb,” owner of “Delta Holding Co.” Miroslav Mišković and his son Marko, together with seven other persons were taken into custody. All of them were accused of misconduct. In early October 2012, the Organized Crime Prosecution opened investigation for misconduct against Oliver Dulić, ex-minister of environmental protection and urban planning. Dulić was accused of entrusting Slovenian company “Nuba Invest” with networking Serbia with fiber optic cables without a public tender or a license from the RATEL Agency – an enterprise worth tens of million Euros.

However, rather than against Dulić indictments were raised against his associate Nebojša Janjić and former director general of “Serbia’s Roadways” Zoran Drobnjak. The original indictment had been amended after police investigation into unpaid taxes in the process of issuing construction permits for fiber optic cables – an amount of over 2.5 million RSD at the detriment of Serbia’s budget. Presently the police investigate into the flow of 5.6 million Euros paid to sister companies in Cyprus, Seychelles and Netherlands instead of being invested into the network of fiber optic cables, while the Prosecution waits for results of the investigation of its Slovenian counterparts into the dealings of “Nuba Holding Co.”<sup>127</sup>

Following the investigation into “Pančevo Nitrogen Plant” affair, Saša Dragin, ex-minister of agriculture, was arrested on November 24, 2012. He was charged with malversation involving subsidized fertilizers. Pavle Miljković, director of “Cargo Logistic Center of Belgrade Shipyard,” and Joran Janjušević, special adviser for the same company, were also arrested in November under the charge of misconduct.

127 [www.rts.rs/](http://www.rts.rs/), October 29, 2012.



Josze Kasa, vice-premier in the cabinet of Zoran Đinđić, ex-leader of the Alliance of Vojvodina Hungarians and mayor of Subotica, was also arrested for misconduct on November 20, 2012. He was specifically charged with malversation involving loans and distribution of bank funds while in the office of the director of the Subotica branch of “Agrobank.” His deputy at the time, Zoran Milošević, owner of several companies, Peđa Mališanović and expert witness Miomir Paovica were also arrested in the police action.<sup>128</sup>

The “Agrobank” affair opened the Pandora’s box: Dušan AntoniĆ, chair of the Management Board, and seven of his associates were arrested in August 2012. The bank had bankrupted for having given millions and millions of uncovered loans. The Prosecution indicted the total of 21 persons for 5.7 million RSD damage to the bank. In the meantime Jozsef Kasa was released.<sup>129</sup>

Then, in the last quarter of 2012 with corruption affairs in full swing, “Jugoremedija’s” turn came up. Jovića Stefanović, ex-director of this pharmaceutical company, was arrested on November 7, along with several other persons, all of whom suspected for misconduct.

Dušan Borovica, owner of “Vojvodina Roadways” and another bigwig, was put behind the bars on October 11 together with the company’s director and a director of another state-run enterprise. All of the were arrested for misconduct – allegedly for issuing false invoices to the municipality of Srpska Crnja and thus inflicting 3.1-million-RSD damage to the community.<sup>130</sup>

Miroslav Čutović, owner of “MB Consulting,” was arrested for misconduct on November 26 – he is suspected of selling apartments under construction that have never been constructed. His company went bankrupt.<sup>131</sup>

Police actions and arrests for corruption, misconduct, crime and organized crime found an echo in communities across the country to the

128 [www.telegraf.rs](http://www.telegraf.rs), January 1, 2013.

129 Kurir, February 2, 2013.

130 [www.telegraf.rs](http://www.telegraf.rs), January 1, 2013.

131 Ibid.

benefit of Serb Progressive Party /SNS/ and, especially, First Vice-Premier Aleksandar Vučić.

### **The arrest of the year: Miroslav Mišković and son**

Miroslav Mišković, the wealthiest man in Serbia, has never been after a political career: instead he has indirectly controlled the political scene by financing its players. Given that Serbia's corruption triangle involves ruling parties, powerful individuals and the rest tasked with "covering up" under-the-counter deals, Mišković's arrest was the event of the year and, as some papers put it, "Vučić's biggest trump in the war on corruption."

Mišković, his son Marko and seven other people were arrested on December 12, 2012. The event, along with detention of Milo Đurašković, owner of "Nibens Group," was breaking news in all media. They are suspected of a 30-million-Euro worth misconduct involving privatization of road construction companies.<sup>132</sup>

Officials from the ruling coalition pointed out that the state had put across a clear-cut message: no one is untouchable and the law applies to all without exception. Vice-Premier Vučić confirmed that the case was among 24 other cases the work group had investigated. Addressing the press he said the prosecution would not have to work hard considering "as clear as day" evidence against the "Nibens Group."

Among other things, Mišković is suspected of 1.5-million-Euro illegal profit on just one business transaction with a sister company "Hemslade Trading Ltd." in Cyprus.<sup>133</sup>

Organized Crime Prosecutor Miljko Radosavljević announced a financial investigation into the case. Police Director Milorad Veljović pointed out that no one was "exempt" from the war on corruption. "The struggle will continue without respite," said Prosecutor Radisavljević.<sup>134</sup>

Mišković's lawyers tried to bail him out at any amount the court sets. Their plea was turned down in January 2013 and Mišković's got another

132 [www.rts.rs](http://www.rts.rs), December 12, 2012.

133 *Ibid.*

134 *Ibid.*

three months in custody. “The struggle against corruption has just begun. Only five out of 24 cases of disputable privatizations have been opened – 19 of them are pending,” said Aleksandar Vučić.<sup>135</sup>

In response to the arrest of Milošević, EC released that it was “encouraged by the steps Serbian government took in the struggle against corruption.” The spokesman for the Commissioner for Enlargement Stefan Füle underlined the struggle against corruption was among main challenges facing Serbia. World news agencies reported “he /Mišković/ was often referred to by the governmental anti-corruption agency, although some Western governments are worried that the government is more concerned with political showdowns than with radical reforms.”<sup>136</sup>

### **Public procurements: corruption under the auspices of the state**

Each year corruption “eats up” between 800 million and one billion Euros – out of which 600 million goes on public procurement. In late 2012, Director of the Public Procurement Department Predrag Jovanović warned that in one year only the number of tender applicants dropped by 20 per cent due to growing distrust in the system and laws.<sup>137</sup>

Millions of Euros are flowing out of the budget as various groupings in charge of public tenders use loops in the law. The State Auditor came public that only in 2011 irregularities in public tenders cost the state some 800 million Euros. However, no one has been called to account. No administration would give up the practice of appointing partisan cadres who are solely tasked with collecting moneys for parties through public tenders.<sup>138</sup>

Dr. Slaviša Joković, public tenders consultant, takes that the problem is in centralized public tenders – in the domains of healthcare, railroad system, education, etc. – in which the state is the main supplier and often the main tenderer. Unnecessary things are being bought, he says, while

135 <http://www.naslovi.net/>, December 16, 2012.

136 Novi Magazin, December 12, 2012.

137 Blic, November 18, 2012.

138 [www.slobodnaevropa.com](http://www.slobodnaevropa.com), June 21, 2012.

bids are unrealistically high from the very beginning. Contractors insist on conditions only one bidder can possibly meet. Contracts are signed under summary procedure. The state spends some 3.5 million Euros on public tenders each year. And there is no telling how much of these moneys end up in private purses.<sup>139</sup>

In the first half of 2012, adds Joković, only 2.6 bidders on average competed in a tender. About one-third, 31 percent, of public procurements was made without a public tender. Most potential bidders believe that public tenders are rigged.<sup>140</sup>

In late December 2012 the parliament adopted the Law on Public Procurement providing a partial centralization of the process to be managed by the Administration Department. The main goal of the new legislation is to secure transparent public procurement and market competition so as to suppress corruption. It also provides a “civilian supervisor” for public procurements higher than one billion RSD, including those for the military and the police. The law invests the Public Procurement Department with more authority.

### **Aleksandar Vučić: praises and criticism**

People react differently at Aleksandar Vučić’s great media exposure and almost daily announcements of new investigations and arrests for corruption (tabloids named him “Serbian Eliot Nes): some praise his courage, persistence and uncompromising attitude, while others are critical and suspicious.

UNDP Resistant Representative William Infante commended the government’s efforts and said UNDP research on corruption in Serbia had been practically a referendum on the government’s performance. “Serbia is on the right track. The government proved to be unbiased and unselective in its struggle against corruption. This is what we want to see – zero tolerance for corruption,” he said. Since the change of the regime in mid-2012, 150

139 Večernje Novosti, November 7, 2012.

140 Ibid.

corruption cases involving governmental officials and others have been opened, he stressed, explaining that suspects were from SNS, DS and SPS.<sup>141</sup>

Erhard Busek, Austrian politician and expert for the Balkans, commented, "Apart from Kosovo, EU carefully observes Serbia's reformist moves, above all the steps taken against corruption. First Vice-President Aleksandar Vučić is obviously active and these activities find an echo in EU."<sup>142</sup> In six months only Vučić became a favorite of political and cultural circles, even of his political opponents and international representatives. He is showered with compliments for "energy and courage" from all sides. Some compare him with late premier Zoran Đinđić and call him "a young lion." Even Goran Vesić, formerly a high official of Democratic Party, "explained" that "Vučić's campaign against corruption is important not only because EU asked for it but also because of powerful cartels that have had their hand in everything in the past 10–12 years."<sup>143</sup> Vesna Pešić, former high official of LDP, remarked, "Dačić and Vučić's government is the first to follow on the footsteps of Đinđić's cabinet, leading Serbia towards EU indeed and trying to solve the Kosovo issue with realism." Jelko Kacin of European Parliament, commenting Dačić's and Vučić's addresses to a meeting, said, "My colleagues are impressed by their dedication and argumentation."<sup>144</sup>

On the other hand, Bojan Pajtić, vice-president of DS, said that comparing Vučić with the assassinated premier and DS leader Zoran Đinđić was "insulting." "If they really think Vučić and Đinđić are comparable, those intellectual elites are of questionable intellectual ability."<sup>145</sup>

Most of Vučić's critics argue that this is all about self-promotion and political ratings. They disapprove his premature announcements of criminal proceedings, arrests, prosecution motions and punishments. Nada Kolundzija of DS said, "Aside from media hullabaloo the effects of the struggle against corruption can be evaluated only once courts of law have their say. Extreme rightist groupings are encouraged and institutions, media and

141 RTS, January 28, 2013.

142 Večernje Novosti, January 15, 2013.

143 Blic, January 28, 2013.

144 Ibid.

145 www.blic.rs/, March 10, 2013.

individuals systematically threatened – and the government supports this in a way by the very fact that it does not condemn such developments.”<sup>146</sup>

In the opinion of Zoran Ivošević, former judge of the Supreme Court, Vučić puts courts under pressure with his frequent statements about whether or not someone committed a crime. “Vučić says he thinks that a person has not committed a crime but his opinion means little, for prosecutors and judges are there to have a last say. If that’s so, why does he voice his opinion at all?” says Ivošević. He added that judges are frightened and under stress as their status has not been solved yet – presidents of courts have not been appointed, there are only acting presidents and the situation of the judiciary is “deplorable.” “Vučić is plenipotentiary and everything he says affects everyone, including trembling judges.”<sup>147</sup>

Miroslav Prokopijević, economist, says, “Big business companies and politics are inextricable in Serbia. Therefore, any anti-corruption campaign implies a simple question: ‘How deep will they dig and will anyone be ready to investigate people known as party financiers? Tomislav Nikolić admitted once that tycoons such as Milan Beko and Miroslav Mišković had financed Serb Radical Party /SRS/ but the manner in which political parties are financed is still a secret.” He doubts, as he put it, that no one will be untouchable in the struggle against corruption.<sup>148</sup>

According to the public opinion survey conducted by Cesid and UNDP in January 2013 citizens’ support to the government’s anti-corruption campaign spiraled in the past six months. The number of those taking that the government does the right thing doubled, while 50 percent of interviewees believe that the level of corruption would be lowered. Such optimistic findings are unprecedented when compared with five earlier polling cycles, quotes Cesid report.<sup>149</sup>

Findings of the survey conducted by “TNS Media Gallup” in June 2012 corruption “champions” are doctors, political parties, judges, prosecutors, customs officers, local administration, the police, the media and tax agencies.

146 Danas, January 8. 2013.

147 [www.blic.rs](http://www.blic.rs), February 14, 2013.

148 [www.dw.de](http://www.dw.de), September 21, 2012.

149 [www.rts.rs/](http://www.rts.rs/), January 28, 2013.



## Questionable Privatizations: Still in EU's Focus

Numbers of privatizations in the past decade have been proclaimed state secret. Since 2002 Serbia has cashed in some 11 billion Euros on all privatized companies. Property that has secretly changed ownership is 3-billion-Euro worth.

In a resolution adopted on March 29, 2012 the European Parliament referred to 24 questionable privatizations and appealed to Serbia to urgently declassify relevant documentation.<sup>150</sup> Commissioner for Information of Public Significance Rodoljub Šabić had already argued that documentation on disputable privatization could not be labeled “state secret” – not only because the practice contradicted EU standards but also domestic legislation. He also underlined that EU warning should be taken seriously – Rumania and Bulgaria, he said, had missed the opportunity of using EU funds just because their struggle against corruption had been inadequate.

In the matter of questionable privatizations EC has used the report of the parliamentary Council for the Struggle against Corruption. The police and the prosecution have been collecting the evidence when Aleksandar Vučić announced a war on corruption. According to Vučić, from August 1, 2012 till March 10, 2013 115 persons were reported against and 89 of suspects arrested. Total damage was estimated at almost 78 billion Euros, while profit at 60 billion.

Investigations in 24 questionable privatizations, said Vučić, can be considerably slowed down by the very fact that there were not enough judges and prosecutors to devote themselves completely to the issue. Judges and prosecutors in the Special Court were preoccupied with ongoing trials to Sreten Jocić, accused of the murder of Croatian journalist Ivo Pukanić, to Luka Bojović, charged with a number of crimes, to Darko Šarić accused of drug traffic, retrial to “Red Berets” for the armed mutiny, etc.

150 Article 19 of the Resolution.





## Prisons: Overcrowded and Inadequate<sup>151</sup>

The effects of the Amnesty Law passed in 2012 were not as expected – the problem of prison overcrowding was not solved. According to the Central Prison Administration, 3,600 prisoners could have been amnestied at the time 11,500 persons were either under sentence or awaiting trial while the accommodation capacity of prisons was 7,000 persons. In late 2012 1,050 prisoners were granted pardon. However, 450 persons awaiting imprisonment took their place.

Overcrowding chronically plagues Serbia's prisons: the right to early release is rarely exercised on the one hand and, on the other, courts of law frequently rule detention. The number of prisoners awaiting trial is huge considering slow-paced legal proceedings.

Due to insufficient accommodation capacity and overcrowding, prisoners are classified into those under sentence and those awaiting trial. Generally, persons imprisoned for misdemeanor are not separated from those with longer criminal records, and juveniles from adults, mentally ill and prisoners dependent on psychoactive substances. Whenever these categories of prisoners are separated, this is done for security reasons rather than by the criteria of treatment.

Prisons are understaffed and this relates to all departments, especially to security services. In some prison institutions the ratio between security officers and prisoners is 1:30. Besides, security officers often work long and double shifts and have not undergone systematic medical examinations in the past ten years.

Healthcare services are among the weakest links in the chain of prison structure. Their independent and professional treatment of prisoners is

<sup>151</sup> Helsinki Committee has been monitoring the situation of human rights in prisons for years. In 2012, with the assistance of Civil Rights Defenders, the Committee's team toured 5 biggest prison institutions in Serbia. As a strategic member of NPM, the Committee participated in monitoring of several closed institutions.

questioned by the very fact that they are under the jurisdiction of the Ministry of Justice rather than the Ministry of Healthcare. As these services are understaffed as a rule, security officers are additionally burdened with distribution of medicines to prisoners.

All this is further aggravated by the state of living areas and dormitories (bunk beds, humidity, inadequate access to daily light, bathrooms and general hygiene), inadequate meals (monotone with almost no fruits and vegetables at menus), unorganized recreation and poor work engagement of prisoners.

However, despite all these serious problems plaguing prisons, the government decided to place personnel issues in the Central Prison Administration on the priority agenda. In October 2012 Milan Stevović was appointed the new director and several prison managers were replaced (in prisons in Niš, Zabela/Požarevac and women prison in Požarevac).

### **Amnesty law and alternative sanctions**

The Amnesty Law was passed in late 2012 without a public debate. The purpose of the law was to solve the problem of overcrowding. Over his presidential campaign Tomislav Nikolić had promised to pass the law.

Although expert circles, judges, police officers and even victim of torture were critical about the draft, the law was adopted under summary procedure. Minister of Justice Nikola Selaković argued that the new law would help to solve the problem of overcrowding, improve living conditions (in accordance with European standards) and decrease the expenditure. No official information about positive effects of the law is available although it has been in effect for eight months. On the other hand, overcrowding persists.

The law provides immediate amnesty for persons punished with up to three-month imprisonment. It also provides halving of three to six-months prison sentences, the possibility of reducing over 6-month sentences by one fourth, as well as amnesty for all prisoners above 70. Exempt from amnesty are persons punished for organized crime, terrorism, murder, violent crimes, war crimes, drug traffic and bribe, as well as recidivists.

According to the Central Prison Administration (April 15, 2013), about 2,000 persons have been released under the law since October 2012. Director Milan Stevović informed the parliamentary Commission for the Control of Execution of Criminal Sentences that “the number of persons deprived of their liberty has been reduced from 11,300 to 10,228.”

No official information have been released about the number of persons under sentence awaiting imprisonment at the time the law was enforced and the number of those who have been actually imprisoned since.

As a side effect, numbers of sentenced persons awaiting admission showed up in prisons on their own free will hoping to be immediately amnestied under the law – and this only added to overcrowding. So it happened that the Women’s Penitentiary in Pozarevac had to put extra beds in the anyway overcrowded dormitories to accommodate newcomers. As many as 5 “volunteers” showed up at prison gate each day. Dormitories for 71 women prisoners at most accommodated 85 women.

Another adverse effect of the law’s implementation is that more prisoners were entitled to have their sentences shortened than to be amnestied. Even the right to amnesty raised many questions. For instance, it applied to Miladin Kovačević, punished with 27-month imprisonment for brutal beating of an American student in Boston (he was released under the law in November 2012 instead of January 2013) and to Uroš Mišić, sentenced to prison for brutal violence against a police officer during a football match. Sentences passed to well-known mafioso Sreten Jocić and murders of French resident Brice Taton were shortened by 10 percent.



**III – THE SECURITY  
SYSTEM:  
SLOW ADJUSTMENT TO  
EUROPEAN STANDARDS**



# Serbia's Military Neutrality and EU Security and Defense Policy

The process of Serbia's institutional cooperation with NATO began on 14 December 2006 when Serbia became a member of the Partnership for Peace programme. On 26 December 2007, Serbia declared its military neutrality in a single sentence in the National Assembly's resolution on the protection of the sovereignty, territorial integrity and constitutional order of Serbia. The National Defence Strategy was adopted in April and the National Security Strategy in October 2009. The previously adopted policy of military neutrality is not only not worked out in any detail but not even mentioned in either strategy. A foreign policy strategy – one of the most important strategic documents of every country – has not yet been adopted.

The militarily neutral countries of Europe cannot be compared to Serbia in any context. The differences between these countries and Serbia are enormous. Culturally they have always been considered as belonging to the Western civilization and are treated as friendly countries by NATO. Apart from that, they are rich countries and therefore can finance their neutrality. The majority of these militarily neutral states are members of the EU. The EU founding treaties and other acts regulate the areas of foreign policy and security and defence, with the Treaty of Lisbon renaming the European Security and Defence Policy Common Security and Defence Policy to Common Security and Defence Policy (CSDP).

Starting with the Treaty of Maastricht, all ratifying states assume the obligations stemming from all the treaties including the Treaty of Lisbon unless there is an explicit arrangement to the contrary. For instance, under the 1992 Treaty of Edinburgh, Denmark was exempted from participating in the CSDP. All member states of the EU must abide by the provisions of the Treaty of Lisbon. However, some of these provisions, particularly those concerning the CSDP, are not as rigid and narrowly standardized as those concerning the application of certain legislation within the 'first pillar' of



the EU. States are required to take part in creating and implementing the Common Foreign and Security Policy (CFSP), but that is all. Participation is based on the principle of cooperation and solidarity which is not strictly and precisely laid down.

Both the CSDP and CFSP are formulated wherever the EU deems it necessary, though member states are still sovereign makers of their foreign, security and defence policies. It is not before they 'sanction' in EU bodies a EU action within the framework of the CSDP and CFSP that a 'common policy' comes into play and becomes binding.

Some experts in Serbia consider that these new developments have put small states in a situation where they must follow and support the foreign policy of the 'big' EU members although they may not agree with every decision of 'vital interest', but that agreement on a 'common' policy could not be achieved in any other way.

The object of this policy is to ensure EU's operational capacity to carry out specific military and civilian missions throughout the world. The Treaty of Lisbon introduces an enlarged list of the Petersberg tasks: along with traditional operations such as humanitarian missions, they now include rescue missions, peacekeeping and peacemaking missions, crisis management operations, joint disarmament operations, military advice and assistance and anti-terrorist operations. The Treaty formulates a 'common defence clause' which obliges EU member states which have agreed to the provisions of the Common Security and Defence Policy to come to the aid of an EU member in case it is attacked.

Because it does not specify what kind of assistance a state is obliged to render in such a case, this provision can in no way be likened to Article 5 of the Treaty of NATO. There is also a 'solidarity clause' which obliges states to render possible military assistance to a member affected by a man-made or natural disaster or terrorist attack. The Treaty provides for 'permanent structured cooperation'. It is open to any country wishing to be part of the European military armament programme and to make available its combat effectives ready for immediate action. The 'solidarity clause' of the Treaty implies obligatory though vaguely defined military assistance between EU member states.

The new meaning a country's military neutrality acquires once the country becomes a member of the EU is the subject of a wide debate because, inter alia, the Treaty of Lisbon itself says: '...while the inclusion of the clause on mutual defence does not prejudice the specific character of the security and defence policy of certain member state, it is questionable, taking account of the very substance of the clause, whether it will be possible to preserve the neutrality of those states.'

The Swedish Ambassador to Serbia, Christer Asp, says that Sweden would not remain passive in the event of an attack on a EU member state and that its policy of neutrality in the new circumstances would be of no relevance. The clauses in no way imply that aid and assistance must be limited to military means. In the event of an attack, military assistance to a EU member under attack probably would not have to be regulated by the CSDP in order to be realized. Although the Treaty of Lisbon entered into force a month after the adoption of strategic documents of the Republic of Serbia, there was no expert debate on the innovations the document introduces in the areas of security and defence. It is little known in Serbia that the Treaty of Lisbon reaffirms that NATO remains the pillar of collective security of those NATO members which are also members of the EU. This does not apply to non-NATO members of the EU which do not want this.

What is also insufficiently known in Serbia is that for the present the CSDP does not aspire to turn into a defensive functional structure which could become an alternative to NATO. Contrary to what certain politicians and analysts in Serbia argue, the CSDP cannot be an alternative to membership of NATO because it has no common chain of command.

As mentioned before, membership of the CSDP does not mean that a member must renounce its military neutrality. Nevertheless, some provisions of the CSDP, notably those concerned with the common interests and missions, such as the functioning of EULEX, are inconsistent with the way in which Serbia has defined its military neutrality and foreign policy. The previous government took account of this in Chapter 31 when it filled out the European Commission questionnaire.<sup>152</sup>

152 Jan Litavski: 'Kontroverze vojne neutralnosti Srbije', *Novi Vek* quarterly, CEAS, No.1, August 2012. <http://ceas-serbia.org/root/tromesecnik/novi-vek-broj-02.pdf>.

Before adopting a policy of military neutrality, one should answer the following crucial question: is a militarily neutral Serbia, regardless of all its bilateral cooperation agreements in the area of defence, able to address by itself every security challenge, risk and threat in the new century? The globalization has turned the spotlight on many transnational processes such as the development of communications, transport, a free and liberal market and the porosity of interstate borders. Also, new threats are emerging to the security of states such as states in the process of dissolution, international terrorist organizations and organized transnational criminal groups. Because most states belonging to the political West consider that in such circumstances they cannot confront such threats on their own, they are trying to bolster their security and defence through joint action, cooperation and membership of alliances.

The concept of military neutrality in circumstances such as those mentioned above implies that Serbia should develop a system of defence which would enable it to rely on its own military forces. This in turn implies a redefinition of its security and defence strategy. In this connection, many important issues relating to defence of the country are being raised such as those concerning the organization of the army and its numerical strength, the reintroduction of compulsory military service and extensive studies which entail substantial expenditure. If Serbia wishes to be taken as a serious militarily neutral state, it must have its own autonomous military forces to guarantee its undisturbed functioning. This necessitates a huge defence budget, something overindebted and demographically threatened Serbia cannot afford.<sup>153</sup>

For Serbia, which is not part of NATO integrations which have played an important role in Eastern European countries in reforming their security systems, it is very important to continue the process of European integration and assume the obligations stemming from the CSDP, which implies, inter alia, the implementation of the much-needed reforms in the security sector (strengthening the institutions for democratic oversight of the security sector, reform of the judiciary, etc.), something which

153 Jan Litavski: 'Kontroverze vojne neutralnosti Srbije', *Novi Vek* quarterly, CEAS, No.1, August 2012. <http://ceas-serbia.org/root/tromesecnik/novi-vek-broj-02.pdf>.

self-declared military neutrality does not necessitate. The former State Secretary in the Ministry of Defence, Tanja Mišćević, says: 'Although it requires economic integration above all, the European Union in its Common Security and Defence Policy requires future members to align with the rules existing in this field. The content, concept and logic of these rules are highly varied and are based on standards and political criteria as well as on international and regional treaties and arrangements. It is therefore very important to understand the very logic of this common EU policy and the obligations stemming from it before Serbia receives a start date for EU membership negotiations.<sup>154</sup>The specific provisions regarding foreign policy and common security indicate that the Union's activities on the international scene are based on the principles, adjusted to the objectives and conducted in accordance with the Union's general foreign policy provisions (under Article 23 of the Treaty on European Union).

The Union's competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union's security, including the progressive framing of a common defence policy which may lead to a common defence. Since the adoption of acts of a legislative nature is ruled out, the Court of Justice of the European Union has no competence over the provisions relating to this area. The European Parliament and the Commission play specific roles in this area laid down by the founding acts. Within the framework of the principles and objectives of its external action, the Union shall conduct, define and implement a common foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions (Article 24) ... Such definition of this policy is the outcome of agreements among member states; what is of special interest to a state wishing to become an EU member is how to comply with the obligations in this segment of the activity of the Union.

154 Tanja Mišćević: 'Obaveze prema Zajedničkoj bezbednosnoj i odbrambenoj politici u daljem procesu evropske integracije Srbije', *Novi Vek* quarterly, CEAS, No.2, November 2012. <http://ceas-serbia.org/root/tromesechnik/Novi-vek-broj-2-Tanja-Miscevic.pdf>.

This is not a matter of adopting technical standards existing in, for example, the area of agriculture or trade, because the EU has actually developed no such standards in the area of defence and security (or, more precisely, it has not developed too many of such standards). Besides, it is necessary that some obligations from this common policy should be adopted and implemented at an early stage of integration, such as the political principle of democratic and civilian control of the security sector, while others can wait until a later phase of accession to the Union. As a state wishing to be granted a start date for EU membership accession negotiations as soon as possible, the Republic of Serbia must be aware of what the process of European security integration entails. While some of these requirements have already been the subject of reforms and assessments of the European Commission, some of them (actually, the majority of requirements or obligations) will be brought up during negotiations when the negotiation Chapter 31 relating to the Common Foreign, Security and Defence Policy is opened.

The first group of obligations – political criteria: A general obligation of every future member of the EU is to respect European values, which by all means include general democratization and the prohibition of discrimination. Civilian and democratic control of the security forces (armed forces, police and security forces, both civilian and military) is certainly the most significant requirement in this regard in the area of security. Since this obligation is regarded as a democratic achievement of developed European societies, it becomes a political criterion for every state wishing to become a member of the EU.

In Serbia, the legal basis for such control is established by the constitutional provision according to which the country's armed forces are under democratic and civilian control. Their use outside the borders of the state must be sanctioned by the National Assembly. These provisions are further elaborated in relevant legislation (the Law on the Army, Law on Defence, Law on Basic Principles of Establishment of Security Forces, Law on the Military Intelligence and Military Security Agencies, Law on the use of the Serbian Armed Forces (vs) and other defence forces in multinational operations outside the borders of the Republic of Serbia and other

laws), strategic documents (the defence and national security strategies) and the Decision on Abolishing Compulsory Military Service.

The area of law enforcement has been regulated in a similar manner by adopting the Law on the Police and the strategy of development of the Ministry of the Interior (MUP) for the period 2011–2016. Although the legal basis is adequate, there is much room for its improvement in this segment, particularly towards strengthening the sector for internal control of the MUP and the anti-corruption sector. Investigative actions by the security services are a matter of particular concern because these services can control intelligence used in criminal investigations.

Nevertheless, the key role in democratic and civilian control is played by the National Assembly and its Committee for Defence and Internal Affairs and Committee for the Oversight of Security Services. In the assessment of the European Commission, as expressed in its opinion on Serbia's candidate status and the 2012 Progress Report, the lack of recourses, expertise and qualified staff is the key problem and weakness of the Assembly's oversight function. Owing to these limitations the competent authorities cannot carry out their duties as they should within the scope of their competences, their work being for the most part of a reactive nature and limited to periodical routine hearings. Consequently, this matter will continue to be analysed by the European Commission during all upcoming phases of Serbia's integration process and therefore must not be neglected by the Assembly and the competent ministries and services.

There is another very important matter in the area of political criteria; it concerns the general rule of non-discrimination and is also of considerable relevance to the security sector. This matter concerns the position of women wearing uniform. While there are no EU nor NATO standards in this segment, this is a general direction of the democratization and the use of all available capacities. Hence the emphasis of implementing UN Security Council Resolution 1325 concerning the security of women in conflict and in peace conditions.

Although there is no implementation obligation in this case, on the basis of this Resolution Serbia in 2011 adopted its National Action Plan

and began its successful implementation – an element of proactivity which is highly appreciated in the process of European integration.

The second group of obligations comprises direct obligations in the area of defence and security. The negotiation Chapter 31 covers several segments all of which are very diverse. They may be viewed as obligations related to trade in armaments and military equipment, multi-sectoral obligations linked to this trade, prohibition of proliferation of arms for mass destruction as well as advancement of special purposes industry and research in this field and, finally, contribution to EU missions. As a primarily economic integration, the EU is very interested in, inter alia, trade in armaments and equipment; however, in this case it has to deal with scant legislation at the international level as well as complex and with frequently conflicting rules existing at the regional and national levels.

The Union sees a way out of this in adopting an arms trade treaty, the subject of talks conducted during June 2012 on the basis of a report by the UN Secretary-General. At present, the EU is encouraging work on drawing up an arms trade treaty with the prime object of defining standards concerning arms imports, exports and trade.

EU members stress the importance of a coherent and effective system of controlling the contracting parties, lying emphasis on the licensing system, improving border controls and oversight of arms trade, enhancing the transparency of the Arms Register and assisting states in the fight against illicit trade in arms. It goes without saying that the outcome of these negotiations within the UN will be obligatory for Serbia as a member of the world organization, without any pressure from the EU. At present, Serbia is regularly discharging its obligation to submit information to the UN Register of Conventional Arms.

Preventing arms smuggling as well as preventing trafficking in illegal arms and dangerous substances is a component part of the second segment of issues relating to arms trade within the framework of the negotiation Chapter 31, which pertain to trade in dual-use goods. Because these goods are encompassed by the general regime subject to the rules of competition, implementation of the provisions is very strictly controlled. The basic regulation is the Council Regulation 6/2002 which defines dual-use

goods as objects which may be used for civilian and military purposes and include computer programs and technology. Exporting these goods to the territory of a non-EU member is subject to special export licences (this is regulated in more detail in the Annex to the Regulation) which must also be obtained when exporting to a state subject to a UN or OSCE embargo. The obligation to apply for export licences applies to exporters who are brokers but not to a state-owned company. In respect of them, a state may adopt legislation to extend the controls established under this Regulation. A state may also make it necessary to obtain export licences for other goods if the interests of public security and protection of human rights so require, but it will have to notify the European Commission thereof.

Export licences are issued by the competent authority of the state in which the exporter or broker is registered, which means that such an authority must exist in the state and be able to issue licences. The authority must additionally keep current with the list of dual-use products for which licences are issued by the EU itself (the list is defined by Annex II to the Regulation) because states have no competence to do that. Furthermore, there is the possibility of another member requesting that a licence be not issued in view of overriding security interests. Rules governing exports of military technology and equipment are the prime requirement in this segment; their lack is also the most serious deficiency in Serbia at present which requires special attention in the period ahead. The Council Common Position 944/2008/CF SP, which defines the common rules governing control of exports of military technology and equipment, updates and replaces the EU Code of Conduct on Arms Exports which had been in operation since 1998 and observed by Serbia too. The amendment introduced in the Council Common Position of 2008 aims to improve the existing instruments within the system of control of arms exports because it expands them to encompass brokering, questions of transit and transactions and the area of technology transfer.

The criteria which must be met in the process of issuing export licences are reiterated and insistence is made on continuance of regular notification and Common Military List of the European Union as a reference document for interpreting embargoes on arms exports. Although Serbia



accepts the Common Military List, it does not accept the Council Common Position; this therefore will be a very important aspect of future reforms and adjustments in this area.

There are two very important intersectoral issues closely linked to trade in armaments and military equipment as well as to questions of defence and security. The first is the question of public procurement in the area of defence and security, which regulates procurement of arms, military equipment, works and services in the area of security and defence. The Directive requires EU members to announce a public competition at the level of the EU regarding any supply or service contract exceeding €412,000 and/or €5 million for contracting work. There are two reasons for this requirement: the interoperability of European forces (identical equipment and joint action) and protection of data at the level of the Union. An EU member may be exempted from this method of contracting for supplies and work only if it proves that such contracting could endanger its crucial security interests (this being confirmed by Article 346 of the Treaty of Lisbon), such exemption being under control of the European Commission and the International Court of Justice.

Data protection is very highly ranked in the EU system of defence and security for reasons other than public procurement.

The procedure for handling classified information and making rules for their use by establishing minimum security standards (personal and physical) is set out by EU Council Decision 8. Under this decision, classified information encompasses all data and materials having EU security classification. At the level of the EU, their protection is the responsibility of the Council's General Secretariat and their unauthorized disclosure may cause damage to the Union or its members of various degrees.

Serbia's commitments in the area of protecting classified information began by concluding an agreement to participate in EU missions, under which Serbia agreed to abide by the procedures for protecting and safeguarding classified information in accordance with Union rules. This, on the other hand, implies the existence of a complete structure necessary for compliance, especially in case of participation in EU peacekeeping missions. A structure of this kind is difficult to establish within a short time

frame; until it is fully in place, problems relating to access to classified information will be regulated in accordance with the Agreement on security procedures for exchanging classified information, which provides for technical arrangements for every individual participation of soldiers, policemen or civilians in these EU missions.

There is one very important aspect of this for Serbia's defence industry, i.e. being able to participate in competitive bidding in the Union, an activity where, it is stressed, secrecy of information must be respected. This matter is directly linked to the area of industrial security where data protection is a matter of course and obligatory for companies with which the EU has a contract or is negotiating on concluding a contract. The lack of legislation to regulate this matter in Serbia is a limitation on domestic companies wishing to do business in the EU market and a serious flaw when it comes to approximation with the EU acquis.

The danger of the proliferation of weapons of mass destruction (WMD) is a challenge recognized by every strategy including the security strategy of the EU. In addition, the European Council has adopted a Strategy against the proliferation of weapons of mass destruction designed to operate preventively against programmes aimed at developing, proliferating and delivering WMD. The Strategy promotes a comprehensive approach to the fight against the proliferation of all kinds of weapons. This also includes control of exports of dual-use goods and fight against the smuggling of light weapons and small arms as well as biological and chemical weapons. The Strategy against the proliferation of WMD is based on multilateralism because it consolidates the legal framework of conventions and the operation of international organizations. As regards the WMD, Serbia's commitment to the EU Strategy in this area began with the conclusion of the Stabilization and Association Agreement, its Article 3 providing for an obligation to this effect as a fundamental element of the Agreement (a failure to comply with the obligation would constitute the basis for suspending the Agreement).

Serbia has acceded to the most important international conventions and organizations concerned with atomic, chemical and biological weapons. In 2006 it also acceded to the Initiative against the proliferation of

weapons of mass destruction. What is still missing and must be aligned in this area is joining the following international control regimes: the Wassenaar Arrangement, Missile Technology Control Regime – MTCR, Nuclear Suppliers Group and Chemical Weapons Convention-CWC.

Serbia's obligations will also relate to the area of atomic, chemical and biological security, in particular concerning prevention, early detection and response to possible threats, above all from terrorist groups. Chemical weapons control is another important obligation. It is exercised through the work and activities of the Organization for the Prohibition of Chemical Weapons (OPCW) whose activities the EU supports as part of its joint action. Special attention is paid to the fight against illicit acquisition and smuggling of light and small arms. This is a good example of Serbia's proactive action and acceptance of obligations already at an early stage of its EU integration. In the assessment of the European Commission, Serbia namely complies with the most important EU act and mechanism in this area, the EU Strategy to combat illicit accumulation and trafficking of small arms and light weapons and their ammunition. It is especially important to note that Serbia complies with control of manufacture of and trade in weapons as well as with control of surplus stockpiles and their destruction (mainly with help from international organizations and partner states). What is also important is the existence of national coordinating mechanisms for implementing control made up of representatives of competent institutions. What still remains to be done in this area is the marking of weapons at the time of their import; this is required under the UN Protocol for the purpose of codification in accordance with NATO standards which Serbia adopted only recently.

The area of the defence industry and the strengthening of its base are of great significance both for the Union and for its members as a condition of strengthening the Common Security and Defence Policy of the EU. This is not so only because the defence industry is an industry making considerable profits, but also because it and technological innovation can help the Union to prove itself on the global market and increase its influence throughout the world. The central body responsible for strengthening this segment and coordinating members' activities is the European Defence

Agency (EDA), which aims to strengthen defence capabilities and promote research and development in the areas of defence and armaments cooperation. The EDA's main priorities are detection and removal of explosive devices, medical support, information, surveillance and reconnaissance, helicopters, cyber defence, multinational logistic support, exchange of information, strategic and technical management, fuels and energy. Because these priorities are also compatible with the needs of the special purposes industry and of the establishment of cooperation with the EDA is one of the vs's main priorities.

In order to establish cooperation with the EDA, it is necessary to conclude a technical arrangement. The EDA Steering Board (made up of 26 Defence Ministers of EU Member States and chaired by the High Representative of the Union for Foreign Affairs) gave the green light for this in March 2012. By concluding an arrangement with the EDA Serbia will find itself among the top partners in the area of special purposes industry research and development in the region as well as in Europe. It will be the only country in the region of the Western Balkans and, besides Norway and Switzerland, the third in Europe to have concluded such an agreement. Key areas in which Serbia and the EDA could cooperate include technology research and development (in line with the European Defence Research and Technology Strategy), development and procurement of armaments and military equipment and development of the European Defence Technological and Industrial Base.

Finally, as a high point of joint action and also to prove its operational capacity, every state wishing to join the Union will be expected to participate in crisis-management operations and missions as well as in Union combat groups. In our view, such operational activity not only proves that one has adopted standards and measures existing in the EU, it also brings multiple political benefits. The legal basis for Serbia's integration was set by the signing of the Framework agreement on the participation of Serbia in EU crisis management operations (the Framework Agreement) and the Agreement on security procedures exchanging and protecting classified information. The basis also comprises the internal law of Serbia which permits the participation of its defence forces in multinational operations.

However, the existence of a legal basis alone does not amount to much unless there is the necessary interoperability with the armed forces of the states taking part in such operations – the requirements include operational and material standardization and knowledge of foreign languages and general procedures. The EU does not define nor determine the interoperability required for its operations and is guided by the rules defined within the framework of NATO.

In order to apply successfully for membership of the EU, Serbia must respect the rules regulating the relations of partnership with NATO. Serbia's operational participation in EU missions is possible by achieving the partnership objectives within the Partnership for Peace programme, designating units and developing an Operational Capabilities Concept programme. We wish to point out that this involves a very effective and 'practical approach because the capacities are not duplicated but rather strengthened'.<sup>155</sup>

## **The European Union, European Commission and security system in Serbia in 2012–2013**

Serbia was granted candidate status for membership of the European Union at the beginning of March 2012. The granting of a date for the start of accession talks was put off and will depend on the implementation of the Belgrade-Pristina agreement initialled on 19 April 2013.<sup>156</sup> The European Commission's annual reports on Serbia's progress in the European Integration Process show a disproportionate lack of reference to, and an absence of critical comments on, the state affairs in the security system and the need to reform the security system (RSB) compared to other fields.<sup>157</sup>

155 Tanja Mišćević: 'Obaveze prema Zajedničkoj bezbednosnoj i odbrambenoj politici u daljem procesu evropske integracije Srbije', *Novi Vek* quarterly, CEAS, No.2, November 2012. <http://ceas-serbia.org/root/tromesecnik/Novi-vek-broj-2-Tanja-Miscevic.pdf>.

156 Radio Slobodna Evropa, 19 April 2013. 'Brisel: Beograd i Priština parafirali sporazum o severu Kosova'. <http://www.slobodnaevropa.org/content/eston-beograd-i-pristina-parafirali-sporazum-o-severu-kosova/24962174.html>.

157 Report 'Sektor bezbednosti kao Prvi glas Srbije, CAES, March 2013. <http://ceas-serbia.org/root/prilozi/Izvestaj-sektor-bezbednosti-Srbije.pdf>.

Portions of the 2012 Report published in October pertaining to the security system<sup>158</sup> and the RSB are to be found in the following chapters:

**Political criteria: Democracy and the rule of law**

**Civilian oversight of security forces**

There was little progress on civilian oversight of security forces. A special parliamentary committee for civilian oversight of security services was set up in July, in line with the 2010 rules of procedure. Parliamentary oversight remained limited in practice. The legal framework for the monitoring of communications by security and intelligence services needs to be clarified. Provisions of the Law on Military Security and Military Intelligence Agencies which allowed sensitive data related to citizens' communications to be monitored without a court order were ruled unconstitutional by the Constitutional Court in April 2012. There are allegations that the unclear legal situation has led to abuses. A law on access to state security files remains to be adopted.

**Chapter 24: Justice, freedom and security**

The capacity of the police to carry out, independently of the security intelligence agencies, certain special investigative measures in criminal investigations needs to be established in line with EU standards. Overall, Serbia is moderately advanced as regards police cooperation and the fight against organized crime.

Conclusion Serbia made some progress in the area of justice, freedom and security. Serbia is actively involved in international police and judicial cooperation and law enforcement agencies generally have sufficient capacity to carry out standard investigations. Additional efforts are needed to increase capacities to carry out complex investigation and to strengthen coordination between law enforcement agencies and the judiciary. A track record of proactive investigations and final convictions in organized crime cases needs to be built up. Overall, preparations in the area of justice, freedom and security are moderately advanced.

158 For the purposes of this report the term 'security system' means the army, police and intelligence and security services.

### **Chapter 31: Foreign, security and defence policy**

As regards security measures, in February 2012 Serbia ratified the May 2011 agreement with the EU on security procedures for exchanging and protecting classified information. Concerning the common security and defence policy (CSDP), in February 2012 Serbia ratified the June 2011 agreement establishing a framework for Serbia's participation in civilian and military crisis management operations. Serbia is participating in the EU Navfor-Atlanta Somalia operation and EUTM Somalia operation with one member each. Serbia attended the EU Battlegroups conference in April 2012. Following the granting of candidate status, Serbia started to participate in meetings of the EU Military Committee in March 2012.

Conclusion Serbia significantly improved its alignment with EU declarations and Council decisions in the area of CFSP and showed continued commitment to participate in EU civilian and military crisis management operations. Overall, preparations in the area of foreign, security and defence policy are well on track.<sup>159</sup>

Serbian media have reported much more extensively on almost all other parts of this year's Serbia Progress Report, as well as those from previous reports, than on parts directly or indirectly relating to the security sector.

### **The security system in the 2012 electoral campaign and during the first months of the new government**

In spite of the obvious need to continue the reform of the security system in Serbia, a need also highlighted by the European Commission, during the electoral campaign preparatory for the presidential and parliamentary elections in 2012, the politicians standing for elections hardly ever made a reference to this reform. For their part, the media also did not deem it necessary to discuss the matter with the candidates during the campaign. The outcome of the elections resulted in a re-distribution

159 CEAS, excerpts from the European Commission's 2012 report concerned with the security sector. <http://ceas-serbia.org/root/index.php/sr/home-sr/93-preuzeto/486-delovi-godisnjeg-izvestaja-evropske-komisije-za-2012-godinu-vezani-za-sektor-bezbednosti>.

of political power. The parties making up the ruling majority never mentioned the reform of the security sector as a priority either during the electoral campaign or as a priority in the new government's agenda.

The media coverage of a wide range of topics was adapted to the circumstances of the campaign until the end of the presidential elections. The topics, which were for the most part forced by the contestants themselves, did not include the state of the security sector. Unfortunately, the media made far less use than they could have of their right and of the new circumstances to problematize other topics which they believed merit attention and to let the public know what the participants in the election process thought about those topics. Unfortunately, the large majority of Serbian media failed to see the situation in the security sector, the results of the reform of the security system and the possible further steps to be taken as topics of general social interest.<sup>160</sup>

The establishment of a parliamentary majority was followed by a number of problematic laws and decisions relating to the security system. They are mostly at variance with the democratic practice and the achieved level of democratic control of the security system.

The amendments to the Law on the Basic Regulation of the Security Services were adopted without a wider professional and expert debate. The legislative proposal provides that in future the Secretary of the National Security Council (NSC) will be appointed by the President of the Republic, rather than the post being automatically filled by the President's Chief of Staff as had been the practice so far. This gives the President of Serbia wider powers although these powers should be laid down solely by the Constitution. The autonomy of work of the civilian Security-Information Agency (BIA) was destroyed by the appointment of Minister of Defence Aleksandar Vučić as coordinator of the work of all intelligence services, this duty being the main responsibility of the NSC Secretary. Experts interviewed for the purposes of this report point out that Vučić has considerably expanded what is usually regarded as 'coordination of the work of security services' or political responsibility for coordinating the work of

160 Report 'Sektor bezbednosti kao Prvi glas Srbije, CAES, March 2013.

<http://ceas-serbia.org/root/prilozi/Izvestaj-sektor-bezbednosti-Srbije.pdf>.



security services without interfering with the content of their active operations. The customary level of political coordination implies above all making sure that there is no overlap of ongoing cases and investigations and that there is adequate exchange of information thereon.

The hitherto good democratic practice where the president of the parliamentary committee charged with overseeing the security sector was a member of the opposition has been abandoned; now representatives of the newly-established ruling majority have been appointed to head both parliamentary committees for defence, security and control of intelligence and security services.

The people at the head of the Security-Information Agency and the National Bank of Serbia were dismissed at almost the same time. Although the terms of office of the heads of these two institutions is longer by a year than that of the government (5 years compared with 4) for the purpose of ensuring the independence of work of these institutions, the new government continued the negative practice established during the term of office of President Boris Tadić, who 'curtailed' his term, i.e. resigned a year too early. The Governor of the National Bank of Serbia was replaced by Jorgovanka Tabaković, a high-ranking member of the Serbian Progressive Party who 'froze' her function and position in the party; the BIA Director, Saša Vukadinović, during whose term of office ICTY fugitives Ratko Mladić and Radovan Karadžić were arrested, was sacked without any explanation from the government and replaced by Nebojša Rodić, a person discredited by his participation in election fraud during 1996.<sup>161</sup>

The formal lack of interest in and silence about the situation in the security system which characterized the pre-election period on the one hand, and the speed with which the legislation regulating the work of the security system was amended following the establishment of the ruling majority on the other, is a clear confirmation that reform itself was not an objective; the objective was to strip the competent bodies of control of the security sector and place it under tighter party control.

161 Report 'X Faktor Srbija', CEAS, April 2013.

[http://ceas-serbia.org/root/images/CEAS\\_IZVE%C5%A0TAJ\\_-\\_X\\_FAKTOR\\_SRBIIJA.pdf](http://ceas-serbia.org/root/images/CEAS_IZVE%C5%A0TAJ_-_X_FAKTOR_SRBIIJA.pdf).

EU officials have voiced concern that amendment of the Law on the National Bank of Serbia would limit the independence of the central bank. Although they pointed out that Serbia is a candidate for membership of the EU and that the independence of institutions is a fundamental principle of the EU, they did not publicly comment on the bad legislative and political moves of the new government concerning the security system.



## Major Challenges for the Ministry of the Interior and Law Enforcement

EU officials did not react to the growing problems in the security system even after it became apparent that some parts of the Ministry of the Interior (MUP) were operating independently of the formal command system under Minister of the Interior and Prime Minister Ivica Dačić.

People interviewed for the purposes of this report believe that some MUP employees do not respect the formal chain of subordination and very probably act on instructions from the BIA and/or the Office of the Minister of Defence, Aleksandar Vučić. They say that because of this, inter alia, the government had been unable to appoint the new police General Director (chief operative) for months.

During the term of office of the previous government too the MUP was the scene of visible and considerable political friction over real control of the police. As a result, the recently reappointed police Director, Milorad Veljović, worked as acting police Director for over a year because there was no agreement on whether to reappoint or dismiss him. Instead of working to strengthen the MUP institutionally, the feuding political parties left Niš and Novi Sad, two large Serbian cities, without chiefs of police for three years. While Niš only got a chief of police in March 2013, Novi Sad is still without one. There was an increase of crime in both cities during the period. There are serious indications that members of the MUP are directly involved in the growing number of unclarified serious incidents in Niš and Vranje.

At the end of 2012, President Tomislav Nikolić and First Deputy Prime Minister Aleksandar Vučić themselves raised a scandal alleging that the MUP Crime Police Administration had been tapping their calls without authorization. The scandal was closed by Nikolić and Vučić themselves without having been fully clarified. It remains unclear whether someone in the crime police broke the law and, if they did, was punished for that, or

whether the scandal was suppressed because something illegal was discovered about Nikolić and Vučić.

The Law on the Basic Regulation of the Military Security Services was again amended in the winter of 2013, only after the Constitutional Court of Serbia declared some provisions of the Criminal Code unconstitutional. The request for a constitutional review of the provisions was filed by the Commissioner for information of public importance and personal data protection and the Ombudsman, who had been drawing attention to their flaws for more than a year and a half.

In disregard of the foregoing, a 14-point comprehensive proposal for regulating surveillance of electronic communications put forward by Rodoljub Šabić and Saša Janković in the summer of 2012 was never seriously considered either by the ruling majority or by the opposition.<sup>162</sup>

Ivica Dačić, the Prime Minister, Minister of the Interior and President of the Socialist Party of Serbia as well as Serbia's chief negotiator in Brussels, is under investigation over suspicious meetings with Rodoljub Radulović. Radulović, who is at large, was later charged with narcotics smuggling. The scandal was raised in February 2013 by the daily *Informer*, which is believed to be controlled by a portion of the leadership of the Serbian Progressive Party (SNS) and a portion of the leadership of the BIA. The State Secretary in the Serbian MUP and an SNS member, Vladimir Božović, said at the end of March 2013 that the matter was being investigated 'very intensively regardless of name, surname, function and office and no one will be protected against investigation.' In connection with the scandal, mention was again made of Branko Lazarević, the former chief of staff and closest associate of the then Minister of the Interior, Ivica Dačić. In 2010 Lazarević transferred to the Ministry of Foreign Affairs (MSP). Dačić was said to have broken with Lazarević over his alleged earlier friendly relations with people who had fallen foul of the law. Lazarević's transfer to the MSP was arranged in order to hush up matters. The Prosecutor's Office

162 Commissioner for information of public importance and personal data protection, 'Faktičko stanje u oblasti zaštite privatnosti u značajnom raskoraku sa ustavnim garancijama', 6 November 2012. <http://www.poverenik.rs/you/aktuelnosti/1386-konferencija-za-medije.html>.

for Organized Crime announced in February 2013 the launching of pre-trial proceedings against Branko Lazarević and at least five high-ranking MUP officials for having contacts with Rodoljub Radulović, a member of the criminal group of narco boss Darko Šarić.

The credibility of the Minister of the Interior as well as that of the Serbian MUP as a whole was further called in question by the prospect of investigations being carried out against members of the Gendarmerie following allegations from the MUP itself and the daily *Informer* that members had been involved in criminal acts particularly in the south of Serbia. Interestingly enough, at the height of the scandal the portal of *Pravda*, which is close to the SNS, published a series of articles criticizing the work of the policemen who had accused the gendarmes and defending the Gendarmerie's commander. The Gendarmerie commander, Bratislav Dikić, whose authoritarian and arbitrary manners had already become publicly known, made highly problematic statements on his Facebook profile which no official had the courage to condemn.

The State Secretary of the Ministry of the Interior, Vladimir Božović, said at the end of March 2013 that first results of the investigation into the alleged abuses by members of the Gendarmerie could be expected soon. Shortly before this, *Informer* wrote that the police leadership had called for the dismissal of Special Prosecutor for Organized Crime Miljko Radisavljević.

The serious indications of criminal conduct on the part of members of the Gendarmerie had not been investigated as of the end of May 2013. The MUP leaders did not respond to the sharp criticism of their work made by members of the Gendarmerie in interviews and on social networks. The Commissioner for Free Access to Information of Public Importance and the Ombudsman pointed out that as of mid-2013 eavesdropping by the Crime Police Administration and the Gendarmerie was far beyond the scope of any legislation.<sup>163</sup>

163 Tamara Marković-Subota: 'Komandant Žandarmerije tajno prisluškivao najbliže saradnike', *Blic*, 22 April 2011. Miloš Vasić: 'Izlistavanje listinga', *Vreme*, 8 November 2012.

## The controversy about the establishment of Civil Protection headquarters

At the beginning of January 2013, the Chief of the MUP Sector for Emergency Management, Predrag Marić, announced that the year would be a year of rebuilding Civil Protection in Serbia after 25 years. Marić expressed satisfaction that RSD10 million had been earmarked from the budget for the service in 2013, saying that that would be adequate for buying new fire engines and starting to rebuild the country's Civil Protection.<sup>164</sup>

Only a few days later there was a serious incident during the visit to Gračanica by Aleksandar Vulin, Director of the Government Office for Kosovo and Metohija. Vulin was told by the Kosovo police that he would have to be escorted out of Kosovo. According to the news agency Tanjug, Vulin intended to pay a visit to the police station in Gračanica in which several Serbs had been detained. Kosovo's Minister of the Interior Bajram Rexhepi said that nine persons had been arrested for wearing Civil Protection insignia. The arrested persons, who were said to have belonged to Vulin's escort, were detained for questioning. There were allegations of some of them having been subjected to violence at the hands of the Kosovo police. Although the allegations gave rise to an understandable uproar in the Serbian media, it was never reported afterwards that anyone had been punished.

In February 2013, the head of the Civil Protection headquarters in Kosovska Mitrovica, Krstimir Pantić, reacted angrily to accusations made by KFOR commander Volker Holbauer concerning the legitimacy, legal status, activities and weapon-carrying of Civil Protection members. Holbauer said that KFOR would act resolutely if members of the Civil Protection became a threat to the freedom of movement and the safe and peaceful environment.<sup>165</sup> Under the Serbian Law on Emergency Situations in force, members of the Civil Protection are not entitled to carry arms.

164 *Blic*, 18 November 2012. 'Održana vežba Civilne zaštite u Mitrovici', <http://www.blic.rs/Vesti/Politika/353660/Odrzana-vezba-Civilne-zastite-u-Mitrovici>.

165 Report 'X Faktor Srbija', CEAS, April 2013. [http://ceas-serbia.org/root/images/CEAS\\_IZVE%C5%A0TAJ\\_-\\_X\\_FAKTOR\\_SRBIIJA.pdf](http://ceas-serbia.org/root/images/CEAS_IZVE%C5%A0TAJ_-_X_FAKTOR_SRBIIJA.pdf).

At the end of March 2013, the Head of the Department for Civil Protection in the Sector for Emergency Management of the Serbian MUP, Bratislav Rančić, said that the first course of training of members of specialized units of the Civil Protection would start in mid-May and that those eligible would be called up by the Ministry of Defence. It is considered that this will mark the start of the regeneration of the service in Serbia.

In an interview with the daily *Politika*, Bratislav Rančić said, 'Those who did their military service without carrying arms, that is, those who served as "civilians" as it was popularly called at the time, will make up the bulk of the trainees. During their military service they underwent appropriate training and were all assigned as Civil Protection reservists. Let there be no misunderstanding: this is not a mobilization, not a military exercise but training for humanitarian duty in case of need.

During the course of the sweeping reform of the system for emergency situations, this service, which had been in the jurisdiction of the Ministry of Defence until a few years ago, has now been transferred to the jurisdiction of the Serbian MUP.

The time has come to train Civil Protection units so that in case of need they could be employed as additional support to professional fire-fighting-rescue units. We are currently training specialized Civil Protection units. Our plans are to train 1,400 Civil Protection members. At the end of the process, specialized Civil Protection units should have more than 11,000 members throughout Serbia. There are also general-purpose Civil Protection units, but their organization is the responsibility of local self-governments. A rule-book on Civil Protection uniforms and emblems, badges of office, speciality and ID cards was adopted recently. After a lapse of many years the members of the Civil Protection will be distinguished by modern uniforms.

The preconditions for the start of training were met early this year with the adoption of a rule-book on training, curricula, training material programmes and standards and training equipment for the training of Civil Protection members. The first specialist units to be trained, starting with those in Kruševac and Valjevo, will be those specialized in fire protection. Civil Protection reservists from these towns will undergo five-day



training coursed. Training will then continue in other parts of Serbia, with two units trained every week.

As regards Civil Protection specialized units, there are plans to train 27 fire protection units belonging to all the area administrations of the MUP Sector for Emergency Management. Nine rubble search-and-rescue units will be trained in Užice, Šabac, Kikinda, Zaječar, Vranje, Novi Pazar, Pirot, Valjevo and Sremska Mitrovica. Belgrade and Sombor will have water-rescue units and Čačak and Prokuplje units for administering first aid. There are plans to train a rough-terrain rescue unit in Valjevo and a unit for radiological-chemical-biological protection in Kruševac.

An active Civil Protection reserve is also planned. These units will engage about 500 people. They would be engaged on a contractual basis. Members of these units should receive regular monthly payments and would have to report for duty, if necessary, in any part of Serbia. These units will recruit the best members of specialized units.<sup>166</sup>

On the other hand, some 500 members of the so-called Civil Protection under control of Serbian government official Krstimir Pantić have long operated in the north of Kosovo.

Article 3.1.G. of Annex III of the Ahtisaari Plan, which defines the competences of municipalities, includes the term 'local emergency response' which is believed to refer to the function of Civil Protection.

## Other Challenges

In its report published in January 2013, the international organization Transparency International assigned Serbia to group D+ along with Ukraine, Bosnia and Herzegovina, Kenya and Mexico – countries with high corruption risks in their security systems.<sup>167</sup>

166 *Politika*, 27 Mart 2013, 'Počinje obuka rezervista civilne zaštite'. <http://www.politika.rs/rubrike/Drustvo/Pocinje-obuka-rezervista-civilne-zastite.lt.html>.

167 'Government Defence Anti-Corruption Index', Transparency International, 2013. [http://ceas-serbia.org/root/images/Government\\_Defense\\_Anti-Corruption\\_Index.pdf](http://ceas-serbia.org/root/images/Government_Defense_Anti-Corruption_Index.pdf)

Even at the height of the ostensible all-out fight against corruption, Serbia's public officials ostensibly conducting this fight hardly ever mentioned corruption in the security sector.

In an essay entitled 'Vrtlozi korupcije u sektoru bezbednosti',<sup>168</sup> Professor Dr Miroslav Hadžić draws attention to the fact that high-level corruption in the security system is a prelude to political abuse of the state apparatus of coercion as well as its direct consequence. Hadžić writes, 'The danger of the criminalization of politics and the politicization of crime forever lurks on the fringes of political and other corruption, particularly in a post-conflict and post-authoritarian system such as the one in Serbia'.<sup>169</sup>

A major anti-corruption campaign was launched at the end of 2012. It is spearheaded by the First Deputy Prime Minister in charge of the fight against organized crime and corruption, Defence Minister Aleksandar Vučić, who directs the work of the working groups set up for this purpose. Quite unusually, the working groups are composed of MUP members. The 'hero' of the fight against corruption, as he has been hailed also by the majority of international community officials, Aleksandar Vučić never made any reference to the systemic sources of corruption in the security system, notably the impermissible lack of transparency of public procurement. The government, which he effectively runs, failed to pass legislation designed to improve the management of public companies,<sup>170</sup> which are a vast breeding ground of corruption. Serbia is still the only country in the region without a final budget account.

There is a large discrepancy between the reports of the State Auditor on the extent of irregularities found in the operation of public companies and the penalties prescribed by law, with no one officially announcing amendments of these provisions. At the same time, the MPs of the ruling parliamentary majority are pressing for further 'obfuscation' of the

168 Miroslav Hadžić: 'Vrtlozi korupcije u sektoru bezbednosti', Peščanik, 17 March 2013.

169 Ibid.

170 Kenan Hajdarević: 'Dinkićeva verzija departizacije u praksi', LDP blog, 27 May 2013.  
<http://istina.ldp.rs/Ostali/17398/Dinkiceva-verzija-departizacije-u-praksi.shtml>

budget lines concerning the security system on the grounds that the present level of transparency might become a security threat.<sup>171</sup>

Serbia is still the only country in South-East Europe without an appropriate legal framework for regulating the private security sector (PSS), which currently employs between 25,000 and 60,000 people.

Further, the PSS is believed to be in possession of some 47,000 pieces of weapons and its annual income estimated at up to €180 million. By comparison, the MUP officially employs 35,000 police officers and the Serbian Armed Forces has 28,000 military staff.<sup>172</sup>

171 Open Parliament, records of the session of the National Assembly of 15 May 2013 on the Draft decision on the use and participation of member of the Serbian Armed Forces in the EU mission to train military and security forces of Mali, Report of the Security Services Control Committee on supervision carried out of the work of the security services in 2012, and the draft decision on adopting the Report.

<http://otvoreni.parlament.rs/2013/05/15/475940/>

172 Report 'X Faktor Srbija', CEAS, April 2013.

## The Situation of the Ministry of Defence and Serbia's Armed Forces

There is far less information about the situation in the Ministry of Defence (MD).<sup>173</sup> A likely explanation is that Aleksandar Vučić is paying the least attention to his function as Minister of Defence owing to the many other duties he performs. The central features of the MD policy change since the 2012 change of government in Serbia include strong emphasis on Serbia's military neutrality and the need to strengthen cooperation with Russia in order to 'redress the balance' disturbed by the previous government. According to the information obtained by the Helsinki Committee, the MD is in a very unenviable financial situation. The two series of promotions and retirements of higher and high-ranking military officials indicate the growing role of the Chief of General Staff, Ljubiša Diković, who was discredited during the conflict in Kosovo, and of personnel loyal to him. (ovde ili dodati spisak ili nek Sonja vidi)

As stated above, in spite of the huge omissions in democratic control, lack of transparency of budget use, questionable personnel choices and other problems, the security and defence sectors were hardly mentioned by any of the parties that contested the 2012 presidential and parliamentary elections during their pre-election campaigns.

The Law on the Basic Regulation of the Security Services was amended as soon as the new parliament was constituted. Aleksandar Vučić, the new SNS president, First Deputy Prime Minister in charge of the fight against organized crime and corruption and Minister of Defence, was appointed and given wide powers to coordinate all the services. This was a severe blow to the autonomy of work of the BIA, the agency established by the Serbian government.

<sup>173</sup> The work of the services operating as part of the Ministry of Defence, Military Intelligence Agency and Military Security Agency is dealt with in the preceding section.

When the new parliamentary committees for security and for security services control were established, both of them also responsible for the situation in the Ministry of Defence and the Serbian Armed Forces (vs), MPs from the ruling parties were placed at their head. This violated the good parliamentary practice of appointing opposition MPs to these posts.

The newly-established Security Services Control Committee is managed by Jadranka Joksimović, a member of the SNS leadership and a close associate of the Minister of Defence and SNS President, Aleksandar Vučić. (The 2011 Report explains how the Committee was established by amending the parliamentary Rules of Procedure.) The discredited member of the Socialist Party of Serbia and director of Srbijagas, Dušan Bajatović, was appointed president of the Committee for Defence and Security.

Thus both posts went to ruling party members in disregard of democratic practice. This only goes to prove that the new government has no intention of continuing the process of reforming the security system and, in particular, placing it under democratic control, the intention being its further control by the party and individuals.

## **Personnel changes in the Serbian Armed Forces**

The new Serbian government has clearly demonstrated a readiness to dismiss personnel which is not to its liking in the security sector, particularly in the BIA but also in the police and the Ministry of the Interior. However, it has made no changes at all at the top of the General Staff or at the top of the Military Security Agency (VBA), although both employ people who have been discredited as professionals, if for no other reason than because war crimes were committed under their command or in their zones of responsibility. What is more, Chief of General Staff Ljubiša Diković was promoted although many war crimes were allegedly committed in his zone of responsibility during his term of office in Kosovo. His closest associates were also promoted.<sup>174</sup>

174 RTVB92, 13 February 2013, 'Nikolić unapredio Dikovića'. [http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=02&dd=13&nav\\_category=11&nav\\_id=686626](http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=02&dd=13&nav_category=11&nav_id=686626).

Members of the diplomatic community in Serbia believe that the position of General Diković and his circle has strengthened considerably through other personnel changes in the Serbian Armed Forces (vs) including promotions and retirements. They believe that Diković is effectively running the Ministry of Defence.<sup>175</sup>

The period from mid-2012 to mid-2013 was marked by, inter alia, incidents and an occasional celebration: a combat plane crashed with a fatal outcome; several members of the vs lost their lives in accidents attributed to the human factor; the 100th anniversary of 'Serbian military aviation' was marked amid much euphoria; and the 100th anniversary of the First Balkan War celebrated amid somewhat less euphoria. In that war, according to the publications issued for the occasion,<sup>176</sup> the Serbs not only 'avenged themselves on the Turks in the battle of Kumanovo for their 1389 defeat in Kosovo, the Serbs delivered a blow to the Turks from which the Ottoman Empire was never able to recover'.

The generals and politicians together succeeded in whitewashing the situation in the sphere of defence, particularly with regard to the 'work results in the Army and the Ministry of Defence'. The lack of critical attitudes to the vs and the 'sweeping under the carpet' of the blunders, the slovenliness and particularly bad decisions of the political-military leadership are a general character trait of domestic generals and politicians regardless of which party they belong (or belonged) to and when they held the reins of power in their hands.

175 *Blic*, 4 January 2013, 'Imenovanja, razrešenja i penzionisanja u Vojsci Srbije.' <http://www.blic.rs/Vesti/Politika/361119/Imenovanja-razresenja-i-penzionisanja-u-Vojsci-Srbije>.

176 For example the 24-page offprint included in the military magazine *Odbrana* on 1 November 2012, superscript headline 'Sto godina od Prvog balkanskog rata', headline 'Savezništvom do slobode'.

## The period under Minister of Defence Dragan Šutanovac

Dragan Šutanovac became Minister of Defence on 16 May 2007, a year after Montenegro became independent. In the aftermath of the dissolution of the union, the Serbian army became 'purely Serb' under the name Serbian Armed Forces (vs).<sup>177</sup> Working in the new minister's favour was Serbia's admission to NATO's large family, the Partnership for Peace (at the summit in Riga in 2006, with Serbian President Boris Tadić signing the so-called Framework Document in Brussels on 14 December 2006).<sup>178</sup>

Another circumstance in favour of the Minister was that he found at the head of the General Staff Zdravko Ponoš, an educated and competent General with modern political and military views. As chief architect and initiator of the reform of the defence system (mostly of the Army), he got the process going although the parliament (within whose competence this important responsibility lay) had not yet adopted the strategic doctrinal documents and appropriate legislation. Addressing the government, he made a convincing case of his rather bold plan to launch a 'reform adventure', outlining what he proposed to achieve, how and with what human and material resources.<sup>179</sup>

Dragan Šutanovac successfully adapted himself to Ponoš's plan and to the tempo of its implementation until they clashed at the end of 2008. Speaking as a matter of principle, Zdravko Ponoš publicly levelled very sharp criticism at the Minister of Defence with the following complaints:

177 Colonel Dr Borisav Grozdić, a senior lecturer at the Military Academy in Belgrade, rhapsodized in a signed text with the following highly patriotic headline 'Duhovna vertikalna srpstva': 'Today Serbia again has an army, which ceased to exist on 1 December 1918 when the Kingdom of Serbs, Croats and Slovenes was created...', *Odbrana* magazine, No. 33, 1 February 2007.

178 Homepage of the Ministry of Defence: [www.mod.gov.rs](http://www.mod.gov.rs); website contents: sections 'Međunarodna vojna saradnja', subsection 'Partnerstvo za mir'.

179 Zdravko Ponoš published a detailed plan for reforming the Serbian Armed Forces, with emphasis on its first stage, in the magazine *Vojno delo*, 3/2007, entitled 'Transformacija Vojske Srbije – izazovi i odgovori'. There was also an extensive and fully argued interview given by Ponoš to the weekly *Vreme*: Filip Švarn and Dejan Anastasijević: 'Vojska Srbije pod NATO standardina', *Vreme*, 19 July 2007.

first, the military reforms have been halted; second, Serbia has no policy of defence; and third, resources from the military budget are being spent uneconomically and the Army is losing large amounts of money through exchange rate differentials when procuring equipment.<sup>180</sup>

Nevertheless, Šutanovac continued along the reform path. This was confirmed by, among others, General Dr Božidar Forca, a leading theorist in the vs General Staff, who wrote in one of his texts: 'The defence system is being reformed and developed in three compatible spheres: strategic-doctrinal, legal-normative and organizational-functional...'<sup>181</sup> The Minister crowned his reform work by completing the professionalization of the vs. The last group of young men liable for six-month compulsory military service was called up in December 2010. In this connection, on 30 November 2010, Šutanovac spoke in parliament about the Draft Decision of the Ministry of Defence, i.e. the government, to suspend compulsory military service. He made the following points: 'the professionalization of the Serbian Armed Forces was one of the most comprehensive reforms in the past period'; 'the strategic framework was rounded off' as part of that process; 'the military education and health care systems were upgraded'; 'women were admitted to the ranks of professional soldiers for the first time'; 'the establishment of a defence university is expected'; 'laws on military agencies – security and intelligence – were passed'; 'intensive international cooperation was established'.<sup>182</sup>

Šutanovac's presentation in parliament commanded respect and credibility. The National Alliance for Local Economic Development declared Šutanovac 'reformer of the year', stressing that the 'professionalization of the Serbian Armed Forces was one of the largest and quickest reforms in 2010'.<sup>183</sup> However, there was no debate on whether Serbia needed a de-

180 Ljubodrag Stojadinović: 'Politika odbrane zemlje ne postoji', Ponoš's interview with the daily *Politika*, 24 December 2008; Filip Švarm: 'Ponos i Ponoš', *Vreme* weekly, 25 December 2008.

181 Dr Božidar Forca: 'Korak napred', *Obrana* magazine, No. 152, 15 January 2012.

182 Radenko Mutavdžić: 'U vojsku samo dobrovoljno', *Obrana* magazine, No. 126, 15 December 2010.

183 A. Petrović: 'Za bolju Srbiju', *Obrana* magazine, No. 126, 15 December 2010.



fence university and whether having one would be a rational solution. Established by decision of the government on 24 February 2011, the Defence University began work early in 2012. Its Rector, General Dr Miodrag Jevtić, gave several reasons to justify the establishment of the University including, 'Universities of this kind exist in all large states in the world, as well as in several countries in the neighbourhood...'<sup>184</sup>

The Law on the Military Intelligence and Military Security Agencies was presented to the public only formally, with hardly any debate in spite of the fact that the heads of these agencies and the Minister of Defence had been feeding the public contradictory information. The Law was adopted by the parliament with hardly any amendments. Very soon a flaw was revealed in practice and was only eliminated in the first months of 2013. Before the Law was amended, approval by the Military Security Agency's Director (the untouchable, formally retired General Svetko Kovač!), naturally in conjunction with lawful support from the telecommunications operators, was all Military Security and Military Intelligence Agency agents needed in order to be able to monitor electronic communications of any Serbian citizen deemed to be of 'interest for security processing'. In this way, the military agencies grossly violated one of the basic human rights, the right to privacy. The Proposal for Amending the Law on the Military Security Agency and the Military Intelligence Agency was adopted in February 2013.

The Proposal was approved by parliament and the Law on Amendments to the Law on the Military Security Agency and the Military Intelligence Agency was adopted on 20 February 2013.<sup>185</sup>The Law has 19 Articles. From the point of view of protection of citizens' privacy, Article 8 is probably of the greatest importance because it prevents agents from having access to citizens' electronic mail without authorization from a 'higher court'.

After the end of the process of professionalization of the Army (arguably Dragan Šutanovac's biggest achievement), the military reform first came to a halt and then very soon afterwards started to go downhill. The

184 Sandra Gucijan: '1 budući oficiri studiraju po Bolonji', *Politika*, 24 February 2012.

185 [www.parlament.gov.rs](http://www.parlament.gov.rs).

new Minister of Defence does not appear interested in continuing the reform.

As Minister of Defence, Dragan Šutanovac was severely criticized every year, both by the relatives of the Radio Television Serbia employees killed during the NATO intervention in 1999 and by prominent media and other personalities, for allegedly withholding evidence from the families. The accusers insisted and said they had proof that Šutanovac was keeping from the public evidence on the basis of which one could establish exactly who was responsible for sacrificing those people and for what purpose.<sup>1</sup>

Šutanovac was also similarly criticised on every anniversary of the death of two guardsmen, Dražen Milovanović and Dragan Jakovljević, who lost their lives in the Topčider barracks in Belgrade on 5 October 2004. In spite of the findings of an independent state committee of enquiry that the soldiers were shot dead by a third person and the confirmation of the findings by other control bodies, no responsible person in the vs was ever called to account for the numerous procedural omissions established during the investigation, let alone for the killings. It was only in February 2013, following a long and determined struggle by the families' lawyers, that the Constitutional Court of Serbia established that the families' right to a fair trial and right to life had been violated.

On this occasion, the Centre for Euro-Atlantic studies in Belgrade said; 'This finding is a major victory for the families and their legal counsel who can now continue to seek justice before the court in Strasbourg.

This finding is also a new weapon in the hands of all serious political actors and civil society organizations willing to launch a sustained coordinated campaign, something which unfortunately has been lacking all these years, in order not to allow these killings to remain unsolved. The Topčider affair must be solved even if it turns out that foreign elements were involved in it unconstitutionally'.<sup>186</sup>

Unfortunately, these questions, as well as the matter of hiding of Ratko Mladić and the role of the vs therein, continue to escape the attention of

186 Statement to the public, 'Povodom odluke USS u slučaju Topčider', CEAS, 24 February 2013. <http://ceas-serbia.org/root/index.php/sr/saopštenja/841-povodom-odluke-uss-u-slucaju-topcider>.

the professional and wider community and, regrettably, the international public.

Retired Lieutenant-Colonel Lakić Đorović has been saying, especially after the appointment of Ljubiša Diković as Chief of General Staff, that Šutanovac 'does not know what he is doing', that 'he is not equal to his function and I am afraid that he is only a plaything in the hands of Svetko Kovač, various generals, colonels, politicians, businessmen...' <sup>187</sup>

Đorović's public statements have all been dismissed as worthless and slander by the military and political authorities and by Šutanovac in particular. Nevertheless, Đorović's allegations should not be dismissed out of hand: during the 10 years of war under the Milošević regime, he served as a military prosecutor and an authoritative prosecutor at that; however, he never toed the official line, either then or later, and this may account for his relatively low military rank. On the other hand, the arrogant and out-of-hand dismissal of Đorović's statements and testimony, which he also presented as witness for the prosecution at the Hague tribunal, speaks more about the impotence of the political and military leaders than about the former military prosecutor!

187 At the end of 2011, Diković succeeded Chief of General Staff Miloje Miletić in spite of accusations made in public that as commander of the 37th Motorized Brigade he bears responsibility for grave war crimes against the civilian population in Kosovo committed by members of his unit. In this context, the RTS journalist, Olivera Kovačević, invited to her 'Da, možda ne' show Lakić Đorović, who had testified about the crimes in question before the Hague tribunal. What Đorović said during the show was a serious indictment of both Diković and the political-military leadership which had appointed him to the post in the General Staff. The testimony also led the journalist with the Sarajevo weekly *BH Dani*, Tamara Nikčević, to interview Đorović and publish the interview in the weekly. With the author's permission the full interview was carried in two instalments by e-novine on 16 and 18 February 2012.

## **Aleksandar Vučić: No change in the military and defence policies of the country**

Besides occupying other high state offices and assuming the presidency of the Serbian Progressive Party, Aleksandar Vučić took over as Minister of Defence. The transfer of duties between Šutanovac and Vučić attracted hardly any media attention. This was an indication that Vučić would follow in the path trodden by Šutanovac. However, during the course of the year Vučić laid increasing emphasis on intensifying military cooperation with Russia. He argued that this cooperation had been marginalized during the previous period compared to cooperation with other partners of the vs. Vučić let it be known repeatedly that Serbia is militarily neutral and will remain so: 'Our army will not become a member of any military alliance; however we are a member of the Partnership for Peace and will continue to establish cooperation within the framework of that partnership.' At the start of his term of office, he announced some personnel changes and said that he and President of the State Tomislav Nikolić were pleased with the way Chief of General Staff Ljubiša Diković was performing his duties.<sup>188</sup>

During the pre-election campaign Nikolić and Vučić said in a shy way and not too often that, should they win the elections, they would 'revert the army' from the professional to the compulsory recruitment system of replenishing its units. However, something like that is clearly impossible for at least three reasons: first, it would entail enormous financial costs; second, such a collapse of reforms would be understood or accepted by hardly anybody abroad; third, Nikolić, Vučić and their party could hardly survive that politically.<sup>189</sup>

188 The Beta agency item published by the daily *Danas*, 1 January 2012.

189 S. Sikavica: 'Ipak značajan iskorak', *Helsinkiška povelja*, January-February 2013.

## An ersatz reform instead of the real thing

The Serbian Armed Forces (vs) (as well as the Ministry of Defence and the defence system as a whole) has made significant strides towards systemic optimization, though this only partially fits into the reform process. It made important moves in an organizational-technological-technical sense, i.e. in adopting organizational, technological and technical standards which the state and the vs could afford. The professionalization of the vs was the greatest achievement. Nevertheless, that was only the beginning of fundamental transformation because the 'reform above all calls for and demands changes in the political and cultural pattern of society and the armed forces...'<sup>190</sup>

In order for reforms in the defence sector to continue, it would be necessary, inter alia, for the political-military leadership of the state to make an honest and unambiguous balance sheet of the participation of Serbian regular and paramilitary formations in the wars in the former Yugoslavia and to make it public. Back in 2007, General Ponoš said publicly that it must be admitted that 'our army' was 'used' and 'abused' in these wars throughout the 1990s<sup>191</sup> and that, judging by how things stood at the time, changes in this regard were unlikely.

## The military traditions and the SPC

On its website the Ministry of Defence published the following run-of-the-mill report on a meeting which, judging by the subject matter discussed, was of paramount importance for the country's defence and security and for the state in general: 'The regular [annual] analysis of the operational and functional capabilities of the Serbian Armed Forces in 2011 was made today in the House of Guard in Belgrade... It was assessed that the security situation in Serbia was stable and that the Serbian Armed

190 Dr Miroslav Hadžić: 'Potraga za bezbednošću', Dan-Graf and Centre for Civil-Military Relations, Belgrade, 2004, pp. 47–51.

191 Dragana Marković: 'Više nema čekanja', Ponoš's interview to *Odbrana* magazine, No. 31, 31 January 2008.

Forces had maintained the achieved level of operational and functional capabilities, and that in the period ahead it will enhance its capabilities and interoperability by increasing the number of Army members in multinational operations.<sup>192</sup>

After Montenegro split from the State Union with Serbia, Serbia's wise men determined at long last that 'for our political and military traditions it is most appropriate' that 'we should mark Statehood Day and Day of the Serbian Armed Forces on Sretenje [the Presentation of Jesus in the Temple], 15 February' in memory of the date on which the first Serbian Constitution was adopted and, at the same time, in memory of the outbreak of the First Serbian Uprising. The then President of Serbia and Supreme Commander of its Army, Boris Tadić, as good as built up Karađorđe, the leader of the uprising, as a saint and the Marićević ravine, the place where the uprising decision was made, as a holy shrine. Later, in 2012, Tadić, Šutanovac and their associates changed their minds and decided that celebrating Day of the Serbian Armed Forces on the same day as Statehood Day was actually 'not the best solution' because that left the Second Serbian Uprising, its venue Takovo and its leader Miloš Obrenović unjustly neglected.

For the first time Day of the Serbian Armed Forces was formally marked on 23 April (on this occasion the central celebration was moved from Belgrade to Leskovac). Thus in future this date will be observed to mark another 'great and significant dates in our history' – the decision to start the Second Serbian Uprising.<sup>193</sup>

Other than proclaiming 23 April the new Day of the Serbian Armed Forces, the public was informed that the vs had 'received new Rules of Service'. 'The professionalization of the Army, introduction of religious service, participation in multinational operations, increased number of women in the defence system, as well as the numerous organizational-formational changes of the military units and adjustment to contemporary

192 Item from the Ministry of Defence website, 21 March 2012.

193 *Odbrana* magazine team of journalists, No. 159, 1 May 2012: 'Obeležen Dan Vojske Srbije' – 'Elitni ešaloni'; regular column in the daily *Danas* 'Pitanje – odgovor', 25 April 2012, answers to the question: 'Da li će (novi) Dan Vojske zaživeti u narodu?'

social trends necessitating amendment of one of the most important regulations in the military organization – the Rules of Service.<sup>194</sup>

Nearly every military formation or special unit, as well as vs and Ministry of Defence institutions, celebrates its own day. The year 2012 abounded in this regard, with Serbia marking the centenaries of its Air Force, the Battle of Kumanovo and the First Balkan War. On this occasion, the Media Centre Odbrana offered the public two special publications. In a special feature of the magazine *Odbrana* commemorating the anniversary of ‘Serbian military aviation’, the Commander of the Air Force and Anti-Aircraft Defence, Major-General Ranko Žižak, began the text as follows: ‘We have the privilege of marking a truly significant anniversary – the centenary of Serbian military aviation, as well as a double obligation. Above all, [an obligation] towards the many generations of airmen who devoted their expertise, energy and working life, and many of them also their lives, to its development and to the execution of their duties, but also towards the generations who will follow after us. The need to keep abreast of the times, contemporary trends, new scientific and technological achievements as well as the creativity and visionariness of state and military leaders, made it possible in Serbia in 1912, a mere ten years after the first flight of the Wrights Brothers, to establish the Aviation Command with its headquarters in Niš...’<sup>195</sup>

The marking of the centenary of the Battle of Kumanovo brought together Serbia’s state and military leaders, with President of the state Tomislav Nikolić running the show. In his speech on the occasion, he said, ‘It was at this place a century ago, on 23 and 24 October, that youth, strength and love took wing. Filled with pride, descendants of the heralds of freedom, we stand on Zebrnjak Hill, the spot where the fate of the Ottoman Empire was sealed...’<sup>196</sup>

The Serbian Orthodox Church (SPC) was present at every event. Unofficially, the SPC has long been in contact with all categories of vs

194 Mirjana Borovina: ‘Novo Pravilo službe Vojske Srbije’ – ‘Okvir za sliku moderne vojske’, *Odbrana* magazine, No. 161, 1 June 2012.

195 Special printoff in *Odbrana* magazine, 1 August 2012.

196 Special printoff in *Odbrana* magazine, 1 November 2012.

members.<sup>197</sup> Since the SPC last year gained access to the barracks and to all units and institutions of the VS, with every military formation having a post for a priest (also for other churches and religious communities in Serbia in proportion to the number of their members in the VS), the cooperation between the VS and the SPC has been raised to a higher level. For instance, the head of the Military Academy, General Mladen Vuruna, and the Bishop of Hvosno, Atanasije, at the beginning of 2012 signed a cooperation agreement designed to fortify the presence of religious instruction in the educational process in the Military Academy.<sup>198</sup> Religious instruction gained access to the Military Grammar School (as part of the Military Academy) as a compulsory subject back in 2007. The hall of the Military Medical Academy in Belgrade, which hosts a rather spacious chapel as well as other church rooms added to it, is dominated by a mosaic representing St Sava.

Such symbiosis between the VS and the SPC would not be questionable if the Church were to confine itself to religious matters. However, the SPC is not only conservative (it opposes the otherness – ethnic, religious, sexual), it also interferes in all affairs of the state. Thus Colonel Stevica Karapandža said, 'The performance of religious service is not envisaged as serving the purpose of missionary work by churches and religious communities in a military environment, but solely with a view to developing, building up, maintaining and increasing the operational capabilities of the Serbian Armed Forces!'<sup>199</sup>

197 E.g. Dušan Glišić: 'Regulisanje verskog života u VSCG' – 'Traganje za identitetom', *Obrana* magazine, No. 6, 15 December 2005.

198 e – novine, editorial text: 'Pomoli se i počni', 4 January 2012.

199 Mirjana Borovina. 'Formacijsko mesto – sveštenik', *Obrana* magazine, 1 June 2012.



## The 'superiority' of the Serbian army

Military officials often stress that the Serbian Armed Forces (vs) can achieve better results with its obsolete technical-technological combat systems (e.g. in tactical exercises or shooting exercises with live ammunition) than armies equipped with the most up-to-date equipment.<sup>200</sup> For instance, one often hears statements that in military terms Serbia is a 'leader in the region' and that the vs has the 'greatest combat capability and operational preparedness in the region' and is therefore capable of taking up battle positions in a short time. Such statements are characteristic of right-wing and pro-fascist non-governmental organizations and retired generals and colonels.

In addition to weapons, the vs and the Ministry of Defence offer the services of the Military Academy (since recently the Defence University) and several other school and training laboratories and premises.

One of the first visits the new Chief of General Staff, Ljubiša Diković, made abroad was a visit to the armed forces of neighbouring Croatia. On this occasion, reporters of the magazine *Odbrana* reported, 'General Diković stressed that the Serbian Armed Forces were offering its capacities for active military cooperation, above the ABH [Atomic, Biological and Chemical] Training Centre in Kruševac and the 'Jug' base near Bujanovac.'<sup>201</sup>

200 In this connection, the 'war against NATO' in 1999 is very characteristic. Until Milošević's political fall, the then Chief of General Staff of the Armed Forces of Serbia and Montenegro (VSCG), Nebojša Pavković, his Supreme Commander Slobodan Milošević and the entire political-media-propaganda apparatus liked to point out with great relish that the VSCG, in spite of being vastly inferior in armaments, was superior when it came to imagination and skill in combat, and that it made a fool of the NATO pilots by fobbing them off with mock-ups and digging in and well camouflaging the real guns, transporters and tanks. However, the enthusiasm culminated not only in the army but also across the length and breadth of the Serbian-Montenegrin state when, on the night of 26–27 March 1999, men of the Air Defence (PVO) battalion of the 250th PVO brigade, firing obsolete Russian-made Neva missiles near the village of Budanovac in Srem, brought down a US F-117 stealth fighter that was supposed to be 'invisible'. It is both interesting and indicative that although the commander of the battalion and the hero of the day, then a mayor and now a colonel, Zoltan Dani is not a Serb but a Hungarian by birth, he had a Serb *nom de guerre*: Gvozden Đukić!

201 Editorial text in *Odbrana* magazine, No. 165, 1 August 2012, 'General

In an interview with the daily *Danas*, Dragan Šutanovac commended the Army and the Ministry as follows: 'The Ministry of Defence and the Serbian Armed Forces were among the first to establish EU standards within their structures. Our continuous progress has been registered each year by the European Commission, among others, and on 14 March our General Nebojša Đukanović was the first official representative of Serbia in a Union body, namely the EU Military Committee. So, the Army of Serbia was the first to enter Europe...'<sup>202</sup>The Vs was also commended by the Belgrade daily *Politika* in an editorial article: 'Serbia is today a factor of stability in the region and its army a mainstay for developing good bilateral relations in Europe and beyond... Today no one either in the country or in the world thinks ill of our army, it seems to me that we are more respected than ever before.'<sup>203</sup>

### **Army members in international missions**

Although the Partnership for Peace is 'not of a clearly binding character in an international-law sense, but is based solely of the principle of voluntariness and autonomous commitment',<sup>204</sup> it might be argued that the Presentation Document of the Partnership for Peace is a basis for the military-political cooperation of Serbia, its Army and its Ministry of Defence with partners at the regional and broader international military-political level. The Document states, inter alia: 'In its Presentation Document Serbia expresses readiness to assume a share of the responsibility for a stable and lasting peace in the region, participate in UN-mandated

Diković u poseti Hrvatskoj' – 'Jačanje regionalne stabilnosti'.

202 Boxed item entitled 'Vojska Srbije prva ušla u Evropu' was published in the weekend issue of the daily *Danas*, 17–18 March 2012, as part of the daily's interview with the then Minister of Defence Dragan Šutanovac.

203 Editorial text: 'Vojska faktor stabilnosti', *Politika*, 13 February 2013; editorial text, *Politika*, 11 March 2012: 'Srbija uskoro u Evropskoj odbrambenoj agenciji'; P. D. : 'Srbija partner s Evropskom agencijom za odbranu', *Danas*, 23 March 2012.

204 Homepage of the Ministry of Defence website [www.mod.gov.rs](http://www.mod.gov.rs); website contents: 'Međunarodna vojna saradnja', section 'Partnerstvo za mir', subsection 'Vodič kroz PzM'.

peacekeeping operations and achieve armed forces interoperability with NATO Member States...'<sup>205</sup>

According to the website of the Ministry of Defence,<sup>206</sup> the deployment of members of the Ministry of Defence and the Serbian Armed Forces in multinational operations as of the end of 2012 was as follows:

1. Democratic Republic of Congo – MONUSCO – 8 members: 2 doctors, 4 medical technicians and 2 members as part of the headquarters group (aerial evacuation medical team and headquarters group);
2. Liberia – UNIMIL – 4 officers, military observers;
3. Ivory Coast – UNOCI – 3 officers, military observers;
4. Cyprus – UNFCZP – 46 members: 1 staff officer, 2 military observers in MOLO liaison team, 6 members of infantry patrols (4 non-commissioned officers and two professional soldiers) and a platoon consisting of 37 soldiers in accordance with appointments within the contingent of the Serbian Armed Forces in UNFCZP;
5. Lebanon – UNIFIL – 47 members: 6 staff officers, 5 NEP members, an infantry platoon of 36 soldiers in accordance with appointment within the contingent of the Serbian Armed Forces in UNIFIL;
6. Middle East – UNTSO: 1 officer, military observer;
7. Uganda – EUTM: 1 medical service officer – peacekeeping mission medical service chief;
8. EUNAVFOR – Somalia – Operation ATALANTA: 1 staff offices for civilian-military cooperation at Operational Command;
9. Total: 111 members.

The number of members of the Ministry of Defence and the vs in international missions is not constant; since their first participation in these missions in 2007 their number has varied from one year to the next as well as within a single year, in keeping with Serbia's needs and possibilities. Shortly after Serbia began to participate in peacekeeping mission, the Centre for Peacekeeping Operations of the General Staff of the Serbian Armed Forces was established to prepare candidates for such duties.

205 Ibid.

206 Ibid.

The year 2012 was significant in that women from the ranks of the Army and the Ministry of Defence participated in international operations from the first time in March. Colonel Jelesije Radivojević, who heads the Centre, said: 'vs members chosen to participate in missions include women. The practice so far has been for at least two women to join a mission and that they stay together. Due account is taken of gender equality. The general criteria for joining a mission are health status, official appraisal, positive vetting, physical fitness checks and other special criteria laid down in respect of each multinational operation.'<sup>207</sup>

Explaining the importance of participation by Serbian military personnel in peacekeeping operations, Colonel Radivojević said, 'The interest in participation in missions is huge, with more than 10 members of the vs applying for each post... one does not leave for a mission in order to fight a war for NATO, as some analysts allege, but to acquaint our members with NATO standards and training methods and to apply that in concrete situations.'<sup>208</sup>To be sure, this alone is not the only reason for the huge interest in these operations; there are also the financial benefits, which for many may be the overriding motive. Colonel Radivojević presented a very convincing description of the direction which the next very important phase of the reform should take.

Vladimir Počučić wrote the following in the magazine *Odbrana*: 'It should be borne in mind that classic multinational operations have long ceased to exist. They are multidimensional, so it is hard to tell the difference between military, civilian and police duties. This is why interaction with all the actors on the ground takes place constantly and at all levels. The Serbian "blue helmets" face yet another challenge – the prejudice of both the local population and the members of other peacekeeping contingents about the people and the country they come from, which is a consequence of the earlier conflicts in the territory of the SFRY. This makes their task harder and their obligation greater.'<sup>209</sup>The author summed up some of the Colonel's points in the sub-headline: 'Presenting to the public

207 Ivana Pejčić: 'Učešće u misijama nije vojnički turizam', *Danas*, 30 July 2012.

208 Ibid.

209 Vladimir Počuč: 'Povratak budućnosti', *Odbrana* magazine, No. 174, 15 December 2012.

the importance of our participation in multinational operations required much energy and knowledge in order to avoid, in the aftermath of the tragic war events, misconceptions and equating departures for peacekeeping missions to 'military tourism' or 'mercenaries'. These efforts are also important for reasons of interoperability with other armies, getting to know other peoples and their cultures...'<sup>210</sup>

Incidentally, there is a conspicuous trend in public of misnaming international operations as 'peacekeeping' operations. This trend dates back to the term of office of the former Minister of Defence, Dragan Šutanovac. The object was, in setting forth the reasons for adopting legislation approving participation in missions, to throw dust in the eyes of the MPs and the public at large as to the real nature of the missions in question, namely that most of them were peacemaking missions and implied combat of some sort.

Interestingly, members of the *vs* alone use the correct terms in reference to the nature of these missions. On the occasion of dispatching troops for Operation Atalanta, Colonel Milivoje Pajović, Head of the Centre for Peacekeeping Operations of the Serbian Armed Forces, said: 'We expect that our officers from the river units will be engaged on the crews of vessels in the Indian Ocean. We are ready to engage autonomous combat teams within the brigade protecting shipments of the UN World Food Programme. Encounters with the pirates will be a real test for these anti-terrorist and commando units. They will be testing their capabilities in a real context, something for which they are being trained. One can easily figure out of what benefit their experience will be to the security forces of Serbia once they return to their homeland. After all, we are talking about the elite forces of our army.'<sup>211</sup>

Unfortunately, because this crucial distinction is also lost on the members of the democratic opposition in the Serbian parliament, they are not informing the public about the true nature of the missions.

The Annual Plan for the use of the Serbian Armed Forces and other defence forces in multinational operations in 2013, which has passed the

210 Ibid.

211 *Novi magazin*, March 2013.

parliamentary procedure, envisages participation in six UN-mandated and two EU-mandated operations. The UN operations are taking place in Cyprus, Lebanon, Ivory Coast, Liberia, Middle East and Congo. The signed Framework Agreement with the EU this year envisages participation in the naval Operation Atalanta and a mission to train Somali forces in Uganda.

Although the operation in Mali is not included in the Annual Plan, the Serbian parliament approved it in May 2013. The full name of the mission is 'European Union Training Mission in Mali'. The mission's terms of reference state clearly that the EU mission in Mali will not conduct combat operations. The General Staff of the vs is planning to dispatch a six-member medical team and five training instructors. They will be engaged as part of the forces of an EU Member State chosen to lead the mission. The instructors for individual training will probably be led by a major from the Peacekeeping Operations Centre. The team will be made up of members of the Military Police and probably someone from the special units. The medical team may include women working as doctors and medical technicians in an aerial evacuation medical team. Besides requiring the approval of the Serbian parliament, it will be necessary to 'confirm the preparedness of the Serbian team at the forthcoming Force Generation Conference in Brussels.

At the level of international military cooperation, special importance is attached to the State Partnership Programme between Serbia and the US state of Ohio, i.e. between the Serbian Armed Forces and the Ohio National Guard. The programme is being implemented on the basis of the Status of Forces Agreement signed in Washington on 7 September 2006 by the then Serbian President Boris Tadić and the then US Secretary of State Condoleezza Rice. The cooperation is deemed to have started with the first visit of the then Ohio National Guard Commander, Major-General Gregory Wayt, to the Serbian Armed Forces in September 2007. Since then the two forces have cooperated in various ways. At the beginning of December 2012, the Army and Ministry of Defence of the Republic of Serbia were visited by a delegation of the National Guard of Ohio led by Brigadier-General Maria Kelly, commander of the Special Troops Command of the Ohio National Guard.<sup>212</sup>

212 Sanja Savić: 'O razlikama u najboljem smislu', *Odbrana*

## The Serbian Armed Forces and NATO

Surveys carried out in 2013 show that 14 per cent of respondents approve of Serbia's membership of NATO. At the same time, 160 items of armaments and military equipment in use by the Serbian Armed Forces (vs) were included in the NATO Codification System.<sup>213</sup>

The mission of the NATO Military Liaison Office (MLO) was enhanced early in 2012 in order to reinforce NATO's public diplomacy in the region. Along with a supervision and counselling group within the MLO, which closely cooperated with the Department for International Military Cooperation of the Serbian Ministry of Defence, a public relations group was formed with the object of enhancing publicity through cooperation with other ministries, media and non-governmental organizations.

Brigadier General Ornello Baron, the Head of the MLO in Belgrade, in his first interview with the Centre for Euro-Atlantic Studies in the summer of 2012, said that Serbia was committed to training its military units for deployment in multinational peacekeeping operations in accordance with UN Security Council decisions or decisions of other international bodies. He said that this necessitates transforming the defence structures into a modern system which is interoperable with all international partners. Baron said that in order to achieve that Serbia is using NATO mechanisms available to member states of the Partnership for Peace (PfP) programme. With this aim in view, numerous military tasks have been set within the framework of the PfP Planning and Review Process (PARP), with emphasis on development and achieving interoperability with NATO forces. Therefore, the cooperation is currently focused on designing and implementing activities in line with the agreed objectives of the partnership.

These objectives encompass a wide range of activities including defence preparations, keeping the public informed, managing human rights resources, defence against cyber attacks, medical support, gender equality issues, special operations units, training for air operations, etc.

magazine, No. 174, 15 December 2012.

213 Ratko Femić: 'Briselski sporazum – korak prema NATO?', *Novi magazin*, No.104/105, 25 April 2013.

Experts from the NATO headquarters and from NATO and PfP member states have organized numerous meetings to help the vs to achieve these objectives. A special team arrives from Brussels once every three months to evaluate the progress of the reforms. Additional support is provided by all military attaches from NATO member states accredited in Serbia.

The vs participates in the Operational Capabilities Concept Evaluation and Feedback OCC E&F programme which includes a three-year evaluation programme implemented by a multinational team. The programme involves nearly 400 Serbian infantry, military police and medical corps members. By 2014, all of them are expected to receive NATO certificates declaring them fit to take part in operations abroad. The PARP was an initial step in the process of expanding and deepening military cooperation with Serbia. In April 2011 the North-Atlantic Council granted Serbia's application for an Individual Partnership Action Plan (IPAP) with NATO. A procedure for approving the plan by all 28 NATO member states is under way. When the plan enters into force, it will provide a general framework for cooperation between Serbia and NATO in new areas such as foreign and security policies, human and minority rights, anti-terrorism, fight against corruption, etc.

As part of the preparations for the IPAP, NATO's Ambassador for integrity-building projects, Jan Lucas Van Horn, visited Belgrade a few weeks ago for meetings with senior officials from the parliament, Ministry of Defence and General Staff responsible for the fight against corruption.

Deputy Legal Adviser Eddie Grunen and representatives of the ministries for internal affairs, foreign affairs, defence and justice recently discussed a Status of Forces Agreement (SOFA), a very important document which clarifies matters of jurisdiction over forces serving in another country. These are among the latest examples of cooperation in various fields. The reforms of the defence and security sectors are the main elements of the cooperation between Serbia and NATO. The Serbia-NATO Defence Reform Group extends support to the Serbian authorities in reforming and modernizing Serbia's armed forces and developing liaison with NATO through the PfP, as well as advice on military aspects of the reform of the security sector.



The Serbian reforms are supported by a series of training courses and exercises aimed at building up a modern, economically viable and democratically controlled defence structure.

NATO as a whole as well as its members individually possess a substantial expert base which can help Serbia to reform its defence and security sectors. The Defence Reform Group has intensified its activities since 2010 and meetings are taking place regularly. All the planned assistance projects for 2011–2011 have been carried out successfully, on time and with support from partner states including Norway, the Czech Republic, Canada and other NATO members. A five-year project managed by Norway and worth €9.6 million is especially noteworthy. Thanks to the project, 6,000 people laid off in the Serbian defence sector have been able to start small businesses. As part of the NATO Science for Peace and Security programme, Serbia has received grants for a number of cooperation projects including seismic risk reduction studies and anti-terrorism workshops. NATO will additionally reinforce its scientific cooperation with Serbia, with new security issues in the region and ecology initiatives being the likely key areas of development.

Serbia and NATO are expected to sign in mid-2013 an IPAP, which is considered an excellent framework for cooperation within the PfP programme. A draft IPAP is said to have been approved by all the relevant ministries already in the spring of 2013.

An IPAP can help Serbia to standardize its forces, participate in joint missions and use the advantages of joint exercises. An IPAP is at present the highest level of cooperation within the PfP programme which does not imply membership of NATO. The next stage would be a Membership Action Plan, which is regarded as a NATO ante-chamber. However, an IPAP also offers a wealth of opportunities for cooperation. Considering that the Law on the use of the Serbian Armed Forces and other defence forces in multinational operations outside the borders of the Republic of Serbia does not limit participation in UN-mandated missions, it may be expected that the vs will take part in a future NATO mission. It is indicative that there is

hardly any mention of the signing of an IPAP. The weekly *Novi Magazin* is one of the very few media outlets systematically monitoring the topic.<sup>214</sup>

Regarding the references to an early signing of an IPAP, Jelena Milić, the Director of the Centre for Euro-Atlantic Studies in Belgrade, brought up the problem of the self-isolation of the vs in regional cooperation arrangements especially over the participation of the Kosovo Security Force. 'Serbia should not continue to isolate itself and to refuse to participate in regional emergency response exercises involving the participation of Kosovo forces, when that comes on to the agenda,' she said.<sup>215</sup>

## **Serbia and the Collective Security Treaty Organization**

During Prime Minister Ivica Dačić's visit to Moscow on 10–11 April 2013, Serbia was granted observer status at the Parliamentary Assembly of the Collective Security Treaty Organization (CSTO). The SCTO Secretary General, Nikolai Bordyuzha, said on the occasion that it was still too early for talking about Serbia's full membership of the Russian military alliance. He explained that Serbia had not been granted observer status 'in the organization itself' but 'only within the framework of activities of its legislative bodies'. Observer status in the SCTO itself factually implies participation of an observer country in the activities of the organization, 'but for Serbia there is going to be no such status,' Bordyuzha said.

## **The security and defence cooperation of Serbia and Russia**

True to the promise he gave at the beginning of his term of office, Minister of Defence Aleksandar Vučić during his visit to the Russian Federation in May 2013 agreed to raising the level of military cooperation between the two countries. Vučić and his Russian opposite number,

214 Ratko Femić: 'Briselski sporazum – korak prema NATO?', *Novi magazin*, No.104/105, 25 April 2013.

215 Ibid.

Sergei Shoigu, prepared a defence cooperation agreement which should be signed during Shoigu's visit to Belgrade early in October 2013. They discussed purchases of combat systems, cooperation of defence industries in realizing joint projects and appearance on third markets. Interestingly enough, the two ministers also discussed the Regional Centre in Niš, ostensibly a Russian-Serbian humanitarian centre for emergency situations response. In Serbia, the centre is the responsibility of the Ministry of the Interior and in Russia of a special ministry; in either case it not under a defence ministry.

On his return from Russia, Vučić announced that Serbia would buy from Russia six combat aircraft and a missile system without recourse to the public procurement procedure, something the law unfortunately allows but is uncommon. Repayments will be made through a commodity credit to be approved by the Russian side.<sup>216</sup>

A portion of the Serbian Armed Forces personnel belongs to the 'Russian school'; retired members of that generation are very active in various think tanks and other organizations with which the Ministry of Defence liaises closely. This, however, is not the case regarding cooperation with civil society organizations with no such background.

Generally speaking, the X Factor Russia, including the so-called International Humanitarian Centre in Niš and the degree of Russia's influence on political developments in Serbia, is far from having been dealt with analytically and systematically to the necessary extent, including with regard to the viability of a possible agreement with Pristina.<sup>217</sup>

216 'Vučić: Ruski lovci MIG 29 biće plaćeni robnim kreditom', *Tanjug*, 23 May 2013.

Marko R. Petrović: 'Vojska Srbije kupuje šest novih aviona mig 29', *Blic*, 24 April 2013.

217 Report 'X Faktor Srbija', CEAS, April 2013. [http://ceas-serbia.org/root/images/CEAS\\_IZVE%C5%A0TAJ\\_-\\_X\\_FAKTOR\\_SRBIIJA.pdf](http://ceas-serbia.org/root/images/CEAS_IZVE%C5%A0TAJ_-_X_FAKTOR_SRBIIJA.pdf).

## Serbia in international armaments and military equipment markets

Compared with the previous three or four years, 2012 was nowhere near as successful from the point of view of exports of products of the domestic military, i.e. special purposes or defence industry.

Referring to the possibility of Serbia's integration into the European Defence Agency, Defence Minister Šutanovac said in March 2012, 'These days we are looking forward to a letter from Catherine Ashton, the High Representative of the Union for Foreign Affairs and Security Policy, and we are going to reply to it positively. We expect that, with the assistance of the Military-Technical Institute, our military industry will begin to produce more up-to-date hardware than ever before which could find buyers outside the borders of our country. Last year we earned a record \$250 million from exports; however, we expect to further increase the business because we will be branching out to new markets as from this spring or summer. I wish to recall that in the last four years we have increased our exports of armaments and military equipment several times over and that, bearing in mind the numbers of the workforce, we have become a power when it comes to exports of military equipment and armaments. Armaments production contracts concluded in four years are worth \$1.5 billion. We are selling aircraft, guns and ammunition to the Americans, Afghans, Iraqis...'<sup>218</sup>

The Utva factory in Pančevo turned out a new military aircraft under an 'original' name, Kobac [hawk]. On this occasion, the Belgrade daily *Blic* wrote: 'The Serbian defence industry has enriched itself with yet another type of aircraft. After presenting the Lasta [swallow], the Utva factory in Pančevo yesterday unveiled the Kobac, an airplane intended for combat training and anti-terrorist operations. The aircraft is expected to become airborne early next year. Minister Šutanovac says that it will be the best product of the Serbian industry...' *Blic* writes that 'Utva is the only factory in South East Europe making military aircraft from start to finish...'<sup>219</sup>

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218 M. Milivojević: 'Vojska prva ulazi u EU', *Narodne novine* (Niš), 28 March 2012.

219 A. Savić: 'Kobac novi avion', *Blic*, 3 April 2012.

Tanjug news agency reported that the Krušik factory in Valjevo had presented to Minister Šutanovac a new anti-armour missile system called Bumar which, it is said, will 'find itself among the armaments of our army' as early as mid-summer 2012.<sup>220</sup> It was also said that the system would be exported at €35,000 and that a French product of the same kind sells in the international arms market for €90,000.

Aleksandar Vučić continued with praises in almost the same style and at the same tempo: 'We will do everything to sell throughout the world what we produce in the seven factories of the special purposes industry and to find more work for our people, to keep the factories going, by providing more money for investments. So far only 5 per cent of the budget of the Ministry of Defence has been earmarked for investment. This percentage must be increased without in the least compromising the material obligations towards the employees or with regard to procurement of material-technical resources.'<sup>221</sup> However, military analyst Aleksandar Radić predicted that the domestic 'defence industry will develop according as how much is invested in it.'<sup>222</sup>

## **New unsolved deaths of members of the Serbian Armed Forces**

In 2012, accidents in the Serbian Armed Forces (vs) followed one another in three summer months: one in June, another in August, and yet another in September. Accidents in the vs (in common with those in other segments of society) are relativized and played down to a maximum degree, especially accidents with fatal outcomes.

On the eve of an air show, the military magazine *Odbrana* carried an interview with the Commander of the Air Force and Air Defence (Vipvo), Major General Ranko Živak.<sup>223</sup> Živak said, 'Symbolically, the year which

220 Tanjug news agency, 27 April 2012.

221 Biljana Mijić: 'Naoružanje i oprema prioriteti', *Odbrana* magazine, No. 166, 15 August 2012.

222 A. Savić: 'Kobac novi avion', *Blic*, 3 April 2012.

223 Radenko Mutavdžić: 'Spektakl dostojan jubileja', *Odbrana*

marks the centenary of Serbian military aviation is also a new beginning. Our domestic new aircraft for initial training, Lasta, is being introduced into the armaments of the VpVO in the course of 2012, with the air show providing an opportunity to introduce it to the widest public in the air and at the exhibition.'

On 26 September, Major Goran Savić flew a V-54 Lasta in the company of Lieutenant Colonel Tomislav Bećagović. While overflying Nova Pazova, the aircraft broke down. Lieutenant Colonel Bećagović bailed out and survived in spite of suffering serious injuries while Major Savić was not as lucky: in order to prevent the plane from crashing into a densely populated part of the town, he succeeded in directing it into a garden at the cost of his own life.

Sergeant Major 1st Class Nebojša Milić and Sergeant Major Slaviša Marković lost their lives on Mount Kopaonik shortly after 10 a.m. on 1 August 2012.<sup>224</sup>The new Minister of Defence, Aleksandar Vučić, appeared at the scene shortly in the company of Chief of General Staff Ljubiša Diković and a retinue of generals and colonels. Cluster bombs regularly take their toll in Serbia, for which the director of the Mine Clearing Centre, Petar Mihailović, might be held responsible, among others. Furthermore, one may well ask why Serbia is not a signatory of the Convention on Cluster Munitions.

On 18 June 2012, two cadets of the Military Academy, Milena Miletić and Filip Milivojević, lost their lives in a most bizarre incident during a routine tactical exercise called *Diplomac 2012*. A statement appeared on the website of the Ministry of Defence only after two months, stating, 'Following the tragic deaths of the cadets of the Military Academy at the Pasuljanske livade inter-arm military exercise ground, the Head of the Military Academy, acting in accordance with the Law on the Serbian Armed Forces and the Rules on Military Discipline, has instituted an ex-officio disciplinary inquest against six persons (two colonels, two majors and

magazine, No. 167, 1 September 2012.

224 K.Ž. and agencies: 'Poginula dvojica podoficira VS', *Danas*, 2 August 2012; editorial text 'Danak opasnoj profesiji', *Obrana* magazine, No. 166, 15. August 2012; M.

Galović: 'Komisija ispituje uzroke pogibije pirotehničara', *Politika*, 3 August 2012.

two lieutenants) with a view to establishing the responsibility...'<sup>225</sup>At the funeral of Filip Mladenović, his father turned towards the Chief of General Staff, General Diković, who was heading a military delegation and observed bitterly: 'My impression is that the army has no (metal) detectors, something even scrap-iron thieves have. Therefore, the generals had best put their uniforms away and leave them on hangers!' 'He then called on his friends and family members to chip in towards a metal detector' and present it to the army 'to prevent similar tragedies from taking place.'<sup>226</sup>

### From the 'General Ljubiša Diković' file

Early in 2012, the Humanitarian Law Centre accused General Ljubiša Diković, the incumbent Chief of Staff of the Serbian Armed Forces, 'by virtue of command responsibility'<sup>227</sup> of being responsible for serious war crimes committed in Kosovo in 1999 by members of the unit under his command; indirect moral responsibility also attaches to then Minister of Defence Dragan Šutanovac and then President of the state and Supreme Commander of the Serbian Armed Forces (vs) Boris Tadić, who appointed General Diković as Chief of General Staff of the vs.

'The evidence which forms the basis for the judgment of the International Criminal Tribunal for the Former Yugoslavia (ICTY) in Milutinović et al, the surviving victims from Drenica who gave evidence before the ICTY or made statements to the Humanitarian Law Centre, as well as the documents filed in the ICTY's public Database, point to numerous serious and massive war crimes committed against Albanian civilians in the zone of responsibility of the commander of the 37th Motorized Brigade of the Armed Forces of the FRY (VI), the newly-appointed Chief of General Staff of the Serbian Armed Forces, Lieutenant General Ljubiša Diković.

225 Ministry of Defence website, 14 August 2012.

226 D.S.V: 'Sahranjeni kadet Vojske Srbije', *Politika*, 22 June 2012.

227 Nataša Kandić: 'Provera demokratije prema vojnom uputstvu', *Danas*, 11–12 February 2012; The 'Ljubiša Diković File', published by the Humanitarian Law Centre on 23 January 2012 has raised the matter of war crimes again.

During the NATO bombing, war crimes committed by members of the VJ and the MUP [Ministry of the Interior] occurred repeatedly. Although it was his duty to prevent the commission of war crimes, the commander of the 37th Motorized Brigade did not do that. The members and commanding officers of the units that took part in the commission of war crimes in Ćirez, Staro Čikatovo, Baks, Vrbovac and Glogovac, where at least 200 civilians were murdered within four weeks, remain unprocessed to this day. The Humanitarian Law Centre considers that an officer like Ljubiša Diković is not fit to be Chief of General Staff of the Armed Forces of the Republic of Serbia.<sup>228</sup>

'As from May 1998, in the 37th Motorized Brigade under Diković's command, several Military Security officers including lieutenant colonels Slobodan Stošić and Miodrag Đorđević, instructed and trained groups of murderers, criminals and even scores of convicted murderers from the Sremska Mitrovica prison. In July 1998, they began transferring them to Kosovo as volunteers and members of the VJ. On requests from military services and police secret services, many of the convicted murderers had the remainder of their prison sentences suspended and were freed by Serbian courts. Colonel Stošić supplied them with uniforms, the most lethal weapons, chemical and other means for silent liquidations and badges of members of Military Security...'<sup>229</sup>

In an interview with Radio Slobodna Evropa, Nataša Kandić said, 'As regards the 37th Motorized Brigade, we monitored its movements very closely on the basis of evidence given by a large number of witnesses, particularly before the International Criminal Tribunal for the Former Yugoslavia. Also, the testimony of Diković himself, as witness for the defence before the Hague tribunal, is rather clear. Although he claimed at first that his brigade stayed in the area of Izbica, he admitted after being confronted with individual items of evidence that his units did actually enter the village of Izbica. He also said that they had contacts with civilians and suspended operations in order to evacuate civilians. At some point during the

228 Bojan Tončić: 'FHP optužuje Ljubišu Dikovića (1)' – 'Načelnik Generalštaba – heroj ili zlikovac', e-novine, 25 January 2012.

229 Ibid.



examination, when asked a question by the prosecution, witness Diković shot back very nervously: “Are you accusing me of war crimes?”<sup>230</sup>

Retired Lieutenant Colonel Lakić Đorović, who was a military prosecutor at the time of the commission of the crimes in Kosovo attributed to Ljubiša Diković, among others, gave an interview to journalist Tamara Nikčević. She published the interview in the Sarajevo weekly *BH Dani*. ‘The military career of General Ljubiša Diković is very problematic. As a former military prosecutor, I insist that the incumbent Chief of General Staff of the vs, who was from 1993 on duty in the Užice Corps and later in the 6th Infantry Brigade which controlled two border crossings with BiH, is in some way jointly responsible for the arrests of Muslims who were running away from the Army of Republika Srpska in 1994 and trying to find refuge in Serbia,’ he said.<sup>231</sup> Question: ‘What do you know about the role of General Diković during the intervention of the NATO forces in 1999?’ Answer: ‘I know a lot. To begin with, there was a plan called Grom 98, signed by the then Chief of General Staff of the vj, Momčilo Perišić, in which there were orders to the army, subject to prior approval from the state leadership and the President of the Republic himself, to go into action in June 1998 for the purpose of restoring order and mopping-up the territory of Kosovo, especially the area of Drenica.

The plan envisaged the engagement, in the first operations of restoring order, of the 37th Motorized Brigade from Raška led by Diković...’<sup>232</sup> Đorović said that combat groups consisting of ‘between 150 and 200’ criminals of various kinds had been released from prison long before that. They gained considerable experience in committing heinous crimes in Bosnia and Herzegovina and Croatia and finally found themselves under the command of the 37th Motorized Brigade, i.e. under the command of Ljubiša Diković, for the purpose of ‘combat action’ in Kosovo, he said. Because they were directly trained by colonel Miodrag Đorđević and Lieutenant Colonel Slobodan Stošić, who were in turn directly subordinated

230 Branka Trivić: ‘Kandić: Kod nas generali ne odgovaraju’, Nataše Kandić’s interview with Radio Slobodna Evropa, 2 February 2012.

231 See footnote 21.

232 Ibid.

to Diković, Đorović concluded that 'Diković's command responsibility is indisputable'.

In the interview, Đorović spoke about the role of Diković in The Hague as witness for the defence in Milutinović, Šainović et al. Paragraph 644 of the judgment in that 'case' states, inter alia: 'Diković conceded that, despite all the measures he took, some of his soldiers committed crimes in the first half of April.

Priština Corps records show that from 10 to 15 April a number of individuals from Diković's unit participated in the killings of Kosovo Albanian men in the area of Gornja Klina/Klina e Epërme, and then disposed of the corpses by throwing them into wells.<sup>233</sup>

### **Diković's state and media defence built on sand**

The publication of the 'Diković File' provoked a public outcry throughout Serbia – to be sure, with appropriate support from the media. The target of the media campaign were the Humanitarian Law Centre and its Director Nataša Kandić.

Minister Dragan Šutanovac not only denied the allegations set out in the 'File' but also called them 'absolute untruths' and 'monstrous lies'.<sup>234</sup> Kandić replied as follows: 'I consider that rash and very thoughtless on the part of Minister Šutanovac. None of our statements, none of our reports has even been described by anybody, not even in Milošević's time, as a false document. This is the first time in the past twenty years that I have heard someone say that a report by the Humanitarian Law Centre is false. Šutanovac's reaction is misplaced because we append the source to every citation'.<sup>235</sup>

At the end of January 2012, *Blic* suggested that Nataša Kandić ought to be sentenced. If she is not, the author of the commentary, Ranko Pivljanin,

233 Ibid.

234 N. Tomić: 'Diković podnosi tužbu po svih sedam tačaka "dosijea" FHP', *Danas*, 26 January 2012; Branka Trivić: 'Kandić: Kod nas generali ne odgovaraju', *Radio Slobodna Evropa*, 30 January 2012.

235 Ibid.

argued, that would mean that she is right, and that would be a 'path towards the destabilization of the state'. 'Either the leadership of this state which appointed him made a mistake – we doubt that something like that could have been done, even in Serbia, without proper checks of Diković's files and misdeeds, if any – or the 'centres' somehow missed the mark along the way. The matter will most probably have to be resolved by a court decision because a lawsuit has been announced against Nataša Kandić: and on a court decision will depend the honour of the Army and state as well as the credibility of Kandić's "tribunal". Or, in reality show parlance, there can only be one winner!'

The Office of the War Crimes Prosecutor of the Republic of Serbia, i.e. its spokesman Bruno Vekarić, said this in an interview with Radio Slobodna Evropa: 'The Office of the War Crimes Prosecutor of the Republic of Serbia has carried out checks of the allegations of the Humanitarian Law Centre by examining all the war crimes cases cited by the Centre in the "Ljubiša Diković File" and established that there are no grounds whatever for criminal responsibility for war crimes on the part of the Chief of General Staff of the Serbian Armed Forces, General Diković. During the course of the pre-trial proceedings in respects of the events at the locations indicated in the Centre's file, we examined 120 witnesses including 10 Kosovo Albanians; in none of their statements is General Diković mentioned as a man who did anything wrong out there; on the contrary, he is only mentioned as a man who saved, that is, helped three or four Roma children who happened to be in the wrong place at that terrible time...'<sup>236</sup>

General Diković gave interviews to the magazine *Odbrana* on 1 February, the weekly *Vreme* on 2 February and the daily *Politika* on 16 April 2012. The last interview, to *Večernje novosti*, was given a year later, on 15 February 2013. His key argument was: 'There has been much talk these days about the allegations of the Humanitarian Law Centre set forth in the so-called file on Ljubiša Diković. A whole lot of untruths were written, which I think is a blow aimed at the Serbian Armed Forces as a stable and reputable institution and a blow at the office of the Chief of General

236 Branka Trivić: 'Slučaj Diković – general za primer ili za sud', Radio Slobodna Evropa, 25 January 2012.

Staff...<sup>237</sup>Nataša Kandić and her associates were not at all aware of the power they possess, otherwise they would not have been able to aim a blow at a respectable army such as Serbia and at its able, honourable and respectable chief in the person of Ljubiša Diković.'

Although General Diković filed a lawsuit for libel with the First Basic Court in Belgrade against Nataša Kandić as early as the end of March 2012, the court sat on it until mid-February 2013 and then discontinued the proceedings. The Belgrade press wrote that the proceedings had been discontinued 'due to amendments to the Serbian Criminal Code and the decriminalization of the criminal offence alleged against Kandić by the General.'<sup>238</sup>

Nataša Kandić said she was sorry that the proceedings had been discontinued without actually having started. 'I personally think it's a great pity that the Humanitarian Law Centre and I personally should have missed an opportunity to bring before the court all the relevant evidence we have gathered and disclosed in the 'Diković' file,' she said.<sup>239</sup>It was at about the time the proceedings were discontinued that the Chief of General Staff of the vs gave his interview to *Večernje novosti*. There was not a single reference to the discontinued proceedings either in the questions or in the answers.

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237 Radenko Mutavdžić: 'Čast kao jemstvo', *Obrana* magazine, No. 153, 1 February 2012.

238 M.D.Milikić: 'Obustavljeno suđenje general Diković protiv Nataše Kandić', *Danas*, 20 February 2013.

239 Ibid.

## Conclusions

The practical moves of the Serbian government show no intention to reform the security sector but rather to place it further under party control. One also notices the absence of intentions to set up permanent institutions and mechanisms to fight corruption. On the contrary, the fight against corruption is used, above all through media controlled by portions or whole security services, for political showdowns and elimination of business competition. The security sector which remains unreformed, chiefly because of the unfinished and legally uncoordinated system of democratic control and discredited personnel, a sector itself affected by corruption, will not be equal to the ambitious tasks allegedly set before it. The same goes for the judiciary.

The international community should obtain a more objective picture of developments in Serbia, above all about the chaotic and dangerous state of affairs in the security system. This is all the more important because the viability of agreements between Kosovo and Serbia is vital for the normalization of their relations. Many more and different things need to be done because the current approach not only does not guarantee viability but is dealing serious blows to the achieved level of democratic procedure and practice in Serbia.

The new government has manifested no intention to seriously address the circumstances making it possible for Ratko Mladić and Radovan Karadžić to hide successfully for many years. There are a good many indications that they were assisted by portions of the security system, among others, in particular the Serbian Armed Forces. Unfortunately, the international community itself no longer pays any official attention to this issue.

The Humanitarian Law Centre has been warning against a noticeable trend of decreasing numbers of trials of war crimes before domestic courts in Serbia.<sup>240</sup> Unfortunately, the number of crimes committed by the security forces of the state of Serbia and its predecessors is in sharp disproportion to the number of finally sentenced persons for war crimes.

240 Marija Ristić: 'Mali broj suđenja za ratne zločine u Srbiji', *Balkan Insight*, 18 January 2013.

Objective complaints of politicization of the work of the Serbian Office of the War Crimes Prosecutor are growing in number and are increasingly better argued.

The case of the US citizens brothers Bytyqi, who were killed in Serbia in 1999, as well as the recent decision by the Appellate Court to uphold an earlier decision acquitting police officers Sreten Popović and Miloš Stojanović of the charges of aiding in their killing in the village of Petrovo Selo, illustrate the bad practice of the Prosecutor's Office.<sup>241</sup>

Transitional justice mechanisms and especially the obligation to cooperate with the Hague tribunal were the only available mechanisms, other than retirement, for personnel changes in the security system. Consistent implementation of transitional justice and, above all, trials of war crimes before domestic courts and the Hague tribunal are the best and sometimes the only mechanism for creating substantial conditions for reforming the security system. An unreformed and crime-ridden security system is often the main obstacle to stabilization and democratization in post-conflict countries.

241 The 'BYTYQI (Sreten Popović i Miloš Stojanović)' case, Humanitarian Law Centre, <http://www.hlc-rdc.org/Transkripti/bitici.html>.Un



## **IV – SERBIA'S ASSEMBLY**





## Extreme Multipartism

Serbia's parliament resembles the Titanic: it is too large, tardy, hard to maneuver and avoids icebergs with more and more difficulty. This is how Neven Cveticanin, fellow at the Institute of Social Sciences and MP from Social Democratic Party, described the parliament in the article penned for the *Vreme* weekly.<sup>242</sup> He might have exaggerated a bit but has vividly described this institution.

Bearing in mind such a description of the highest legislative body, no wonder that citizens' trust in the parliament has been so low ever since October 2000 – ranging from 15 to just 2 percent, according to some public opinion polls.

“When it comes to ratings, the parliament has been lagging far behind the President of the Republic and the government, let alone the army and the church, even individual politicians,” wrote Cveticanin.<sup>243</sup>

Despite some progress made in the past couple of years (MPs behave more decently, elections are fair and results no more rigged), Serbia's parliamentarism develops slowly and incompletely when compared with developed democracies.

In Serbia, where no one pays heed to institutions, democracy is actually in embryo. As long as Serbia remains a partocracy – which it is – the parliament will be nothing but a voting machine under the baton of party headquarters rather than a mouthpiece of those having voted for MPs to stand for them.

The new parliament was constituted on May 31, 2012. What marked its very first session (July 23) were quarrels and insults between the ruling coalition and the opposition. Later on the atmosphere became more or less peaceful as the ruling majority – Serb Progressive Party, the SPS-PUPS-JS coalition and United Regions of Serbia – turned out to be stable while the opposition (DS, LDP and DSS) anemic, disoriented and at odds.

<sup>242</sup> *Vreme*, February 21, 2013.

<sup>243</sup> *Ibid.*

The newly composed parliament showed that extreme multipartism, as some analysts put it, adds confusion to Serbia's anyway confused political scene. Forty-five political parties are represented in the parliament – which is more than in India with 150 times bigger population.<sup>244</sup> The previous parliament was composed of 22 parties and the one constituted in 2004 of only 17. When one adds various groups, associations and trade unions to present-day parliamentary parties the number of “representatives” multiplies at 123.<sup>245</sup>

“Dwarfish parties were foxy clever to join pre-election coalitions and thus skip over the 5-percent threshold and find their way to the parliament. This is how the parliament became a meeting place of numbers of parties that, once in, separated from their original coalitions unpredictably, often not by ideological and political criteria. And this only fueled the uncertainties of political life,” says Vladimir Goati of “Transparency Serbia.”<sup>246</sup>

Speaking of the number of MPs, analysts believe the parliament would be more efficient and representative with 150 MP seats (instead of 250). Some think it could function well with only 100 MPs considering their loyalty to party headquarters rather than citizens who voted them in. A smaller parliament would be not only more efficient but also more rational saving Serbia's budget some 3 million Euros, some say.<sup>247</sup>

“Magnification” of the political scene would solve the problem. In December 2011 Serb Progressive Party (opposition party at the time) proposed that the number of MP seats should be reduced to 125, backing its initiative with the petition signed by 280,000 citizens. In mid-March the parliamentary Committee for Constitutional Matters placed the initiative on its agenda – but that was all.<sup>248</sup> In the meantime SNS argued that amendment of the Constitution was much too complicated given that

244 Politika, July 23, 2012.

245 Novi Magazin, June 21, 2012.

246 Blic, June 25, 2012.

247 Blic, January 17, 2012.

248 <http://www.kurir-info.rs/vesti/politika/tomislav-Nikolic-smanjiti-broj-poslanika-80266.php>.

two-thirds of MPs had to vote for it. Besides, the Constitution will not be amended just for the sake of the number of MPs – if amended at all that would be for other issues necessitating a political consensus.<sup>249</sup>

## Legislative activity

Serbia has set itself a goal – to adjust its entire legislation to European by the end of 2012. The previous parliament had worked busily indeed and rather contributed to the said adjustment (with the exception of regulations adopted off-handedly that were impossible to implement). As such the previous parliament was among the most efficient institutions.

On the account of numbers of numbers of laws passed (more than one thousand in three years and a half) ex-speaker Slavica Đukić Dejanović proclaimed Serbia “a champion of Euro-integration.”

However, the parliament slackened its pace when parliamentary elections were called in mid-March. Tens of drafts on its agenda were “frozen:” in the period between calling and holding elections the parliament, by an unwritten rule, deals with administrative issues, except in the event of a state of emergency.

In the past seven months – from May 31 till December 29, 2012 – the present parliament adopted more than 70 laws and about 40 bylaws and regulations.<sup>250</sup> And yet, EC Serbia Report of October 2012 notes “a slowed-down legislative activity” and no progress made in the establishment of a functional market economy.<sup>251</sup>

The present parliament was not immune to the practice of passing laws offhandedly – the laws that uncritically copy-paste other countries’ solutions and are, therefore, either impossible to implement or the enforcement of which has had to be postponed several times.

According to Momčilo Grubač, law professor at the Union University, some of the adopted laws were of extremely poor quality, even fit for

249 Politika, April 1, 2013.

250 Večernje Novosti, December 29, 2012.

251 <http://www.europa.rs/mediji/najnovije-vesti/1674/>

[Klju%C4%8Dni+delovi+Izve%C5%A1taja+o+napretku+za+Srbiju.html](http://www.europa.rs/mediji/najnovije-vesti/1674/Klju%C4%8Dni+delovi+Izve%C5%A1taja+o+napretku+za+Srbiju.html).

nothing and in collision with human rights.<sup>252</sup> This is what ministries and the parliament are fully aware of, he says, but share the same, unquestionable political goal: to pass as many laws as possible.

Dr. Vesna Rakić Vodinelić, law professor at the same university, who has alarmed previous legislators of the problem, takes that Serbia's laws are often products of casualness and laxity. "The parliament is on the verge of abusing its right to pass laws under summary procedure. In saying this I bear in mind the fact that some laws (to be adjusted to EU law) under summary procedure although some of instruments they introduce are either novelty over here or we are hardly familiar with them," she says.<sup>253</sup> MPs can hardly influence on the contents of the laws they have to give their vote to – for the parliament simply adopts the government's drafts, show the findings of the survey "How MPs Pass Laws?" conducted by the Open Parliament.<sup>254</sup>

As many as 37 percent of laws are passed under summary procedure. At the time of the previous parliament – that has passed 807 laws and 217 bylaws, and discussed 22,251 amendments – MPs had less than four hours to discuss one act and give it their vote.

The findings of a survey conducted by the Group for Development Initiative indicate an extremely partisan cohesion in the vote. Only in three cases MPs from one party have voted differently than the majority of their party colleagues – or six MPs have voted against the predominant view (2 from SRS, 1 from LDP and 3 from SPS).

"Legislators, MPs, are not exactly countering such a role of the legislative branch – for, they are either overburdened with tons of drafts, inadequately capacitated or get no professional support," concludes the above-mentioned survey.<sup>255</sup>

252 <http://www.blic.rs/Vesti/Tema-Dana/310289/Naši-zakonodavci-su-losi-prepisivaci>.

253 <http://www.blic.rs/Vesti/Tema-Dana/310289/Naši-zakonodavci-su-losi-prepisivaci>.

254 *Danas*, November 21, 2012.

255 *Ibid.*

## Deposal of the Central Bank Governor

Having launched the procedure for deposal of the Central Bank Governor shortly after constitution, the new parliament began undermining the institution's independence, laying bare, at the same time, that the pompously announced departisation would come to nothing. Not even the warning of Deputy Head of EU Delegation Adrian Martins that the draft law on the amendment of the law on the Central Bank "gives cause for deep concern as some provisions could undermine the principles of the Central Bank's independence" had prevented the ruling coalition from adopting the amendment in early August 2012.<sup>256</sup>

Dejan Šoškić – independent expert and university professor elected the Governor on July 28, 2010 – foreran the deposal by submitting his resignation of the very day the parliament discussed the amendments. In his letter of resignation he said he wished to forestall political coercion in the matter of the head of an independent institution such as the Central Bank of Serbia as the only reason for passing a bad law that may have adverse consequences on the country's financial stability and credibility.

The law was adopted regardless of all of its questionable provisions. Among other things, the law provides that the parliament shall elect and depose Central Bank officials, including the Governor, as well as that the Governor, vice-governors, directors of the newly established department of supervision and members of Central Bank's council shall be elected within 90 days from the day the law is enacted.

Promoters of the draft (105 MPs from the ruling coalition) argued that the amendments were meant to strengthen the parliament's control over the Central Bank and entitle the parliament to elect all officials, as well as to establish the Department of Supervision of Financial Institutions.

Only four days after the law's adoption (August 6, 2012), the parliament elected Jorgovanka Tabaković the Central Bank Governor. Ms. Tabaković, vice-president of the ruling SNS, has been frequently mentioned in the context of the office ever since the establishment of the new regime. Once elected, she promptly announced that her office in the party would

<sup>256</sup> Blic, August 2, 2012.

be “frozen.” His announcement, however, did not remove all doubts over the future hookup between the Central Bank and the ruling party.

However, having to amend the already amended law the new regime practically admitted that the law had been passed for political reasons in the first place. Under the pressure from EU, the parliament had to amend the law on the Central Bank twice in three months. It usually explained these changes by “adjustment to the EU regulations and securing continuity of the Central Bank’s functioning.”<sup>257</sup>

The new parliament also deposed President of the Supreme Cassation Court Nata Mesarović. It was Minister of Justice Nikola Selaković who initiated her deposal on the ground of the Constitutional Court’s decision that her election had been unconstitutional. And it was SNS that initiated re-consideration of constitutionality before the Court.

The Court’s decision triggered off the procedure for deposal of Ms. Mesarević, the judge known for pronouncing a brave and well-argued verdict to Zoran Đinđić’s assassins, but later on also by allegations of involvement in the failed judiciary reform and enormous payments she collected having taken several offices.

Her deposal was voted in by 138 MPs of the ruling coalition, while 45 MPs coming from DS, LDP, LSV and SVM voted against. The opposition labeled her deposal “a legal violence,”<sup>258</sup> whereas proposers argued this had nothing to do with revanchism but with respect for the Constitutional Court’s opinion.

The story headlined “Political Use of Noddors” published in the Vreme weekly probably best illustrates the manner in which the present parliaments, as well as its predecessor, behave in situations like this one: “Nata Mesarević was deposed with the same arrogance and by the same loopholes she had been appointed by the former parliament and the Ministry of Justice. Witnessing one unconstitutional act replaced by a political unlawfulness is hardly a comfort.”<sup>259</sup>

257 Večernje Novosti, October 4, 2012.

258 Blic, February 15, 2013.

259 Vreme, February 28, 2013.

## Kosovo – multiplication of resolutions

The Resolution on Kosovo (eleventh in the past ten years), adopted in mid-January 2013, was the one with a turbulent history that laid bare different perceptions of the Kosovo issue, between the President of the Republic and the Premier in the first place. Kosovo talks, raised on the highest political level, had been constantly pictured in dramatic terms (that never touched on actual problems), while Premier Dačić and Vice-Premier Vučić had argued without respite that they would readily accept certain concessions for the sake of obtaining a fixed date for the beginning of accession negotiations with EU.

The former government's mantra "Both Kosovo and EU" resulting in to many failures was not abandoned officially. And yet, the steps made and statements given by the new government prioritized EU over Kosovo promising to touch "the threshold" (which actually happened in the last round of negotiations on April 2) just to obtain the date in June 2013.

Suzana Grubješić, the vice-premier for European integration, said in early December 2012, "The policy of parallel rails – both Kosovo and EU – can hold on no more. These two parallel rails have melted into a single one. This means that Serbia's movement towards integration into EU completely and exclusively depends on the settlement of the Kosovo issue."<sup>260</sup>

The platform on Kosovo drafted in the Presidential Office in late 2012 considerably stirred up the political scene. It caused a clamor in the opposition and international community but also – true, a milder one – within the ruling coalition, especially SNS, among its fiercest hard-liners. Political analysts did not spare it as well.

Vladimir Gligorov of the Vienna Institute of International Economic Studies commented, "This platform questions the entire process of European integration. It seems to me that this is what Nikolić is after –and that's a serious risk. Acceptance of his proposal – adoption of a law on territorial arrangement of the so-called substantive autonomy – would

260 <http://www.novosti.rs/vesti/naslovna/aktuelno.289.html:409748-Suzana-Grubješić-Isprepletana-dva-koloseka>.



disturb Serbia's relations with EU and call into question continuation of the talks. And that would put an end to Serbia's movement towards EU."<sup>261</sup>

The opposition called the paper populist and unrealistic, warning against its paragraph on termination of the "technical" dialogue with Kosovo (Dragan Đilas, DS leader),<sup>262</sup> while the West especially argued against its phrase "nothing is agreed until agreed on" (taken over from the model of two Germanies) – a position leading to endlessly dragged out talks between Belgrade and Prishtina and their suspension. EU and Washington officials also criticized the paper's solutions for the Serb institutions in Kosovo.

The platform was also testing political power and influence of each of the three major players (Dačić, Vučić and Nikolić). Some said Nikolić's platform had been meant for "domestic use," rather than put forth as a basis for Belgrade-Prishtina talks. The Blic daily quoted sources close to the ruling coalition claiming that "More concerned with his own political standing than with the problems on the table, Nikolić tried to distance himself from the government that was negotiation concrete issues...Aware that the platform would be turned down, he wanted Dačić to be the only with the hot potato of negotiations with Kosovo."<sup>263</sup>

Citizens were informed about this "classified" document in dribs and drabs (although Nikolić had showed it to ambassadors of Russia, China, Great Britain and EU to start with). The top leadership waited until the last minute to decide whether or not to present it to the parliament.

At long last – after a meeting of all bigwigs (December 16, 2012) and a tête-à-tête between Dačić and Vučić – the document was tailored to the West: the annoying paragraph was blotted out and the platform was turned into a resolution that was hotly discussed in the parliament and then adopted. At DS request, the platform had been declassified.

261 <http://www.blic.rs/Vesti/Politika/360372/Vučić-je-mocniji-od-Dačića-i-popularniji-od-Nikolića>.

262 <http://www.pressonline.rs/info/politika/256061/Đilas-platforma-o-kosovu-populisticka-i-nerealna.html>.

263 <http://www.blic.rs/Vesti/Tema-Dana/359523/Vlada-ce-ignorirati-Nikolićevu-platformu>.

Speaking of the talks with Prishtina, Serbia is “ready to make further concessions but not at the detriment of state and national interests,” quotes the resolution – voted in by 175 MPs and against by only 19 (LDP, LSV, DSS and independent MP Riza Hallimi).<sup>264</sup>

Addressing the parliament Premier Dačić said that Serbia needed pragmatism (“No longer can we speak of Kosovo at the level of myths and fairytales”). This is why he would insist on the establishment of an autonomous community of Serb municipalities, he underlined. Although the resolution reiterates that Serbia will not recognize Kosovo, it offers, for the first time ever, a solution to the problem of parallelism and paralyzed institutions in Kosovo.

Extreme rightists of the “No to Borders” movement and of the nationalistic, non-parliamentary Serb Radical Party /SRS/ announced rallies in front of the parliament. The police banned both protests. Radicals did show up nevertheless and protested surrounded by police cordons.

## Budget

After many years the parliament made a point of adopting the budget in due time. December 15 was the deadline: the new parliament adopted it on December 1, 2012. The budget was passed with 138 votes of MPs from the ruling coalition; 19 MPs from the opposition were against it and 3 did not have a vote.

As usual, MPs from the ruling coalition and the opposition crossed swords over the budget meant to halve deficits. Mlađan Dinkić, the minister of finance, argued that the budget as this one was the foundation for the country’s economic stabilization, whereas the opposition called it unrealistic.

The 2013 budget stands for a U-turn in Serbia’s public finance policy, insisted Dinkić. For their part, MPs from DS, Mirko Cvetković (ex-premier) and Božidar Đelić told a press conference that the proposed budget did not entail unexpended balance. The government counts on a growing

264 <http://www.slobodnaevropa.org/content/skupstina-srbije-odlucuje-o-kosovskoj-rezoluciji/24822196.html>.

inflation, they said, living standards will fall and the burden of crisis will be thus on citizens' shoulders.<sup>265</sup>

The opposition called the adopted budget unsustainable and argued that citizens would have to shoulder the financial crisis. Labeling all the criticism unjustified, the ruling parties argued on the contrary: the budget is sustainable and all that matters now is to realize it.<sup>266</sup>

While MPs from DS were referring to the governmental 145-Euro-loan per second in the past months, Minister Dinkić was putting the blame on the former government.<sup>267</sup> By the way, Dinkić had been the minister of economy and regional development in the former cabinet until deposed in February 2011.

What also marked the parliamentary debate on the budget was piquancy: at one point the session had to be called off because of – Twitter. Namely, during the session Minister Dinkić placed on this social network a photo showing just a handful of DS MPs attending to the debate.

“Tweeting the budget” is not to put up with and Dinkić must apologize, said the Democrats. “As the parliament, or a part of it, seems to be insulted by my ‘tweet,’ let me tell you I have expected a packed house of critics during the debate on the budget. I only wished to share my amazement with others: seats of the once biggest party were practically empty.”<sup>268</sup>

## The season of turncoats and the code of ethics

MPs were changing parties and coalitions almost on daily basis when a new cabinet was about to be formed. The amended law on mandates passed by the previous parliament providing “mandate-ownership” of MPs instead of parties turned to be half-done.

265 <http://www.rts.rs/page/stories/sr/story/9/Politika/1216400/Tvitovanje+Bud%C5%BEeta,+prekinuta+sednica+++html>.

266 [http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=12&dd=01&nav\\_category=11&nav\\_id=665058](http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=12&dd=01&nav_category=11&nav_id=665058).

267 <http://www.politika.rs/rubrike/Politika/Poslanici-odbudzetu-izvinjenjima-i-odgovornosti.lt.html>.

268 RTS, November 23, 2012.

Marko Blagojević of CesID had warned against the amendment saying, “Before the election legislation was amended MPs used to have strong, ‘Siamese’ connection with their parties and that was all wrong and contrary to all democratic principles and standards. No doubt that this called for a change, but the manner in which it was changed now backfires on those who did it.”<sup>269</sup>

Now MPs are neither connected with their voters – therefore, the law has to be amended once again to ensure MPs’ principled behavior and a parliamentary representative of every single region in Serbia, explained Blagojević. This is why, as he put it, voters must be given the opportunity to choose candidates of their own rather than placing their trust in voting lists with 250 anonymities, as he put it.

According to Đorđe Vuković of the same organization, a bad law guaranteeing a free mandate to every MP is not the root of the problem, “as some parties are arguing now.” The problem is in partisan lists with names of people who have not been carefully selected by parties themselves, he says, adding that the phenomenon of turncoats is to be ascribed to non-existent democratic procedure in selection of candidates, that is to negative selection.<sup>270</sup>

Adoption of a code of ethics by the model of the European Parliament has been planned for long now. In late 2011 the parliament formed a work group tasked with drafting the code providing MPs’ decent behavior (no insults, profane words, bribes, obstruction of parliamentary proceedings, etc.) and sanctions, including fines, for disregard of the code.

In early 2013 another work group was formed to amend the draft code of ethics – it was composed of representatives of all caucuses except for LDP which refused to participate. LDP takes the parliament needs not “school rules” that could “deeply undermined MPs’ rights” and allow “the regime’s arbitrary rule to humiliate the opposition.”<sup>271</sup>

The code to be adopted by the end of 2013 is supposed to serve as a model of behavior for all public officials. Most observers doubt its

269 Danas, July 25, 2012.

270 <http://www.blic.rs/Vesti/Politika/335864/Preletaci-se-sami-nude>.

271 <http://www.dnevnik.rs/politika/po-novom-kodeksu-ponasanja-verovatno-od-septembra>.

effectiveness without radical changes in the society, a change of the election system and a considerably smaller parliament in which MPs are elected by the people.

## Conclusion and recommendations

The parliament turned to be an efficient “manufacturer” of laws, which is almost a closed chapter in the context of the country’s movement towards EU. This is why Brussels is now focused on adjustment of the passed legislation and the judiciary reform where Serbia is lagging behind.

Serbia parliament should, therefore:

- Speed up its legislative activity and better prepare draft laws; insist that the government and ministries submit their drafts in due time so as to make it possible for MPs to prepare themselves for discussion or initiate public hearings;
- Establish a mechanism of control over the implementation of its decisions, including sanctions against those disregarding them (a conclusion of the conference “Systemic Approach to the Struggle against Corruption”);<sup>272</sup> an efficient mechanism would prevent perpetuation of the problems generating corruption the new regime declared a war against;
- Have an ear for the suggestions of the independent regulatory agencies and their reports; control the implementation of agencies’ suggestions it gave a green light to;

Serbia’s entire political system, including the parliament, calls for re-shuffle, considerable reconstruction and rationalization. So thoroughly reconstructed system would imply a smaller parliament – more efficient and less costly. Unreasonably many parties participate in elections and obtain parliamentary seats through a variety of combinations. The entire election system should be adjusted to European standards, while the number of MPs to the country’s size.

<sup>272</sup> Danas, March 20, 2013.

# V – DRAMATIC ECONOMIC SITUATION



## The Impact of the Economic Crisis on Election Results

The ruling coalition led by the Democratic Party (DS) failed to prevent the culmination of the economic crisis that began to stifle Serbia as early as 2008, when the financial crisis began to shake the whole world. This situation coincided with the election year 2012 or, more precisely, the time set for regular parliamentary elections. At the same time, presidential elections were also scheduled (six months before the expiry of President Boris Tadić's term).

Despite efforts to at least keep public sector salaries and pensions at the same level until the elections (in May) and increase public consumption based on additional foreign borrowing, thus maintaining demand on the internal market and saving the general economic situation as much as possible, due to which Serbia suspended its agreement with the International Monetary Fund (in February 2012), a deep economic depression and further rise in unemployment could not be kept within acceptable limits.<sup>273</sup> In the end, such an economic crisis, coupled with the hesitancy of the leading Democratic Party to take further steps towards solving the Kosovo problem and conduct a more resolute EU accession policy, resulted in the collapse of the current coalition and the Democratic Party, its leading member, lost power in the summer of 2012.

This is what actually contributed to the "crucial" election defeat of the leader of the coalition, President of the Democratic Party and Serbian President Boris Tadić, brought about the change of the Serbian president – the newly elected president was Tomislav Nikolić, leader of the Serbian Progressive Party (SNS), as well as a change in the coalition making up the new Serbian government, with Ivica Dačić, leader of the Socialist Party

<sup>273</sup> In the spring of 2012, on the eve of the elections, a GDP fall of 1.3 per cent was recorded in the first quarter of the year. Over the same period, industrial production fell by about 6 per cent (intra-year level), while imports and exports decreased by 39 per cent and 44 per cent respectively.



of Serbia (SPS), as the Prime Minister. However, it soon turned out that the Serbian Progressive Party imposed itself as the dominant party in the new ruling coalition. This political party also has the greatest number of seats in the Serbian Parliament and its new leader and First Deputy Prime Minister Aleksandar Vučić soon assumed almost all power, although he is nominally just the First Deputy Prime Minister, Defence Minister and Co-ordinator of Intelligence Services.

It seems that over the longer term this transfer of power in the worst possible economic situation may turn out to represent a rather big change in the model of economic policy that will be effective in Serbia in the coming years, although the SPS representatives and representatives of the United Regions of Serbia (URS), led by new-old Finance Minister Mladen Dinkić, remained (and “progressed”) in the new coalition. Although two-thirds of the new ministers came from the former Government led by Mirko Cvetković, the Government still changed because the Prime Minister from the SPS and the SNS joined forces, so that one can expect a more radical shift in economic philosophy.

However, a shift in economic policy – from a relatively liberal model of market regulation, coupled with the unsustainably high share of the public economic sector in the market, to increased state intervention as the instrument of a “socially responsible state” – will still be restricted by the new coalition’s continuation of the general orientation towards European integration and this orientation, which initially seemed to be tactical, appears to have been strengthened by the May 2013 agreement between Belgrade and Pristina in Brussels, arranged by the European Union (and the United States).

At present it is certain that, soon after assuming power, the new coalition tackled the Kosovo issue more resolutely in order to obtain the date for the beginning of negotiations on Serbia’s EU accession. However, it is uncertain to what extent the coalition is ready to relaunch comprehensive social and economic reforms that have been “frozen” for a number of years, so that Serbia can finally surmount the period of “simulated transition” and adjust its system to that of EU member countries.

## Inaugural Speech by Prime Minister Ivica Dačić

Despite the proclaimed continuation of Serbia's EU accession policy, the impression that the basic model of managing the economy and consumption will tend to "return to the model of the welfare state" rather than to introduce a "private market economy", was enhanced by the speech delivered by Serbia's new Prime Minister Ivica Dačić on the occasion of the inauguration of the new government on 26 July 2012.

This is what Dačić himself emphasized being convinced that this was the latest trend in the world: "I understand the role of the state as the need to help both citizens and the economy as well as all others who need help"; "priorities of this government will be justice and equality for all, especially for those who lost their jobs and subsistence income in times of transition", etc.<sup>274</sup> In that sense, this inaugural speech would also be acceptable at every European social-democratic meeting thirty or so years ago, when the classical "welfare state" model was in fashion. Truly, the return to a similar model of economic policy and state is once again the subject of debate in the world in times of "protracted crisis", especially in the eurozone, but not in the countries which, like Serbia, have the problem with a large budget deficit, in particular. It is a question of the countries where there is nobody to finance even small yet insufficient social consumption – despite a huge number of those having no social protection (especially unemployed persons). However, the real welfare state is costly and this is why such a type of state was abandoned even in the world's richest and most developed countries more than a decade ago.

Despite this important difference between Serbia and the countries that tried to implement the "welfare state" model, Prime Minister Dačić emphasized the following in his inaugural speech: "Whatever has been neglected, forgotten, abused or rejected in Serbia but is valuable, must resume the place it deserves. Some parts of Serbia must be revived. They must have infrastructure and the economy, as well as jobs, thus becoming the places where people will return. Not to die but to live there". By this and many other statements, which do not need to be cited any further,

274 Vreme, 2 August 2012.

Dačić announced return to the concept of “the state that helps everyone”; helps the physical regeneration and growth of the nation; helps deserted villages and neglected provinces survive; helps in principle “both the economy and citizens”, especially poor workers, peasants and transition losers (unemployed), due to which it allegedly retained the public economic sector in its ownership (“The Electric Power Industry of Serbia /EPS/, Postal Service, Serbian Railways and Belgrade Airport will not be privatized”, said the Prime Minister); faces the “challenge of reindustrialization” in order to enable Serbia to have “its economy and its workers”; earmarks enormous funds for agricultural investments and encouragement in order to help Serbia become “the garden of Europe”; calls on the financial sector to “help” spur development investments; requests the central bank to maintain the dinar’s fixed exchange rate (in order to avoid the erosion of employees’ and pensioners’ incomes); requests businessmen to pay salaries to their employees and not to transfer capital abroad; reintroduces free health services for the sick and the like. This is how Dačić also sees the role of the government, which will ensure all this under a “social contract” with employers and employees, while an agreement with pensioners that nobody’s income should be frozen, including theirs, was practically reached (this issue was already settled under the coalition agreement between the SPS and Party of United Pensioners of Serbia – PUPS).

After such an inaugural speech delivered by Ivica Dačić in the summer of 2012, observers put a plaintive question – whether the Prime Minister called for the suspension of the transition process in his inaugural speech, since he explicitly said: “Changes in the social system have not produced the expected results. Serbia is still the country of unfulfilled expectations and missed opportunities. During the privatization of socially-owned property serious errors were made, including some of a criminal nature, while the country’s enormous economic potential was ruined. We plunged into widespread poverty and experienced a fall in the living, economic, cultural and civilizational standards of the Serbian society”.

This statement contains a dangerous mix of ideological manipulation and naked half-truth, but it cannot be simply claimed that Dačić called for a return to socialism. However, one might derive a conclusion that

capitalism was not good for Serbia and that privatization itself ruined some enormous economic potential of the country. As if its potential was not ruined before the privatization process. Truly, Prime Minister Dačić only said that “errors were made” during the transition process, but one gets an impression that he thought that privatization itself was a historical error.

However, Dačić did not repeat what he had said during the election campaign. Namely, he had rejected the assistance of the International Monetary Fund saying that it should go to other countries and perform its unsuccessful experiments in them. Instead, he immediately announced that the Government would ask for the continuation of negotiations with the International Monetary Fund and the World Bank because he was probably aware that, for the time being, Serbia should cooperate with “old capitalism” in order to get out of financial abyss.

In his inaugural speech in 2012, Ivica Dačić most concretely criticized the hitherto monetary policy: “As of late the national currency has dramatically weakened. Compared to September 2008, its value has dropped by 53 per cent. Salaries and pensions have been devalorized; housing and other loan instalments paid by citizens have been greatly increased, while the balance sheets of many firms have been irrevocably impaired.

This is absurd in view of the fact that foreign exchange reserves increased during the same period. The state simply cannot turn a blind eye to this fact. The failure of the National Bank and the Serbian Government to defend the national currency has directly contributed to the impoverishment of Serbian citizens and the national economy.

Serbia needs a plan for the stability of its currency. This plan must be based on the coordinated and common policy of the Government, monetary authorities and economy. The most important elements of this plan include the efficient use of monetary policy instruments, more active method of attracting foreign investments, prevention of foreign currency outflows through grey channels, work with the Serbian diaspora, discouraging unnecessary imports, encouraging import-substituting firms and serious export strategy”.

It remains to be seen whether and how Dačić's cabinet will observe these economic policy guidelines, which he had presented as the Government's programme. In the second half of 2012, when the new Government assumed power, it behaved as a "consolidation government" forced to implement emergency measures during the first one hundred days, so that at present one cannot be certain about its real "economic philosophy". If it has such philosophy and if it can adjust it with its own ruling coalition, which is dominated by old "left-wing phrases" and the ideas of classical right-wing nationalism and in which one can also observe the old fascination of Serbian politicians with Russia and its allegedly "protective role" vis-à-vis Serbia.

### **What Led to the Culmination of the Crisis in Serbia and Why**

Accordingly, what did the crisis, which drove Serbian citizens into ever deeper poverty, uncertainty and apathy, look like? Let us first consider the basic economic indicators proving that things were not going well in the Serbian economy in 2012.

It is estimated that total economic activity in 2012, expressed in terms of gross domestic product (GDP) and in 2011 prices, declined in real terms by 1.9 per cent compared to the previous year. The largest fall in gross value added was recorded in agriculture, forestry, fisheries, services industry, and accommodation and food services industry.<sup>275</sup>

Industry, which is the most important sector of every contemporary economy and has an impact on the overall national economy through numerous links, recorded a further decline in 2012, after a very slow, decade-long recovery following the catastrophe in the late 20th century. Namely, from January to December 2012, industrial production declined by 2.9 per cent compared to the same period in 2011. The greatest impact on the fall in industrial production in 2012 was attributed to basic metal

275 During the four-year term of the previous government led by Mirko Cvetković, the rate of GDP varied as follows: +3.8% in 2008, - 3.5% in 2009, +1% in 2010 and +1.62% in 2011. See: Mirko Cvetković, *Argumenti i predrasude*, Belgrade, 2012, p. 60.

production, electric power production, production of chemicals and chemical products, and coal mining.<sup>276</sup> It should be noted that even the beginning of the large Fiat Serbia Project in Kragujevac in mid-2012, with the initial monthly output of about 10,000–15,000 automobiles, failed to offset the suspension of production in the Smederevo Steelworks, which was completely abandoned by the American company US Steel in late 2012, so that production was practically terminated.

In 2012, industrial production in Serbia could not be saved either by automobile production, which began under the Fiat Serbia Project, or by the reconstruction of the Pančevo Refinery – almost only two large industrial projects completed that year.

Namely, on 4 July 2004, almost four years after the signing of the agreement on the formation of the new joint company, Fiat Automobiles Serbia (FAS), in which the Serbian government has a 33 per cent stake and the Italian automobile manufacturer Fiat a 67 per cent stake, the mass production of the new Fiat car model 500 L started as well. It is estimated that the Kragujevac factory produced 30,000 such cars by the end of 2012 and it is planned to produce 160,000 in 2013. It immediately started to work two shifts and employed about 2400 workers by the end of 2012. Finance Minister Mladen Dinkić estimated that as early as 2013 Serbia's foreign exchange receipts from Fiat 500 L exports would amount to over 1.5 billion euros.<sup>277</sup>

After the sale of NIS to Russia's Gazprom Neft, which was realized in 2009, it was constantly expected that the company would make a major investment in the modernization of production, which was one reason why the Serbian side agreed to a relatively low sales price when the deal was concluded. The first such step was made on 1 November 2012 when the reconstructed Pančevo Oil Refinery was formally put into operation.

The value of this investment is estimated at 547 million euros of which 397 million euros were spent on the construction of the hydrocracking complex and about 150 million euros on the modernization of factory infrastructure and environmental protection.

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276 Based on the data of the Chamber of Commerce and Industry of Serbia.

277 Vreme, 27 December 2012.

As emphasized by its General Manager Kiril Kravchenko at the formal opening of the reconstructed Pančevo Oil Refinery, the annual production of Euro-5 standard petrol and diesel increased to 638,000 tons and 1,538 million tons respectively. He added that NIS investments in 2013 would be significant – 300–500 million euros. The modernization of production would enable NIS to expand its exports, so that Gazprom Neft bought significant petrol station chains in Bosnia and Herzegovina, Romania and Bulgaria as early as 2012. It is expected that as early as 2013 exports would be worth more than 600 million euros.

These two big industrial deals could not start Serbia's industrial production. Another misfortune that befell the national economy was an unprecedented drought which hit agriculture in 2012. Due to a long drought and extremely high temperatures, total damage suffered by Serbian agriculture, i.e. a direct decline in field crop yields, was estimated at 2 billion dollars. Naturally, this assessment should also take into account serious consequences that will later be felt in livestock breeding and dairy industry, as well as in the overall food industry, which is rather developed in Serbia.<sup>278</sup>

Namely, according to the calculations made by experts from the Chamber of Commerce and Industry of Serbia (PKS), the gross value of agricultural production in 2012 declined by almost 25 per cent compared to the previous year. According to PKS expert Voja Stanković's assessment, this value was about 5.2 billion dollars in 2011, while in 2012 it declined to about 3.9 billion dollars. Field crop and vegetable production faced real disaster – the value of gross production dropped by more than 37 per cent. For example, the value of grain production fell by 37.5 per cent, while the decline in the value of vegetable production was even 40 per cent. This triggered a sharp increase in the prices of goods on Serbia's green markets even by 30–40 per cent.<sup>279</sup>

278 A big scandal involving the increased level of aflatoxin in milk – caused by large amounts of mouldy feed (corn), which always occurs after a period of severe drought – will break out only in the spring of 2013. The economic impact of this scandal, which halved milk and corn consumption and exports, has not yet been assessed.

279 The 2012 Agriculture Performance Report by the Chamber

Stagnation or decline in most sectors of the economy, on the one hand, and the great inertia of public and other consumption (additionally stimulated by the pre-election manoeuvres of the authorities), on the other hand, led to a further rise in inflation. It was estimated that in 2012 the annual rate of inflation was 13 per cent, although some experts hold that it was actually higher. This level of inflation was the highest in recession-hit Europe, which only points to the conclusion that inflationary hotbeds in Serbia's market system have not been eliminated. It must also be borne in mind that the prices of electricity, gas, heating and other utilities were artificially kept at an unrealistically low level.

As for the fight against unemployment, which synthesizes all development problems of the Serbian economy, almost nothing was achieved in 2012. Namely, the number of employed persons in 2012 was smaller by 1.1 per cent (i.e. 20,000 workers), compared to the previous year. Since 2012 was an election year, the government allowed salaries (excluding taxes and contributions) to be higher in nominal terms by 9.3 per cent and in real terms by 1.4 per cent relative to 2011 (the average salary was slightly higher than 300 euros), while the purchasing power of pensions was declining.

The government used the global financial crisis and recession in the European Union, in particular, as the main excuse for the country's recession. In 2012, foreign trade was valued at 30,366.9 million dollars of which exports and imports accounted for 11,353.6 million dollars and 19,013.3 million dollars respectively. Compared to 2011, exports and imports decreased by 3.6 per cent and 4.3 per cent respectively. The coverage of imports by exports was 59.7 per cent, thus being higher than in 2011. More than half of Serbia's total foreign trade accounted for trade with EU countries. Thus, in 2012, the share of these countries in Serbia's total foreign trade was 58.1 per cent.<sup>280</sup>

of Commerce and Industry of Serbia.

280 In 2008, Serbia recorded a 3.8 per cent increase in its GDP; in 2009, it recorded a 3.5 per cent decline; in 2010 a 1 per cent increase and in 2011 a 1.62 per cent increase (Mirko Cvetković, *Argumenti i predrasude*, Belgrade, 2012).



## External and Internal Financial Crisis

Although these indicators support the mentioned “excuse” for the fall in economic activity, they do not explain the country’s recession completely, because the calculation must also take into account the internal financial crisis caused by stagnation in commercial banks’ extension of credit to the domestic economy, mostly due to heavy government borrowing through the continuous issue of dinar-denominated interest-bearing government bonds, with the interest being determined using the central bank’s relatively high reference interest rate (which was kept above 15 per cent for too long). Namely, the attempt to accelerate the current devaluation of the dinar relative to other currencies (under the flexible exchange rate regime of the dinar) in order to encourage exports, made the lending contracted by the economy (which anticipates the foreign currency clause and, frequently, “cross-border” credits) too risky, while old liabilities became exorbitantly “expensive”. Therefore, the rate of non-performing loans sharply increased, even up to 20 per cent, which resulted in a significant increase in banks’ loan losses and retained the current interest rates at a high level (coupled with the 1 per cent fall of the country’s credit rating).

This is what caused stagnation in foreign borrowing by the economy and increased government borrowing on the international financial market. This also caused a real public debt explosion. Namely, during the year, according to the assessment by the new Minister of Finance and Economy, Mladen Dinkić, public debt increased from about 49 per cent of GDP to nearly 65 per cent of GDP and was showing upward trend.

Serbia’s Fiscal Council headed by Pavle Popović was the first to draw attention to the problems related to a rapid rise in public debt and the vulnerability of public finance in 2012. In early 2013, the Fiscal Council reported that Serbia’s public deficit in 2012 amounted to 217 billion dinars or 6.6 per cent of GDP, thus greatly exceeding the budget projections. Public revenues were lower than planned by about 25 million dinars, which was especially due to an underperformance in excise tax and VAT revenue collection.

Altogether, Serbia borrowed the amount of 4.5 billion euros in 2012. The major portion of this amount was used for the repayment of existing loans and replenishment of the budget deficit, since only 20 per cent of the borrowed amount was earmarked for public investments and government guarantees.

Great financial strain felt by Serbia and its economy in 2012 was further aggravated by increased losses in the banking sector, caused by a sharp increase in the rate of non-performing loans, which only illustrates the poor financial condition of the overall economy. As reported by the Association of Serbian Banks, about 19,000 firms and 16,000 entrepreneurs were in arrears with the repayment of their loans, so that their total liabilities are estimated at 250–300 billion dinars. The total amount now in arrears for more than 90 days is about 3 billion euros which, together with the “earmarked funds” amounting to 3 billion euros in banks, means that the credit potential of about 6 billion euros is “blocked” (otherwise, the total capital of Serbian banks is only 5.5 billion euros).<sup>281</sup>

The swinging of banks under the pressure of “non-performing loans” was also caused by the relatively unsuccessful performance of all banks in 2012, although their total profit amounted to 8.4 billion dinars (about 80 million euros) that year. However, their profit was lower by 64 per cent compared to that made by banks in 2011. Out of a total of 32 commercial banks operating in Serbia, even 11 banks ended with losses, while 13 banks lost three times the amount of their current earnings.<sup>282</sup>

This relatively unfavourable picture of the banking system was especially contributed by the collapse of Agrobanka in which the state held a 20 per cent stake. In this case, the state made a very expensive attempt to “save” the bank’s clients. The collapse of Agrobanka in two stages (on 26 May, when an attempt was made to found Nova Agrobanka, and on 26 October, when this new bank was liquidated) probably represented the crucial financial event of the year – not so much because of the large volume of such a financial operation, but because of the significant impact of this scandal on raising awareness that the fight against high-level corruption

281 Politika, 3 May 2013.

282 Blic, 4–5 May 2013.

should not be delayed any longer. This knowledge was skillfully used by the opposition in the election campaign, primarily by the SNS, which was the first to realize the possibility offered by such a fight for increasing popularity.

Although the story about the collapse of Agrobanka in Belgrade already began in late 2011, when the National Bank of Serbia (NBS) placed this bank under receivership, the general public became aware of the proportions of its collapse only over the weekend, on 26 May, when it was announced that old Agrobanka was liquidated and that fully state-owned Nova Agrobanka was founded. Within the scope of this operation, which took place only a few days after the elections, on 24 May, Cvetković's "technical government" first made the decision to issue long-term securities worth €85 million, with a maturity in 2015, for Nova Agrobanka. The following day, on 25 May, the then NBS Governor, Dejan Šoškić, brought the decision on the liquidation of Agrobanka, while the new bank, Nova Agrobanka, was founded on 26 May. This bank was financially backed by government bonds and "alive" 25 million euros from the budget by means of which the Serbian Government enabled it to continue its daily operations in some way. In its official statement, the NBS emphasized that "thanks to the establishment of Nova Agrobanka with the state capital amounting to 10,417,990,000 dinars, the savings of 165,367 citizens were protected and the stability of 4,872 firms was preserved". It turned out, however, that all this was not sufficient. Moreover, there emerged the problem with old co-owners of Agrobanka, since their assets were practically expropriated by this decision and they complained about losing 70 million euros.

Five months later, again shortly before the weekend, on 27 October 2012, the new Serbian Government, led by Ivica Dačić, brought the decision on the liquidation of Nova Agrobanka and the transfer of its deposits and assets to the Postal Savings Bank (Postanska Stedionica), including total liabilities amounting to 392.2 million euros of which 238.5 million euros accounted for insured deposits which, as was announced at that time, were to be covered in cash from the Deposit Insurance Agency. Uninsured deposits and other liabilities, covered by securities that had already been issued by the Cvetković Government, were also transferred.

The Postal Savings Bank also acquired about 60 bank branches and allegedly healthy assets amounting to 65 million euros. It also took over 300 employees, while 500 lost their jobs.

On this occasion, Prime Minister Ivica Dačić said that the collapse of Nova Agrobanka would have had enormous and severe consequences not only for the financial market, but also for Serbian citizens and firms holding their deposits in Agrobanka, so that the Government's reaction was allegedly necessary.

However, the Agrobanka case was not closed with this action and not all those responsible for its collapse were arrested after the apprehension of General Manager of Agrobanka Dušan Antonić. So far, 16 officials and certain members of the Board of Directors of Agrobanka have been arrested on embezzlement charges, while some tabloids insist that Agrobanka was the "milking cow" of the SPS and the Cvetković Government. Some stories about the extension of excessively large loans to lenders providing almost no security, or providing very dubious security, had a great impact and caused such public outrage that they destroyed the credibility of supervisory and control bodies and firms, as well as of government institutions themselves.

In early 2013, the collapse of Agrobanka was followed by the collapse of the Vojvodina Development Bank as well as KBC Banka in Belgrade. Altogether, the liquidation of these two banks will cost Serbian taxpayers about 600 million euros. However, it must be acknowledged that the credibility of the banking system was saved and this is certainly significant.

## **Replacing the Governor of the National Bank of Serbia and Public Debt Explosion**

The collapse of Agrobanka was primarily used to justify the forced replacement of the Governor of the National Bank of Serbia, Dejan Šoškić, immediately after the new coalition assumed power. This was the sign that the SNS and its group had no respect for independent institutions and that they could replace all independent officials at their discretion by changing laws, which is in direct opposition to European laws and standards.

The outgoing Governor Šoškić could not be helped even by public intervention against the Law on the National Bank of Serbia on the part of the high representatives of the IMF, World Bank, European Commission and the United States, since the aim of the ruling coalition was more significant and more lucrative than their commitment to Serbia's accession to the European Union and the announcement of a new arrangement with the IMF. They only nominally abandoned (in an interesting way) the inclusion of the new legal provision that the central bank could buy securities issued by the government and other public bodies or, more precisely, that it could even buy treasury bills issued by the Ministry of Finance and Economy should the latter be short of money to cover budgetary costs. What is perverted here is the fact that the political party led by Finance Minister Mlađan Dinkić proposed the amendment to the "deputies' law project", waiving the Government's authorization to "print money" but not the authorization of the Institute for Manufacturing Banknotes and Coins. In the end, Dr Jovanka Tabaković, economics professor, who little known for her scientific papers and much better known as an activist of the SNS (former Seselj's Radicals), was appointed as new Governor.

The protest against the National Bank started parallel to the already mentioned "silent devaluation" in early 2012, when the euro rose in value in Serbia by about 10 per cent from 1 January to 31 May 2012. When considering the interannual period (from end-May 2011 to May 2012), it can be determined that the exchange rate of the euro to the dollar increased by about 20 per cent, while the exchange rate of the dollar to the dinar even increased by about 37 per cent. To tell the truth, a considerable part of this decrease became evident only after the elections.

On the other hand, some analysts held in mid-2012 that euroization in Serbia was a natural process after Milošević's debacles and hyperinflation, pointing out that one of its good points was relative ease with which – under the flexible exchange rate regime – it was possible to reduce unrealistic, "pre-electionally" increased salaries and excessive domestic consumption without cover, while salaries and pensions in other countries had to be literally cut, which would usually trigger big waves of citizens' protests.

When the Dačić-Vučić Government was installed in the summer of 2012, the question that imposed itself was how to consolidate the government's financial balance sheets and this debate in Serbia coincided with a comprehensive debate in Europe about the bailout plan for Greece, as well as a number of other countries facing with financial problems (Spain, Portugal, Italy, Cyprus). This debate (actually, the world one), which was devoted to the anti-crisis economic policy to be conducted and economic philosophy to be adopted in order to come out of a severe recession and financial crisis, had a great impact on Serbia which found itself amid the public finance crisis and low economic activity like many other countries.

As is well known, in 2012, in the world debate about the directions for reversing the current unfavourable economic megatrends, including specifically the eurozone crisis, there emerged the well-known dilemma of whether to reduce public and private consumption, so that the economy could be laid on a sound foundation tomorrow, or to pump money into the stalled economy in order to revive it at the cost of inflation risk and large debt, which will be dealt with by future generations in some better economic circumstances. In other words, two distinct approaches appeared in Europe and the rest of the world concerning the treatment of recession paralysis, tightening financial flows and narrowing the possibility of economic policy makers to spur a new development cycle. The first was expressed by the slogan "both savings and development", implying that it would be necessary to control the government's budget deficit, while at the same time providing businesses and vulnerable national economies in the eurozone with enough money, that is, enough cheap money. It was thus necessary to provide joint and several security for the new issue of paper money.

In Serbia, the problem seemed to be similar – the state was facing a deficit, while its economy was plunging into recession. In such economic circumstances, in late May, when the current government became a "technical" one, the Fiscal Council led by Pavle Petrović stepped on the scene. This advisory body shocked the public by its prediction that, if nothing was undertaken, the budget deficit would increase to about 210 billion dinars by the end of the year, compared to the planned amount of 152

million dinars, because the deficit already increased to more than 80 billion dinars in the first four months.

## How to Achieve Fiscal Consolidation

Due to such a bleak prediction of the state's current and future condition, the Fiscal Council proposed a set of necessary measures, including specifically tax reform or, more precisely, an increase in both value added tax rates (lower from 8 to 10 per cent and higher from 18 to 22 per cent), freezing pensions and salaries in the public sector during 2012 and 2013 (or, in other words, freezing the incomes of more than 2 million people), as well as the "establishment of a sustainable system of fiscal decentralization", as fiscal "recentralization" was called. In fact, these measures would not be short-term ones because, as emphasized by Pavle Popović, President of the Fiscal Council, it would be necessary to save about one billion euros in 2012 and 2013 and then another 1.1–1.2 billion euros from 2014 to 2016. The Fiscal Council's proposal triggered the debate similar to that in Europe – whether it would be necessary to restrain public consumption or try to provide new incentives for economic activity, implying the deepening of Serbia's indebtedness.

In September 2012, this debate was terminated by new (old) Finance Minister Mladen Dinkić, who revised the budget in accordance with existing circumstances and mostly met the Fiscal Council's requirements in the 2013 budget projection. The revised 2012 budget anticipated increases in revenues and expenditures by about 20 billion dinars and by about 25 billion dinars respectively. In other words, total revenues for 2012 were projected at about 830 billion dinars, while expenditures amounting to about 1,033 billion dinars were legalized, implying that the deficit of about 200 billion dinars was anticipated. According to the official estimates, it amounted to over 6 per cent of GDP (it was previously planned that the deficit should account for 4.25 per cent of Serbia's GDP for 2012).

The IMF mission paid a fact finding visit to Belgrade in early September and its statement (issued on 14 September) was really depressing. In the "letter" to the Government (and the Serbian public) concerning the

“draft 2012 supplementary budget”, it was literally said that the mentioned draft supplementary budget “would not achieve this objective”. Then it was bluntly added: “The mission recommends additional spending restraint to be considered before the 2012 supplementary budget is enacted”, etc.

As for the projected 2013 budget, which was also presented to the IMF mission during its five-day visit to Serbia, it should be pointed to the following three views expressed in the mentioned statement. The IMF’s first view is that it holds that “the external current account deficit is expected to reach double digits this year”. The second interesting view is that the IMF representatives expect the “prompt adoption of a clear and realistic medium-term fiscal consolidation program to reduce public debt below 45 per cent of GDP as required by the Budget System Law”, which should be complemented by a “wide-ranging ambitious structural reform agenda”.

The difficulty of this task is evident from the assessment made by the Fiscal Council that even in 2013, with the fiscal deficit amounting to 3.5 per cent, the share of public debt in GDP will increase to 62.6 per cent and that by reducing the budget deficit to zero, over the next two years, that is, in 2016, this share will still account for even 57.2 per cent. The third view presented in Murgasova’s letter points to the conclusion that the IMF will not easily forgive the Serbian Government for changing the Law on the National Bank, thus “impairing” its independence, since it “emphasizes the need for corrective measures to help strengthen NBS autonomy”.

On 1 December 2012, within the prescribed time-limit after a number of years, Minister of Finance and Economy Mlađan Dinkić also received the Serbian Assembly’s support for the 2013 budget. It adopted the projection of total budget expenditures amounting to 1,067 billion dinars, for which total revenues of 956 billion dinars will be collected. Accordingly, the projected budget deficit will amount to a little more than 120 billion dinars, which means that it is expected that in 2013 the budget deficit will be reduced to a little more than 40 per cent.<sup>283</sup> Apart from the Ministry of Finance, which prepared the 2013 budget, it was also positively assessed by the Fiscal Council.

283 Vreme, 6 December 2012.



Parallel to the 2013 budget, the strategy of fiscal consolidation until 2020 was also adopted. Its objective is to contain the increase in the share of public debt in the country's GDP by 2014, while its reduction to the legal ceiling of 45 per cent of GDP can be expected in 2018 at best, but it is not realistic to expect it before 2020. However, after the first three months of 2013, it was established that the projected budget was unrealistic and that the deficit was continuously increasing.

### **Economic and Social Rights: Under the Impact of Crisis and Transition**

The protracted economic and financial crisis is continuously eroding citizens' social and economic rights. This is evidenced by the data on the unemployment rate, average salary and average basket. Every fourth person cannot find a job, while the majority of the population can meet their essential needs like housing and food with great difficulty. Young, unskilled, uneducated and inexperienced workers, workers over 40 years of age and certain vulnerable social groups (women, Roma, unemployed persons and persons with disabilities) are in an even more difficult position. There are no precise data on their situation or the data on homeless persons.

Serbia is the country whose citizens submitted the greatest number of complaints to the European Court of Human Rights in Strasbourg – a total of 9,500. During his visit to Belgrade, the President of the Court, British lawyer Nicolas Bratza, stated that most cases referred to the non-enforcement of court decisions relating to the payment of salaries to workers and per diem payments to former army reservists. Protector of Citizens Saša Janković also points to the problem of unpaid salaries, which is the consequence of privatization carried out by enterprise restructuring. He emphasizes that citizens especially suffer from the lack of economic and social rights due to the collapse of the national economy.<sup>284</sup>

284 [http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=02&dd=23&nav\\_category=12&nav\\_id=689333](http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=02&dd=23&nav_category=12&nav_id=689333).

Serbia is a signatory to numerous conventions relating to economic and social rights and one of the countries which, when ratifying the European Social Charter, the Council of Europe's basic act in this field, accepted the greatest number of obligations – 88 out of 98 articles. According to the Belgrade Centre for Human Rights, the major problem is posed by the fact that Serbia did not accept the possibility of submitting collective complaints, in the concrete cases of violations of economic and social rights.

Serbia adopted the Labour Law in 2005, which was changed in 2009; the revised European Social Charter was ratified (2009); the Law on Employment and Unemployment Insurance and the Law on Professional Rehabilitation and Employment of Persons with Disabilities were adopted (2009); the Law on the Fundamentals of the Education System regulating inclusive education and facilitating the enrolment of children from socially vulnerable groups, was adopted (2009); the First National Report on Social Inclusion and Poverty Reduction in the Republic of Serbia was published (2011).

According to the unofficial data, in Serbia there are 700,000 persons moonlighting, while 100.000 persons do not receive their salaries. Workers also face inadequate working conditions on a daily basis. They work for minimum salary, or even work without any remuneration or paid contributions to health and pension insurance; they are also made to work overtime and do not enjoy social and economic insecurity, thus being socially marginalized and unified under the single name “precariat”.<sup>285</sup>

The labour rights in Serbia were also violated after privatizations because a number of enterprises disappeared, leaving their employees without their jobs as well as severance pay to which they were entitled.

Health care and health insurance pose an urgent problem due to the violation of the rights of the workers whose employers do not pay the anticipated contributions, so that they are actually punished by not being able to use health insurance. In addition, the health system is also undermined by widespread corruption.

The First National Report on Social Inclusion and Poverty Reduction in Serbia shows that the poverty risk rate in Serbia is higher than in the

285 <http://www.sindikalizam.org/index.php?fullnews=1537>.

European Union. Roma people are more exposed to unemployment risk. Their poverty is especially pronounced because they practically live in a vicious circle due to the fact that their rate of education is lower compared to that of the general population.

Persons with disabilities and development disorders also have a more restrictive access to the education system and labour market. Inclusive education, which anticipates the inclusion of persons with disabilities in regular education, as well as the legal obligation of firms to employ persons with disabilities, have been introduced only recently. However, it will take time to perceive the real results of those measures. The main obstacles include the insufficient training of teachers and the ignorance and resistance of the general public. Insofar as the employment of persons with disabilities is concerned, some firms still prefer to pay fines for not hiring persons with disabilities.<sup>286</sup>

Social dialogue, as a framework for the regulation of working conditions, is not functional, while trade unions, in the opinion of most citizens, do not discharge their duty to protect workers' rights. Trade unions lack strategy as well as special funds for strikers and sick workers, as well as those who lose their jobs. Many trade unions are closer to political parties and the state than to their members, thus turning into "silent observers" who have no wish or power to fight for workers' rights. Serbia has the smallest number of strikes and protests in the region, although its citizens live significantly worse. According to sociologist Boris Jašović, the reason why there are no protests should be sought – apart from the "traditional lack of solidarity among trade unions" – in the fact that people are predominantly oriented toward satisfying their basic existential needs. He argues that "there is no much room for civil activism when the majority works only to survive". He also emphasizes that priority was attached to the political issues (Kosovo, Europe) which an ordinary man could hardly influence them. He also argues that, considering the consequences, more than a million disempowered workers pose the problem not only for those who prepare these statistics, but also for society as a whole.<sup>287</sup>

286 <http://www.euractiv.rs/ljudska-prava/4515-socio-ekonomska-prava-u-srbiji.html>.

287 Ibid.

The basic assumption for the effective enjoyment of human rights is to be acquainted with them. Most Serbian citizens are most likely unaware of the fact that their rights to work and enjoy just and favourable working conditions, social insurance and education are protected before the relevant Council of Europe bodies. The multi-year demonization of non-governmental organizations dealing with human rights in Serbia has affected the relationship between the civil sector and citizens in many respects. There are only few civil sector organizations specializing in socio-economic rights issues, which is inter alia due to the fact that there are no donors interested in supporting such projects.



**VI – RELIGIOUS  
COMMUNITIES:  
PRIVILEGED  
MAJORITY CHURCH**



## Institutional Framework

The chronic problems related to the unconstitutional character of the Law on Churches and Religious Communities and its arbitrary implementation by competent institutions have not yet been solved. The same applies to the discriminatory provisions of the Rules on the Content and Method of Keeping the Register of Churches and Religious Communities. The solutions contained in the Law on Churches and Religious Communities are contrary to the provisions of Article 9 of the European Convention on Human Rights, provisions of Article 18 of the International Covenant on Civil and Political Rights, and the provisions of Article 21, 43 and 44 of the Constitution of the Republic of Serbia.

Formally, according to the last section of Article 7 of the Rules on the Content and Method of Keeping the Register of Churches and Religious Communities, "a religious organization that has not applied for entry and does not wish to be entered in the Register shall enjoy religious freedom in accordance with the Constitution and international conventions on human rights and religious freedom, in accordance with Article 1, 2 and 5 of the Law, unless its activity is contrary to Article 3 of the Law". However, although registration is not compulsory, unregistered religious communities encounter considerable problems when opening a bank account, buying and selling property, employing church staff, printing and publishing religious literature, paying value added tax and the like.

According to the official data available from the website of the former Ministry of Religion and Diaspora and pursuant to the Law on Churches and Religious Communities and the Rules on the Content and Method of Keeping the Register of Churches and Religious Communities, legal subjectivity has been recognized to the following churches and religious communities: Serbian Orthodox Church, Roman Catholic Church, Slovak Evangelical Church of the Augsburg Confession, Christian Reformed Church, Evangelical Christian Church of the Augsburg Confession, Jewish Community, Islamic Community and the Roman Orthodox Diocese of Dacia Felix, with the seat in Deta (Romania) and administrative seat in Vršac.



Pursuant to the Decisions on Entry in the Register of Churches and Religious Communities, the following religious communities have been entered in the Register: Christian Adventist Church, Evangelical Methodist Church, Church of Jesus Christ of Latter-Day Saints, Evangelical Church in Serbia, Church of Christ's Love, Spiritual Church of Christ, Alliance of Christian Baptist Churches in Serbia, Christian Nazarene Religious Community, Church of God in Serbia, Protestant Christian Community in Serbia, Brethren in Christ Church in Serbia, Free Church Belgrade, Jehova's Witnesses – Christian Religious Community, Zion Covenant Church, Union of the Seventh Day Adventist Reform Movement, Protestant Evangelical Church Spiritual Centre and Christ Evangelical Church.

Some of the listed religious communities were entered in the Register only after the relevant court decisions, while some are still involved in a lawsuit against the Ministry before domestic courts or the International Court for Human Rights in Strasbourg. Acquiring legal subjectivity is a prerequisite for solving numerous problems encountered by religious communities in performing their daily activities. One such problem is related to the restitution or return of illegally seized property. Property was also seized from many non-traditional religious communities, but their current legal (registration) status affects the realization of their right to property restitution.

The Ministry of Religion and Diaspora, formed by the merger of the Ministry of Religion and Ministry of Diaspora after the reshuffle of the Serbian Government in March 2011 and headed by the then Minister of Diaspora Srđan Cvetković, was abolished by the new Serbian Government after the May 2012 parliamentary elections. Under the Decree on the Office for Cooperation with Churches and Religious Communities,<sup>288</sup> which was passed on 2 August 2012, its competencies were transferred to the newly formed Office for Cooperation with Churches and Religious Communities. The decision to abolish the Ministry of Religion, although the previous, reshuffled Serbian Government had merged the Ministry of Re-

288 Decree on the Office for Cooperation with Churches and Religious Communities: <http://www.ver.gov.rs/KSCVZ/uploads/Dokumenti/UredbaOKancelarijiZaSradnjuSaCrkvamaIverskimZajednicama.pdf>.

ligion and Ministry of Diaspora into the Ministry of Religion and Diaspora, was criticized by some church officials.<sup>289</sup>

The Decree anticipated that the Office would be managed by the Director appointed by the Government for a term of five years. His or her first duty would be to adopt the Rules on the Office's Internal Organization and Job Classification within 30 days of the coming into force of the Decree<sup>290</sup>. However, the Government did not respect its own decree and appointed the Director of the Office as late as 6 September 2012. The newly appointed Director is Mileta Radojević (born in 1955 in Mirosalji near Lazarevac), a member of the Main Board of the Socialist Party of Serbia, Master of Engineering Science and the former Director of the Urban Public Transport Enterprise "Beograd".

The Agency for Restitution, which was aimed at facilitating and accelerating the process of property restitution, was set up after the heated debate accompanying the Law on the Return (Restitution) of Property to Churches and Religious Communities, Privatization Law and Planning and Construction Law, as well as after postponing the appointment of the new Director of the state-run Directorate for Restitution and relativizing the implementation of replacement restitution during which the officials of traditional churches and religious communities levelled very sharp criticism at the Serbian Government.

It should be noted that the Directorate for Restitution was established under the Law on the Return (Restitution) of Property to Churches and Religious Communities in 2006. However, it started to operate in late 2007,

289 Metropolitan Amfilohije of Montenegro and the Littoral stated that the abolition of the Ministry of Religion was not good for Serbia and that it could have a negative financial impact on church life. ("Loše ukidanje Ministarstva vere", *B92*, 22 July 2012), [http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=07&dd=22&nav\\_category=11&nav\\_id=628743](http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=07&dd=22&nav_category=11&nav_id=628743); "Reis-ul-Ulema of the Islamic Community of Serbia Adem Zilkić said today that the abolition of the Ministry of Religion left a large vacuum; however, he does not expect any great changes after the formation of the Office for Cooperation with Churches and Religious Communities." ("Zilkić: Ukidanjem Ministarstva vera ostala velika praznina", *Blic*, 2 August 2012, <http://www.blic.rs/Vesti/Politika/336169/Zilkić-Ukidanjem-Ministarstva-vera-ostala-velika-praznina>).

290 Article 6 of the Decree on the Office for Cooperation with Churches and Religious Communities.

after more than a year of delays due to administrative problems and omissions. On 1 March 2012, the Agency for Restitution took over its records, files, equipment and staff pursuant to Article 63, section 2, of the Law on the Return of Seized Property and Compensation.

According to the official data available from the website of the Agency for Restitution, that is, Directorate for Restitution<sup>291</sup>, during a two-year deadline for the submission of restitution claims (1 October 2006 – 30 September 2008) all churches and religious communities submitted a total of 3049 restitution claims to the Directorate for Restitution.

As the largest religious community in Serbia, the Serbian Orthodox Church submitted the greatest number of restitution claims (1602); most restitution claims were submitted by 4 out of 14 dioceses of the Serbian Orthodox Church. Those are the Dioceses of Backa, Srem, Sumadija and Banat (a total of 1037 restitution claims). As for other churches and religious communities, the majority of restitution claims were submitted by the Jewish Community (520) and Roman Catholic Church (467).

Within the restitution process in the Republic of Serbia, churches and religious communities mostly received back forests and forest land (68.49%, then agricultural land (21.13%) and, to a much lesser extent, construction land (slightly over 7% of total land area claimed). As for the restitution of buildings, it accounted mostly for office buildings and premises (over 20%), compared to residential buildings and apartments (slightly over 6%).

Insofar as land restitution is concerned, 40% of total land area claimed was returned; also, 16.31% of all buildings claimed were returned. One must bear in mind that this is the question of property returned through natural restitution (in kind), while a considerable part of property (about 40–45% is expected) should be restituted through pecuniary compensation.

Until 1 March 2012, property was not returned to the Islamic Community, Evangelical Methodist Church, Christian Baptist Church, Union of Baptist Churches, Christian Nazarene Religious Community and Church

291 "Direkcija za restituciju", Agency for Restitution, <http://www.restitucija.gov.rs/direkcija-za-restituciju.php>.

of God. According to the Directorate for Restitution, property was not returned to the Islamic Community because the two existing Islamic Communities submitted restitution claims related to the same property in the capacity as the legal successor of the Islamic Religious Community of Yugoslavia, which operated as a single community both in the Kingdom of Yugoslavia and post-war Yugoslavia. Thus, the question that imposes itself here is which of the two Islamic Communities should be recognized as the legal successor of seized property.

In view of the fact that each of the two Islamic Communities considers itself to be the legal successor of the Islamic Religious Community of the Kingdom of Yugoslavia and then the Socialist Federal Republic of Yugoslavia, seated in Belgrade and headed by the Reis-ul-Ulema whose seat was also in Belgrade, and whose legal subjectivity was already recognized under the 1930 Law on the Islamic Religious Community of the Kingdom of Yugoslavia, the question that imposes itself here is which of the two communities is its legal successor.<sup>292</sup>

## **Relationship Between the State and Religious Communities**

The report on religious freedom in the Republic of Serbia in 2011, which was published by the US State Department on 30 July 2012,<sup>293</sup> provoked a strong reaction from members of the Serbian public, primarily due to its assessment that among all countries in the region Serbia shows the least respect for religious freedom. According to this report, the Constitution and other laws of the Republic of Serbia put some restrictions on religious freedom, which is also not respected in practice by the Serbian Government. Among other things, it stated that in Serbia “there were reports of societal discrimination based on religious affiliation, belief or practice”.

292 Ibid.

293 “International Religious Freedom Report for 2011 – Serbia”, *US Department of State*, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dliid=192859#wrapper>.

The State Department points out that in Serbia there are seven traditional churches, but there is no state religion. However, “the Serbian Orthodox Church receives preferential consideration”. It is also noted that benefits such as health and old-age pension insurance are not available to all and that it is necessary to change the Law on Churches and Religious Communities. It is also stated that the Serbian authorities still reject registration applications from the Baptist Union, Hare Krishna Movement, Pentecostal Church and Protestant Evangelical Church in Subotica.

The former Minister of Religion, Srđan Srećković, protested against the report and stated that religious freedom in Serbia was at the highest possible level and that the general assessment of all churches and religious communities was that the Serbian Government’s attitude toward them was good and tolerant.<sup>294</sup> The former Minister of Religion, Milan Radulović, also reacted to the report. He said that the allegations made in it were not correct – the Pentecostal Church was registered as early as 2006, while the Protestant Evangelical Church was among the first to be registered. He emphasized that the division into traditional and confessional churches was customary under European state church law and did not imply discrimination of some at the expense of others. Radulović also pointed to the unfair analyses of the registration of churches and religious communities, since the legal provision concerning registration is Europe’s most liberal: “In our country, for example, it is necessary to have the signatures of one hundred people, while in most other countries this number is much higher. The Hare Krishnas filed a registration application as early as 2006 but, according to the enclosed statute, they are not a church or religious organization; rather, they are some kind of philosophical society or, better said, eastern philosophy society and this is why they have not been registered.”<sup>295</sup> In this particular case, according to Milos Blanus, the leader of the Hare Krishna Movement, which has been present in Serbia since 1989, they have been told at the Ministry of Religion to register

294 “Poštuje li Srbija verske slobode?”, *B92*, 31 July 2012, [http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=07&dd=31&nav\\_category=12&nav\\_id=631122](http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=07&dd=31&nav_category=12&nav_id=631122).

295 “Zakon ograničava verske slobode”, *Politika*, 31 July 2012, <http://www.politika.rs/rubrike/tema-dana/SAD-Srbija-ne-postuje-verske-slobode-za-razliku-od-Pristine.lt.html>.

as a citizens' association with the Ministry of Public Administration. There they have been told that this "goes against grain" and that "the Ministry of Religion intended to get rid of us easily".<sup>296</sup>

Referring to the disputed report, Catholic Archbishop of Belgrade Stanislav Hocevar remarked that it was not all about registration. According to him, religious freedom in Serbia is guaranteed from a legal theoretical viewpoint, but the problem still exists in practice. In his interview for *Danas* daily, the Archbishop of Belgrade gave an example: "Every politician makes a decision at his own discretion and the same applies to religious communities. It happened to me that I went to see one city mayor who said: 'We gave money for our church; we will see if there is some left for other ones'. This is impermissible." In his opinion, relations with religious communities must be systematized and standardized due to which the Law on Churches and Religious Communities must be changed.<sup>297</sup> Commenting on the State Department Report, Mufti of Serbia Muhamed Jusufspahić said that he "feels shame about such meddling" because it was not mentioned, *inter alia*, that in the past period a hundred or so places of worship of all religious communities were built.<sup>298</sup>

Significance attached to the (non-)registration of a religious community, especially to the status of a (non-)traditional religious community, is extremely important for financial support that can be expected from the state.

According to the Ministry of Religion and Diaspora, out of the total amount of 678 million dinars earmarked for such a purpose in the state budget in late January 2012, most of it went to the Serbian Orthodox Church (about 85%), while the remainder of about 15% had to be shared by Roman Catholics, Muslims, Jews and others. The amount of 55 million dinars was earmarked for the Serbian Orthodox clergy and monastic communities in Kosovo and Metohija. Consequently, in addition to funding

296 "Poštuje li Srbija verske slobode?", *B92*, 31 July 2012, [http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=07&dd=31&nav\\_category=12&nav\\_id=631122](http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=07&dd=31&nav_category=12&nav_id=631122).

297 "Ima li verske slobode u Srbiji?", *Danas*, 31 July 2012, [http://www.danas.rs/danasrs/drustvo/ima\\_li\\_verse\\_slobode\\_u\\_srbiji.55.html?news\\_id=245106](http://www.danas.rs/danasrs/drustvo/ima_li_verse_slobode_u_srbiji.55.html?news_id=245106).

298 *Ibid.*

for church building programmes, the Serbian Orthodox Church in Kosovo and Metohija disposes of a total 75 million dinars from the state treasury. According to the Ministry of Religion and Diaspora, funds are not allocated proportionally to religious communities; they are “won” in competitions. Churches receive earmarked funds on the basis of the proposed projects; in addition, they must give a precise accounting of funds spent.<sup>299</sup>

As was announced and agreed the previous year, under the Decree on the Payment of Contributions to Pension, Disability and Health Insurance for Priests and Religious Officials<sup>300</sup>, which was passed by the Serbian Government on 4 May 2012, the state assumed the obligation to pay taxes and contributions to clerics in the Republic of Serbia. The Ministry of Labour and Social Policy pointed out that, apart from the Republic, contributions to pension and disability insurance could also be paid by local self-government units, provinces, as well as churches and clergy themselves. Taxes and contributions will be assessed on the minimum wage. According to the data provided by the Pension and Disability Insurance Fund, Serbia has about 2000 priests of all confessions, but most of them belong to the Serbian Orthodox Church (1700).

Until 1997, the state was paying a portion of taxes and contributions, which amounted to half the total pay, but this financial support was abolished in 1997.<sup>301</sup> In 2012, the lowest base for priests and religious officials amounted to 19,498 dinars.<sup>302</sup>

It should be noted that the practice of the government subsidizing contributions for a specified number of Serbian Orthodox priests continued through the relevant ministry, under the project “Assistance to the Clergy and Monastic Communities in Kosovo and Metohija”, thus providing insurance to all priests in this diocese, as well as under a similar

299 “Džakovi para kraj oltara”, *Večernje Novosti*, 25 January 2012.

300 Decree on the Payment of Contributions to Pension, Disability and Health Insurance for Priests and Religious Officials, *Službeni Glasnik RS*, No. 26/2012.

301 “Stižu penzije za mantije”, *Večernje novosti*, 26 April 2012; “Zarade 1.500 evra, a država im plaća staž”, *Blic*, 29 April 2012.

302 “Sveštenici na budžetu crkva odvojena od države”, *Politika*, 15 May 2012.

project relating to the payment of contributions for priests from border and economically underdeveloped regions.

There are also traditional concrete forms of financial assistance to the majority church in Serbia. The Serbian Government passed the Decree on the Issuance of the Additional Postage Stamp “Construction of St Sava Memorial Temple”<sup>303</sup> under which all users of postal services were obliged to pay an additional 10-dinar postage stamp for the construction of St Sava Memorial Temple. This compulsory postage stamp was printed in 8.2 million copies. At the end of May 2012, the outgoing Prime Minister Mirko Cvetković signed a new Decree that would be valid from 11 June to 31 August 2012. Pursuant to the Decree, all collected funds will be channelled to the Holy Synod of Bishops of the Serbian Orthodox Church to finance finishing works in St Sava Memorial Temple, including its interior decoration.

According to some media, the funds collected from 11 June to 31 August 2012 amounted to about 65 million dinars (or €650,000), while the Serbian Government was a target of public criticism just because of this Decree. One argument was that the money was forcefully collected from non-believers and those belonging to other confessions. The Serbian Government responded that the completion of St Sava Memorial Temple “is not a matter of belief, religion or believers”; it is the national project initiated as early as 1939.<sup>304</sup>

From 2001 to the present day, the amount of over 462 million dinars – collected from the sale of additional postage stamps which citizens willy-nilly had to pay – flowed into the bank account of St Sava Memorial Temple in Belgrade. During the past period, at least 2.5 million postage stamps were printed each year. In 2001, for example, even 21.2 million were printed. In addition, only in 2010 the amount of 51.17 million dinars was earmarked in Serbia’s budget for the reconstruction of this building, while in 2011 this amount was 6.59 million dinars.<sup>305</sup> The Association “Atheists of Serbia” appealed to the Constitutional Court of Serbia to ver-

303 “Sl. glasnik RS”, No. 53/12.

304 “Uskoro izrada mozaika u Hramu Svetog Save”, *Danas*, 13 January 2012; “Prikupljeno oko 65 miliona dinara”, *Danas*, 25 September 2012.

305 “Hram ‘pojeo’ 462 miliona”, *Alo*, 27 July 2012.



ify the constitutionality and legality of the then Government's Decree concerning the issuance of an additional postage stamp on two occasions. However, their initiative was rejected both times with the justification that the Government had acted within the limits of its legal competences.<sup>306</sup>

Apart from financial support, there are also other forms of institutional cooperation in pursuing the joint mission aims of the relevant government institutions and majority church. So, for example, on 18 March 2012, Patriarch Irinej and Interior Minister Ivica Dačić signed the Memorandum on Cooperation Between the Serbian Orthodox Church and the Ministry of the Interior concerning the implementation of the Government's Anti-Drug Strategy, announcing that the drug rehab centres of the Serbian Orthodox Church should become part of the Strategy.<sup>307</sup>

## The Majority Church in Serbia

Kosovo is still a dominant theme in the ideological and practical discourse of the Serbian Orthodox Church. At their regular meeting in Zvečan in early 2012, KFOR representatives informed the leaders of the local self-governments of the four northern municipalities that the Kosovo Police Service (KPS) would protect the medieval Devič Monastery, but they stated that such a decision was unacceptable. A somewhat more moderate and more realistic response came from Bishop Teodosije of Raska and Prizren. He said that Orthodox monasteries were protected by KFOR for more than 12 years and that it announced a long time ago that the time would come for its withdrawal.<sup>308</sup> The problem related to the protection of Orthodox places of worship in Kosovo and Metohija has been topical over the past few years. In 2010, KFOR protected eight "active" monasteries: the Patriarchate of Peć, Visoki Dečani, Gračanica, Holy Archangels near Prizren, Zočište, Gorioč, Devič and Budisavci, which represented the minimum level of acceptability for the Serbian Orthodox Church. However,

306 "Prikupljeno oko 65 miliona dinara", *Danas*, 25 September 2012.

307 "Saradnja SPC-a i MUP-a u borbi protiv narkomanije", *Ministry of the Interior of the Republic of Serbia*, [http://www.mup.gov.rs/cms\\_lat/aktivnosti.nsf/190312-saradnja.h](http://www.mup.gov.rs/cms_lat/aktivnosti.nsf/190312-saradnja.h).

308 "Zabrinut vladika Teodosije", *Pravda*, 20 January 2012.

KFOR now protects only three monasteries: Visoki Dečani (Italian troops), Patriarchate of Peć (Slovenian troops) and Devič (Moroccan troops that replaced French ones).<sup>309</sup>

The problem of Kosovo was especially topical in the church circles after the May 2012 elections, which resulted in political scene regrouping and a “radical” change in the power structure, accompanied by the statements that the “vital problem of state and church” would be solved during the term of office of the “new” political elite. Readiness to take a more realistic approach to solving the burning national issue, which was shown by Serbia’s newly elected President Tomislav Nikolić by his first statements, sharpened the Serbian Patriarch’s rhetoric. Addressing the people gathered at Gračanica Monastery on St Vitus Day, he again emphasized the identity-related significance of “Serbian Jerusalem”, which we should never forget so as not to forget ourselves. He also said that as long as “the gusle and gusle players are heard in the great tribunal, it will remain only ours”.

Serbian President Tomislav Nikolić stated that he “will never again be the president in Pristina, or the president of the provisional government in Pristina, or the president in Kosovska Mitrovica”<sup>310</sup>, so that it would be necessary to redefine national policy toward the most difficult Serbian issue and reconsider one’s own position in the negotiation process, based primarily on achieving the broadest possible consensus.<sup>311</sup> One day after the publication of the President’s statement, the alleged statement of the renowned Academician Dobrica Ćosić that it was time for “a civilized sur-

309 “Crkva i Beograd za odlaganje”, *Danas*, 23 January 2012.

310 “Nikolić: Nikada više neću biti predsednik u Prištini”, *S Media*, 10 July 2012, <http://www.smedia.rs/vesti/vest/96030/Tomislav-Nikolić-Kosovo-Nikolić-Nikada-vise-necu-biti-predsednik-u-Pristini-VIDEO.html>.

311 Since the mentioned statement could be associated by inertia with the idea of dividing *our soul and destiny*, the Presidency of the Republic quickly issued a statement confirming the President’s unwavering patriotism and disputing any prejudice as to the change of the status of the southern province. “Predsedništvo: Ne prejudicirati izmenu statusa južne pokrajine”, *S Media*, 10 July 2012, <http://www.smedia.rs/vesti/vest/96056/Tomislav-Nikolić-Kosovo-Predsednistvo-Ne-prejudicirati-izmenu-statusa-juzne-pokrajine.html>.

render"<sup>312</sup> of the southern province immediately reverberated, stirring up the already heated passions of the highest majority church dignitaries.<sup>313</sup> In his fast and sharp response to the disputed statement, Patriarch Irinej said that "the Serbian Church will never reconcile with something we have heard about in today's press, with a civilized surrender" of Kosovo and Metohija. "Who in the world has ever surrendered his most important territories to others and has called that 'civilization'. It is known how one's territories are taken, how they are occupied – in war and by seizure. The Serbian Church will never reconcile with that."<sup>314</sup>

The secular and spiritual authorities soon calmed down over this issue and the Patriarch stated that the Serbian Orthodox Church supported the initiative of Serbian President Tomislav Nikolić to achieve a national consensus on the Kosovo and Metohija issue. He also announced that the Serbian Orthodox Church would accept Nikolić's call to have one Church representative take part in the talks about Serbia's most important issue: "We will demand of our politicians, negotiators, to fight against Kosovo and Metohija independence for the survival of Serbs living in the southern Serbian province by all possible means."<sup>315</sup>

However, the agreement on integrated control of administrative crossings, which was topical in late November 2012, again provoked a sharp reaction from the officials of the Serbian Orthodox Church as well as the criticism of the secular authorities. In its letter to the President and Government of the Republic of Serbia, the Holy Synod of Bishops of the Serbian Orthodox Church voiced its position that "the establishment of borders at the administrative crossings between central Serbia and Kosovo is impermissible, all the more so because the Constitutional Court has not yet given its opinion on the issue" or, in other words, that "the establishment

312 "Ćosić: Vreme je da civilizovano predamo Kosovo", *Press*, 11 July 2012.

313 Dobrica Ćosić very quickly denied giving the alleged statement about "a civilized surrender", "Ćosić: Nisam trgovao Kosovom", *Večernje novosti*, 11 July 2012, <http://www.novosti.rs/vesti/naslovna/aktuelno.289.html:388020-Ćosić-Nisam-trgovao-Kosovom>.

314 "Irinej pozvao Srbe na jedinstvo po svim pitanjima", *Tanjug*, 11 July 2012, <http://www.tanjug.rs/videodet.aspx?galID=68517&videoID=366750>.

315 "Patrijarh Irinej: Svi da pomognu Nikoliću da sačuva Kosovo", *Press*, 2 August 2012.

of the border between Kosovo and Metohija and the rest of Serbia under the guise of integrated control of administrative crossings is – impermissible”. In the letter it was also asked “why the representatives of the Serbian state negotiate with Taci for whom an arrest warrant for crime has been issued, why there is no insistence on the investigation of crimes committed against Serbs and the processing of criminals on the Albanian side before continuing the negotiations with Pristina?” After receiving the Synod’s letter, President Tomislav Nikolić met with a three-member Church delegation, including Patriarch Irinej, Metropolitan Amfilohije and Bishop Irinej. Although the Office of the President informed that “the state is open to the active participation of the Church in solving the Kosovo problem”, it was speculated in the church circles that the meeting ended with no result because the top state officials claimed that they had no other choice and that the story about borders was finished.<sup>316</sup>

Naturally, Kosovo was also mentioned in Patriarch Irinej’s comment on the disputed verdict of the Hague Criminal Tribunal in the case against the Croatian generals. In his speech delivered in the Cathedral Church in Belgrade, after a memorial service to the Serb victims of the 1990s wars, Patriarch Irinej stated that by its decision to acquit the Croatian generals, the Hague Tribunal removed a mask from its face and finally showed that it was a political court, lacking basic legal and ethical norms, whose aim was to find those who are guilty innocent and declare innocent victims as perpetrators. The memorial service was attended by Prime Minister Ivica Dačić, First Deputy Prime Minister Aleksandar Vučić, Serbian Parliament Speaker Nebojša Stefanović, Ministers, members of Parliament, representatives of refugee associations and citizens. The Patriarch also said that the invitation to join the European community of nations should be accepted if they accept us for what we are, with our holy land, culture, religion and language because we are spatially in Europe. However, if they condition us with Kosovo, we should not accept the invitation. In the same speech, the traditional rhetoric thread linking Kosovo, Europe and The Hague was highlighted by referring to the ties with the brotherly nation: “Let us return to the spiritual values to which our spirituality and history have led

316 “Susret sa Nikolićem bez rezultata?”, *Danas*, 3 December 2012.

us. That faith has oriented Serbs towards the East. We must tie our small boat to the big boat of our great brotherly Slavic nation with which we are bound by blood and faith.”<sup>317</sup>

The strong ties between the Serbian Orthodox Church and Russia, not only with the Russian Orthodox Church, are continuously acknowledged and reinforced at various levels. In early February 2012, Russian Ambassador to Belgrade Alexander Konuzin was decorated with the Order of St Sava of the First Degree at the Patriarchate of the Serbian Orthodox Church<sup>318</sup>. It must be noted that in 2008 this highest decoration of the Serbian Orthodox Church was awarded to the then Russian Ambassador, Alexander Alexeev.<sup>319</sup>

The Russian state and Russian Orthodox Church provide intensive support to the construction of the Saint Sava Memorial Temple or, more exactly, to finishing works. There was talk that financial support was rather large. After the meeting of the Serbian delegation with Metropolitan Hilarion Alfeyev in Moscow in September 2011, it was proposed that the Russians finance and make the mosaic floor of the Saint Sava Memorial Temple; this work would be carried out over the next eight years. According to the preliminary estimate, the project will cost €30–40 million and will be realized with the participation of the Russian state and Russian Orthodox Church. After the return visit to Serbia in early 2012, Metropolitan Hilarion Alfeyev confirmed the readiness of the Russian Orthodox Church to support the continuation of finishing works. The mosaic will cover an area of 17,000 square metres and one square metre costs €2000–2500.<sup>320</sup>

In 2012, as in the previous year, the police banned the Pride Parade in Belgrade, while church officials pointed to the harmfulness of same-sex marriage, homosexuality, etc. throughout the year. So, in his Easter message, Metropolitan Amfilohije warned that the sanctity of life was abused by infanticide, homosexuality, “proclaiming mindless lust divine

317 “Ko je kriv za ubistva i progon?“, *Večernje novosti*, 26 November 2012.

318 “Konuzinu orden SPC“, *Kurir*, 4 February 2012.

319 “I ‘crkvena diplomatija’ je između Kosova i EU“, *Politika*, 8 February 2012.

320 “Uskoro izrada mozaika u Hramu Svetog Save“, *Danas*, 13 January 2012.

and deifying self-deceit and self-destruction". The Metropolitan opposed the idea of legalizing same-sex marriage, which he called "suicidal and self-destructive urge".<sup>321</sup> In the midst of pressure against the Pride Parade, Patriarch Irinej said the following in an interview: "I do not condemn those people; I feel pity for them. That is probably something stronger than them. That is a deviation from human nature which cannot be seen anywhere in nature. I think that this is a disease and that such persons must be helped to overcome this unnatural anomaly. (...) The Church condemns sin, not the sinner. (...) These parades insult the morale of an absolute majority, not just Christians, but also the representatives of other major religions and they must be banned. I respect everyone's freedom, but not the freedom that leads to anarchy". He also referred to the unpleasant scenes of violence, which regularly accompany any attempt to organize the disputed event: "No violence can be approved regardless of the perpetrator. I do not support violence in this case. If some priests participated in it, they had no Church's blessing for it. (...) In my opinion, one of the rather efficient methods by which we can oppose it is to have people bypass the street where this manifestation takes place, should it take place."<sup>322</sup>

## Intra-Church Tensions

On the eve of the regular session of the Holy Assembly of Bishops of the Serbian Orthodox Church in May, there was a lot of public speculation about possible radical changes such as: the removal from office and retirement of some bishops, redrawing of diocesan boundaries, formation of new organizational units and the like. At the very beginning of the session, a group of believers from Priboj submitted to the Patriarchate the petition with a more than 4000 signatures supporting Priboj priests who fell out of favour with Bishop Filaret.<sup>323</sup> This event was in line with the mentioned announcements, but during the second and third day of the

321 "Istopolni brak samoubistvo", *Danas*, 16 April 2012.

322 "Patrijarh Irinej", *NIN*, 4 October 2012.

323 "Počelo zasedanje Sabora SPC", *Politika*, 16 May 2012.

Assembly session it became clear that nothing would happen. The statement made by the spokesman for the Serbian Orthodox Church, Bishop Irinej of Backa, was also in such a spirit. He said that the session of the Holy Assembly of Bishops the Serbian Orthodox Church ended “without any scandals or divisions among the Bishops”. The composition of the Synod did not change, nor did the Dioceses of Buenos Aires and Austria-Switzerland obtain their Bishops (they are currently administered by Metropolitan Amfilohije and Bishop Irinej of Backa respectively). The division of some dioceses was not on the agenda, nor did some bishops retire. According to the officials of the Serbian Orthodox Church, all talk was just media speculation and was not even mentioned during the session of the Holy Assembly of Bishops.<sup>324</sup>

According to the defence lawyers of the accused, the investigation into the case of defrocked Bishop Artemije of Raska and Prizren, who is charged, together with his associates, with misappropriating the funds of the Serbian Orthodox Church amounting to about 1.5 million dinars, had to wait for more than a year for the engagement of court-appointed financial experts, who would determine how many monasteries in the Diocese had been reconstructed and the cost of such work.<sup>325</sup> In the meantime, on Miloje Stevanović’s private estate in the village of Loznica near Cacak, Bishop’s Artemije followers were building their church. In 2011, their host, Cacak businessman Miloje Stevanović, was excommunicated from the Serbian Orthodox Church by the decision of the High Ecclesiastical Court because he received the fugitive hieromonks and monks – clerics from the Diocese of Raska and Prizren, who supported Bishop Artemije and “formed a cenobitic community on a private estate without the Diocesan Bishop’s blessing”.<sup>326</sup>

It was also reported that a larger group of priests from the Diocese of Zica, accompanied by the police, took over the Monastery of the Ascension of Christ in the Ovar-Kablar Gorge, because the sorority openly announced that they would leave this diocese of the Serbian Orthodox

324 “Bez promene u Sinodu”, *Danas*, 24 May 2012.

325 “Istraga protiv Artemija na čekanju”, *Danas*, 17 April 2012.

326 “Artemije dobija svoju crkvu”, *Blic*, 12 May 2012.

Church and join the “Diocese of Raska and Prizren in exile”, under the spiritual guidance of defrocked Bishop Artemije.<sup>327</sup>

After the officials of the Serbian Orthodox Church had sent him a “synodal enactment urging him to return to himself and the Church through repentance”, Patriarch Irinej publicly expressed his doubts that monk Artemije would want to repent and return to the Church, assessing that the path of schism he had taken is a tragedy for the frocked bishop himself and that the next step could be his excommunication from the Serbian Orthodox Church. The Patriarch also pointed out that Artemije prevented the Synod from having insight into the work of the Diocese despite being entitled to it, so that the Holy Assembly had to remove him temporarily from leading the diocese.<sup>328</sup>

However, the case of the defrocked Bishop Artemije was overshadowed by one much more tragic event that shook the public in the summer of 2012. Due to its disastrous outcome, the Peranović case made headlines. The news that instantly made a sensation was that Nebojša Zarubac, a protégé of the informal drug rehabilitation centre in Jadarska Lesnica near Loznica, was found dead in the home of priest Branislav Peranović, manager of this centre, after being severely beaten. The Diocese of Sabac under whose jurisdiction the disputed informal centre operated, expressed its regret over the death of Nebojša Zarubac, announcing that the ecclesiastical court of the Diocese of Sabac would also step in should it be proven that Branislav Peranović killed the centre protégé. Let us recall that Peranović became publicly known as early as 2009 after severely beating one protégé at the Crna Reka Drug Rehabilitation Centre he had managed, and after the video showing this protégé being beaten with shovels was put on youtube.com. After severe condemnation by the Holy Synod of the Serbian Orthodox Church, the then active Bishop Artemije, who was in charge of this drug rehabilitation centre, removed Peranović from office and closed the Crna Reka centre. The Municipal Prosecutor’s Office in Tutin brought criminal charges against Peranović for beating a drug addict but, although the trial was finished at the end of 2011, the verdict is still pending. In

327 “Sabor SPC pozvao Artemija na pokajanje”, *Danas*, 26–27 May 2012.

328 “Patrijarh vladici preti izopštenjem iz SPC”, *Press*, 15 July 2012.



2010, after leaving Crna Reka Monastery, Peranović went to Jadarska Lesnica where he became the manager of the Sretenje Drug Rehabilitation Centre.

Among the reactions from the Bishops of the Serbian Orthodox Church it is worth to mention Bishop Porfirije's statement that priest Peranović runs a private business and earns at least €50,000 a month and that the Bishop had no idea that Peranović opened a new centre in Jadarska Lesnica.<sup>329</sup> It is also worth to mention the statement issued by Bishop Lavrentije of Sabac in which he apologized to the public disturbed by the tragic event, and explained that the Sretenje Drug Rehabilitation Centre was formed at the request of drug addicts' parents: "We have responded to their appeal and established the Centre. Had we rejected to give a blessing for its work, we would have probably been exposed to criticism and complaints that the Church does not do anything, that it does not understand the times we live in, that it does not care about its people, that it is inactive, that it is not conservative, that it is not like the churches in Europe."<sup>330</sup>

Serbian Prime Minister Ivica Dačić's reaction to this tragic case was in proportion to its significance in the public eye. He said that something that happened yesterday in the drug rehabilitation centre in Jadarska Lesnica represented violence and not treatment and that it was absolutely contrary to the Protocol signed by the Ministry of the Interior and Patriarch Irinej concerning cooperation in fighting drug addiction.<sup>331</sup>

It must be noted that the Church's blessing is not sufficient for the operation of these centres; it is also necessary to have approval from the state and competent ministries. In other words, drug rehabilitation centres must be obligatorily visited by Health Ministry inspectors, but the Jadarska Lesnica centre had no operating licence. The Peranović case raises several questions. How could he obtain the operating licence for such a specific health institution, if he obtained it at all? What does the Ministry of Health think about such "health" institutions and how does it supervise them?

329 "Vladika Porfirije: Peranović zarađivao 50.000 evra mesečno", *Politika*, 8 August 2012.

330 "Vladika Lavrentije: Centar za odvikavanje tražili roditelji", *Danas*, 14 August 2012.

331 "Dačić: Suprotno dogovoru sa SPC", *Danas*, 15 August 2012.

## The Serbian Orthodox Church and Its Neighbours

The attitude of the Serbian Orthodox Church towards the state of Montenegro is best represented by Patriarch Irinej's interview with *NIN* weekly in early October 2012: "Montenegro is going its own way and we will see where they will go and whether they will become Italians, Vaticaners, or probably Albanians. (...) Had it not been for the Metropolitanate of Montenegro and the Littoral there would have been no Montenegro."<sup>332</sup>

During the previous year, the key contentious issue was the legal status of the organizational units of the Serbian Orthodox Church and its own status in Montenegro. The dispute between the Montenegrin Government and the Serbian Orthodox Church Metropolitanate of Montenegro and the Littoral centred on different interpretations of the still effective 1977 Law on Religious Communities. Rejecting the possibility of registering the Serbian Orthodox Church in the manner required by the Montenegrin authorities, Metropolitan Amfilohije of Montenegro and the Littoral stated in his letter to Montenegrin Prime Minister Lukšić that the Law was maliciously and erroneously interpreted and that the Serbian Orthodox Church was required to register in Montenegro despite its centuries-long presence in it. According to Metropolitan Amfilohije, the 1977 Law on Religious Communities prescribes the obligation to report oneself to the relevant state authorities and not to register, which applies solely to newly established religious communities or, more precisely, those established by citizens after the coming into force of the Law.<sup>333</sup>

The disputed registration of a religious community, that is, legal entity also affected the status of the priests of the Serbian Orthodox Church or, more precisely, foreign citizens in Montenegro, because the requests of the Serbian Orthodox Church for the issuance of temporary residence permits for their officials in Montenegro were considered illegitimate by the Montenegrin Ministry of the Interior. Eight priests and monks from the Diocese of Mileseva in Pljevlja were pressured by the Ministry of the Interior

332 "Patrijarh Irinej – Intervju", *NIN*, 4 October 2012.

333 "Amfilohije odbacuje mogućnost registrovanja SPC", *Politika*, February 2012; „Lukšiću, prekinite progon“, *Novosti*, 19 February 2012.

to leave the country within three days in accordance with the Law on Foreign Citizens, but Metropolitan Amfilohije's intervention from the Montenegrin Prime Minister and Patriarch Irinej's written appeal postponed this legal procedure for a month.<sup>334</sup>

After the signing of the Fundamental Agreement with the Holy See in Rome in late 2011 and soon thereafter the agreements on the regulation of relations between the state of Montenegro and the Islamic and Jewish Communities, Prime Minister Igor Lukšić announced the possibility of signing two agreements with the Orthodox churches due to the division of the Orthodox community in Montenegro.

According to Velibor Džomić, Coordinator of the Legal Council of the Serbian Orthodox Church Metropolitanate of Montenegro and the Littoral, the Metropolitanate advocates dialogue with the state of Montenegro, but it is acceptable only if "the agreement with the state prescribes the same extent of rights like the Fundamental Agreement". On several occasions, the Coordinator of the Metropolitanate Legal Council emphasized that the Metropolitanate would not and could not "accept talks with persons who are devoid of the canonic possibility of being priests and bishops", from the Non-governmental Organization Montenegrin Orthodox Church.<sup>335</sup> At some earlier date, Amfilohije, Archbishop of Cetinje and Metropolitan of Montenegro and the Littoral, repeated that "the canonically unrecognized Montenegrin Orthodox Church is merely a sect", and appealed to its followers to return under the auspices of the canonic Orthodox Church in Montenegro.<sup>336</sup>

During the year, another chronic problem related to the canonic (non-) recognition of the Macedonian Orthodox Church and status of the Orthodox Ohrid Archbishopric of the Serbian Orthodox Church in Macedonia, involved the imprisonment of Jovan Vraniskovski, Archbishop of Ohrid and Metropolitan of Skopje. Namely, the Court of Appeals accepted the complaint of the

334 "Isteruju popove i decu na sneg", *Kurir*, 12 February 2012; "Mantije ni privremeno", *Večernje novosti*, 12 February 2012; "Politički udar na vernike", *Večernje novosti*, 13 February 2012; "Odložen progon srpskih popova", *Kurir*, 15–16 February 2012.

335 "MCP želi dijalog sa Podgoricom", *Politika*, 1 February 2012; „SPC traži tretman kao katolici", *Pravda*, 1 February 2012.

336 *Press*, 8 January 2012.

Public Prosecutor's Office and returned the case for consideration, pending the validity of the decision of the Basic Court in Veles about a retrial, so that in mid-January 2012 Archbishop Jovan, the head of the Orthodox Ohrid Archbishopric of the Serbian Orthodox Church (whose activity the Skopje authorities do not want to register), was transferred to Idrizovo Penitentiary. In 2011, after two acquittals, Archbishop Jovan was convicted in absentia in Veles for allegedly misappropriating about €250,000 at the time he was the bishop of the canonically unrecognized Macedonian Orthodox Church.

This is Archbishop Jovan's third imprisonment at Idrizovo. After entering into the liturgical and canonical unity with the Serbian Orthodox Church, he was first sentenced to two and a half years in prison for allegedly instigating racial, religious and national hatred, discord and intolerance while preaching Orthodox faith and then received the same sentence for misappropriating the donation of €57,000 for the reconstruction of the Church of St Panteleimon in Veles.<sup>337</sup> After four months the Basic Court in Veles sentenced Archbishop Jovan to two and a half years imprisonment charging him for alleged fraud and embezzlement. The Holy Assembly of Bishops of the Serbian Orthodox Church condemned the decision of the Veles court "with the deepest moral indignation". In their communique the Archbishops of the Serbian Orthodox Church stated that this was a staged pseudotrial of a "Stalinist type" organized "upon the blatant request of the schismatic organization calling itself 'The Macedonian Orthodox Church'".<sup>338</sup>

During the year, the problem related to the settlement of the decades-long dispute between the Serbian Orthodox Church and canonically unrecognized Macedonian Orthodox Church, was reactualized on several occasions. Among the potential mediators in their talks there was also mention of Metropolitan Hilarion Alfeyev of Volokolamsk, responsible for the foreign relations of the Russian Orthodox Church, who stated that the Russian Church was prepared to help find a solution for the status of the Macedonian Orthodox Church, which is not recognized by other Orthodox churches.<sup>339</sup>

337 "Za vladiku kazamat", *Večernje novosti*, 20 January 2012.

338 "Presuđeno po porudžbini MPC", *Danas*, 14 May 2012.

339 "Ruska crkva želi da posreduje", *Danas*, 30 April 2012.

However, much greater attention was attracted by the offer of Serbian President Tomislav Nikolić to mediate in this dispute. During his official visit to Macedonia, President Nikolić said in an interview with Macedonia's Sitel tv and Vecer daily that Macedonia now obtained an interlocutor in Serbia and that he was prepared to talk about the relations between the Serbian Orthodox Church and Macedonia. This statement triggered an avalanche of both Church and secular reactions. So, Bishop Lavrentije of Sabac said that the problem related to the status of the Macedonian church should be solved by the Serbian Orthodox Church and canonically unrecognized Macedonian Orthodox Church without the involvement of the state authorities. On the other hand, the officials of the Macedonian Orthodox Church held that there was scope for the Serbian President's role. The spokesman for the Macedonian Orthodox Church, Bishop Timotej of the Ohrid Archbishopric welcomed the Serbian President's call for talks about the status of that church and added that the problem could only be solved through dialogue. He positively assessed Nikolić's offer, but pointed out that the condition set by the Serbian President – the acquittal of Bishop Jovan Vraniskovski – was a state issue, not a church one.<sup>340</sup>

The debate triggered by the President's offer turned into an intra-church dispute or, better said, bishops' dispute within the Serbian Orthodox Church. Commenting on the President's offer for one Belgrade-based daily, Bishop Lavrentije of Sabac said that such an initiative would be welcomed with open arms in Macedonia and added: "Almost all Orthodox Churches are autocephalous, so why wouldn't the Macedonian Church be also autocephalous, but this must be canonically regulated. They must be enabled to do that autonomously and not have someone else organize that. This is also better for the Church."<sup>341</sup> For another daily, the Bishop Lavrentije of Sabac confirmed his stance: "The Macedonian Orthodox Church has been autonomously operating for a few decades. Thus, it would continue to operate like that and there would be no radical changes. However, times have changed, this is the age of democracy and we must show good will and legalize its existence. This would strengthen

340 "Može li predsednik da rešava crkveni spor", *Politika*, 20 October 2012.

341 "Lavrentije: Dati Makedoncima nezavisnu crkvu", *Blic*, 23 October 2012.

our relations. If they could function independently so far, why can't they continue like that."<sup>342</sup>

Bishop Lavrentije's statements provoked severe reactions from some Bishops of the Serbian Orthodox Church, including specifically Bishop Irinej of Backa. In a harsh open letter to Bishop Lavrentije, he emphasized that such a position was unacceptable from the ecclesiological and canon law and advised him to step down, that is, to ask to retire for the fourth and last time.<sup>343</sup> Irinej assessed Bishop Lavrentije's statement as "utterly thoughtless, flippant and ecclesiastically and canonically unacceptable". In the opinion of Metropolitan Jovan of Zagreb, Ljubljana and All Italy, Bishop Lavrentije's statement is "the product of his kindness and readiness to forgive", but is not in accordance with the canonical order of the Orthodox Church.<sup>344</sup>

In analyzing the status of the members of the Serbian Orthodox Church in Croatia in his Easter interview for Croatian Catholic Radio, Metropolitan Jovan (Pavlovic) of Zagreb, Ljubljana and All Italia, said that the Metropolitanate maintained very good cooperation with the Catholic Church and Croatian authorities. Pointing out that in Croatia and Slovenia there are 250,000 and 40,000 Serbian Orthodox Christians respectively, the Metropolitan also said that "in those places where we do not have our own temples, the Catholic Church has come to our assistance, so that worship is conducted in their churches. Cooperation at the ecumenical level is praiseworthy." He emphasized that "despite financial difficulties" the Croatian Government continued to provide funds for the reconstruction of Serbian churches and monasteries, in addition to supporting priests and impoverished parishes. Cooperation with government institutions concerning the issue of confiscated Church property was also "very good".<sup>345</sup>

In early June 2012, the delegation of the Holy Synod of Bishops of the Serbian Orthodox Church, including Bishop Vasilije (Vadić) of Srem, Bishop Irinej (Bulović) of Backa and Bishop Jovan (Mladenović) of

342 "Od inaćenja nema koristi", *Danas*, 25 October 2012.

343 "Vladika Irinej traži od Lavrentija da se povuče", *Politika*, 26 October 2012.

344 "Lavrentije greši kada je u pitanju MPC", *Blic*, 27 October 2012.

345 "U Hrvatskoj živi 250.000 pravoslavaca", *Danas*, 16 April 2012.

Sumadija, headed by Patriarch Irinej, paid a three-day visit to the Metropolitanate of Zagreb and Ljubljana. The main reason for their visit to Croatia was the opening of the new building of the Serbian Orthodox High School “Kantakuzina Katarina Branković” and spiritual centre, but the occasion was also used for talks with Croatian government officials and the highest dignitaries of the Roman Catholic Church in Croatia. Zagreb-based media called this visit “historical” because this was the first visit of the entire Holy Synod of Bishops of the Serbian Orthodox Church to Croatia after the proclamation of its independence.<sup>346</sup>

However, there were also some disagreements between the Serbian Orthodox Church, on one side, and the Roman Catholic Church or the Croatian state, on the other. The news that, on 23 March 2012, Serbian Minister of Culture Predrag Marković and his Zagreb colleague Andrea Zlatar Violić signed the Protocol on the Return of Cultural Property from Serbia to Croatia, provoked a reaction from some experts on Serbian cultural heritage. The document was criticized because it formalized Serbia’s obligation to return the property belonging to the Serbian Orthodox Church and expelled Krajina Serbs to Croatia. The Serbian Orthodox Church reacted strongly against the document emphasizing that relics and other art objects could only be returned to the churches and monasteries of the Serbian Orthodox Church in Croatia from which they had originated.<sup>347</sup>

During the year, the Pope’s visit to Serbia for marking the 1700th anniversary of the Edict of Milan was a topical issue on a few occasions. Metropolitan Jovan of Zagreb, Ljubljana and All Italy stated that before visiting Serbia the head of the Roman Catholic Church, Pope Benedict XVI, should go to Jasenovac. In his opinion, the Pope’s arrival for the celebration is an extremely complex issue not only because in such a case the Russian Patriarch might not come to Niš: “Should the Pope come to Niš, the whole celebration of marking the anniversary of the Edict of Milan would be overshadowed by him and all other church dignitaries would practically be reduced to the Pope’s train bearers”.<sup>348</sup>

346 “Doprinos razumevanju”, *Danas*, 8 June 2012.

347 “Hoće ikone, ali neće Srbe”, *Večernje novosti*, 18 April 2012.

348 “Mitropolit Jovan: Ako hoće u Srbiju, papa prvo mora

On one occasion, Archbishop of Belgrade Stanislav Hocevar commented on Metropolitan Jovan's statement saying that "it is not realistic to expect the Holy Father to visit Jasenovac as long as the two sides use this death camp for mutual bickering instead of fighting for the irrefutable truth". He repeated that Pope Benedict XVI would like to visit Serbia, but a vital prerequisite was that the whole Serbian society was prepared for his visit, because the Pope would come not only as the head of the Roman Catholic Church, but also as the first among the Christian churches and the highest Vatican representative.<sup>349</sup>

Speculation in the media about the talks concerning the arrival of Pope Benedict XVI for marking the 1700th anniversary of the Edict of Milan was finally dispelled by Father Federico Lombardi, Director of the Holy See Press Office, who said that "at the moment, Pope's travel to Niš next year is not planned". Finally, the Serbian Orthodox Church put an end to such speculation stating that Pope Benedict XVI never sent any message or signal to the Serbian Orthodox Church that he would wish to visit Serbia and that such an issue does not exist for the Church; thus, the media were asked not to create "false images and impressions".<sup>350</sup>

As for the current relations, there is one more detail worth mentioning. Namely, the information that, during the prayer for Christian unity in the Cathedral of the Assumption of the Blessed Virgin Mary in Dubrovnik, Bishop Grigorije of Zahumlje-Herzegovina and the Littoral apologized to the Croats in Dubrovnik without concretely mentioning the war and conflicts, provoked different reactions within the church circles in Serbia. The ambivalent attitude of the Bishops towards Bishop Grigorije's gesture is probably best illustrated by the statement of Patriarch Irinej himself: "Every apology is welcome, but forgiveness must be mutual".<sup>351</sup>

During his four-day visit to the Metropolitanate of Dabar and Bosnia, Patriarch Irinej visited Sarajevo and attended the prayer for peace at the

u Jasenovac", *Danas*, 20 August 2012.

349 "Hocevar: Crkvi vraćeno 14% imovine", *B92*, 23 December 2012, [http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=12&dd=23&nav\\_category=12&nav\\_id=671442](http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=12&dd=23&nav_category=12&nav_id=671442).

350 "Papa ne planira put u Niš", *Blic*, 7 September 2012.

351 "Patrijarh Irinej: Bilo bi bolje da je izvinjenje obostrano", *Pres*, 21 January 2012.



Cathedral of Jesus' Heart and sent an appeal for the survival of Christians in the city.<sup>352</sup> Patriarch Irinej stated that Christianity in the city was "under great threat" and that the Serbian population, which formed a "majority in Sarajevo", did not live there any longer. Speaking to journalists, he emphasized that it was the most tragic thing that many Serbs could not return to that city, although they wanted to and this posed a special problem. The Patriarch said that this was his third visit to Sarajevo and emphasized that the first two were made under the circumstances that were much more favourable for the Serbian population in the city. He pointed out that he was acquainted with the problem concerning the restitution of the property of the Serbian Orthodox Church in Sarajevo, just like in Serbia, but "it seems that here the Serbian people and Serbian Church have been marginalized, because something done for other churches and religious communities has not been done for them".<sup>353</sup>

Apart from their criticism of the status of Serbs in Sarajevo, some bishops criticized the Riyaset of the Islamic Community in Bosnia and Herzegovina. Bishop Grigorije of Zahumlje-Herzegovina and the Littoral criticized the head of the Islamic Community in Bosnia and Herzegovina, Reis-ul-Ulema Mustafa Cerić, because he had compared the Serbian and Croatian Presidents, Boris Tadić and Ivo Josipović, with Slobodan Milošević and Franjo Tuđman. In an interview for TV 1, Bishop Grigorije said that Tadić and Josipović were the two most peace-loving persons in the region over the last one hundred years. He also said that by his statements about Milorad Dodik, President of the Republic of Srpska, Reis-ul-Ulema Cerić exceeded all bounds of what was human, cultural and religious, and behaved as if Bosnia and Herzegovina was his private property.<sup>354</sup>

The President of the Republic of Srpska, Milorad Dodik, is a welcome guest at the Patriarchate and politician who is openly and unconditionally supported by the Serbian Orthodox Church. During their meeting in Belgrade, Patriarch Irinej and President of the Republic of Srpska Milorad

352 "Apel patrijarha da hrišćani opstanu u Sarajevu", *Blic*, 10 September 2012;  
"Patrijarh na skupu mira u Sarajevu", *Politika*, 10 September 2012.

353 "Hrišćanstvo u Sarajevu je veoma ugroženo", *Politika*, 11 September 2012.

354 "Vladika Grigorije kritikovao Cerića", *Politika*, 12 January 2012.

Dodik agreed that the Church was one of the most important institutions for the strengthening of Serbian national identity. The secular interlocutor also said that there was a very high level of synergy between the governments of the Republic of Srpska and the Serbian Orthodox Church and that they were jointly working towards enhancing the role of the Church among all generations. Furthermore, the Republic of Srpska would also confirm its commitment to the Patriarch and the Serbian Orthodox Church by participating in the renovation of the Serbian Patriarch's residence in Dedinje. Patriarch Irinej also emphasized the common aims stating: "With his wish, ideas and mission President Dodik reinforces the links between Serbs on both sides of the Drina and contributes to our nation's preservation, while the Church supports this mission, doing its best to ensure that we remain one nation".<sup>355</sup> During his visit to the book stand of the Republic of Srpska at the Belgrade Book Fair, Patriarch Irinej repeated his impression about the political entity led by Milorad Dodik: "Today, the Republic of Srpska supports the best ideas of Serbdom in general and presents them to the world. We in Serbia should look up to the Republic of Srpska in many respects".<sup>356</sup>

The recently settled dispute with the Romanian Orthodox Church was rekindled shortly before and after the May session of the Holy Assembly of Bishops of the Serbian Orthodox Church. In its communique concerning the May session, it was stated as follows: certain bishops and clergy from the neighbouring Romania still go uninvited to certain towns and villages in eastern Serbia or, more precisely, in the Dioceses of Timok and Braničevo where they perform priestly activities. For this reason, the Assembly had to protest once more to Romanian Patriarch Daniel and his Synod; however, should the anticipated measures fail, the Assembly will be forced to break off its relations with the Romanian Orthodox Church.<sup>357</sup> The activities of four priests and one deacon belonging to the Romanian Orthodox Church in eastern Serbia or, more exactly, in the villages populated mostly by Vlachs, threaten to sever the relations between the two Churches, since

355 "Patrijarh Irinej i Dodik o duhovnom jedinstvu srpskog naroda", *Politika*, 1 August 2012.

356 "Irinej: Srbija da se ugleda na RS", *Blic*, 25 October 2012.

357 "SPC: Nevini stradaju u Makedoniji i Crnoj Gori", *Blic*, 26 May 2012.

the Serbian Orthodox Church considers such activities unacceptable. The activities of young priest Bojan Aleksandrović, the former cleric of the Diocese of Timok and now the Protosacerdot of Dacia Ripensis of the Romanian Orthodox Church, who conducts religious services in Romanian in the Vlach village of Malajnica, not far from Negotin, are especially disputable.<sup>358</sup>

The long-standing problem related to the impossibility of entering the Romanian Orthodox Church in the Register of Churches and Religious Communities was solved in 2009, when the two Churches found the way to register the Diocese of Dacia Felix or, more precisely, Romanian Orthodox Church for Romanians in the Serbian Banat. Thereafter, Ministry of Religion and Diaspora entered those dioceses in the Register, thus giving it the same significance as to all other traditional churches and religious communities. On a few occasions the Centre for Civil Society Development turned attention to the fact that “Serbia’s failure to recognize the Romanian Orthodox Church is the factor behind Romania’s resistance to Serbia’s becoming a EU candidate in March 2012”.

Although its details were not published, the Brussels Protocol on the Observance of Romanian Minority Rights, signed on the eve of the approval of Serbia’s EU candidate status, also deals with one church issue – the rights of Romanians living in eastern Serbia to have church services held in their language. The Protocol signed in Brussels on 1 March, thanks to which Romania gave its consent for Serbia’s EU accession, infringes not only on the system of the Serbian Orthodox Church, but also on inter-church relations. It anticipates Serbia’s obligation to provide the Romanians living in Timocka Krajina not only with education, media and local administration, but also with church services in their language. Therefore, the Serbian Orthodox Church does not look favourably at government interference with liturgical issues.<sup>359</sup>

358 “Šta SPC zamera rumunskim sveštenicima”, *Politika*, 30 May 2012.

359 “Dunav podelio i crkve”, *Večernje novosti*, 31 May 2012.

## Muslims in Serbia

The suspension – or “postponement” due to the May elections, as reported in the media – of the initiative to unify the Islamic Community, which was launched by Turkish Prime Minister Taip Erdogan, Turkish Foreign Minister Ahmet Davutoglu and Mehmed Gomez, head of Turkey’s Islamic community, returned the relations between the rival organizational structures to their previous level. The mentioned initiative to unify the Islamic Community in Serbia and Islamic Community of Serbia was taking place under very questionable circumstances. It should be noted that, apart from the lack of transparency in the whole process and the questionable role of government institutions in the creation of the relevant agreement<sup>360</sup>, one of the two parties, the Islamic Community of Serbia, was absent. On the other hand, a regular actor involved in these negotiations was Reis-ul-Ulema Mustafa Cerić, head of the Islamic Community in Bosnia and Herzegovina and the main religious authority of the Islamic Community in Serbia, whose Meshihat operates within the Islamic Community in Bosnia and Herzegovina.

The status of Muslims in the Municipalities of Bujanovac, Presevo and Medvedja is very specific because about 60 mosques and 70 imams are under the jurisdiction of at least four organizational structures, which are individually linked to Pristina, Novi Pazar, Belgrade and even Riyadh.<sup>361</sup> None of these organizational structures was mentioned in the agreement on the unification of the Islamic Community.

In an interview for *Blic* daily, given at the beginning of 2012, Reis-ul-Ulema of the Islamic Community of Serbia Adem Zilkić confirmed that neither the Islamic Community of Serbia nor he personally were included in the reconciliation process. However, he emphasized that

360 In late 2011, according to the media, the agreement was created at several meetings, which were attended, apart from the mentioned Turkish officials, by Serbian Minister without Portfolio Sulejman Ugljanin, Rasim Ljajić, Minister of Labour and Social Policy, Bakir Izetbegović, Bosniak Member of the Presidency of Bosnia and Herzegovina, as well as Serbian President Boris Tadić and Foreign Minister Vuk Jeremić (“Potpis na jedinstvo u sredi”, *Danas*, 16 October 2011).

361 “Rijad i Kosovo bliži od Ankare”, *Danas*, 7 November 2011.

reconciliation was necessary and expected the state to be a good service provider that would contribute to reconciliation, just as Turkey was expected to be an impartial mediator. He also said that unification should be based on the “comb overlapping” system, thus incorporating all institutions into each other without having to dissolve any of them. The Ryaset would act as an umbrella institution and such a model, in the opinion of Reis-ul-Ulema Adem Zilkić, would be acceptable to Albanians, Roma, Ashkali, Goranci, Turks and others, in addition to Bosniaks supporting the Islamic Community of Serbia. On that occasion, the religious leader of the Islamic Community of Serbia also proposed that Zukorlić and he withdraw from the Islamic Community and thus open the door to reconciliation.<sup>362</sup>

It is worth to mention the statement of the then State Secretary at the Ministry of Religion and Diaspora, Bogoljub Šijaković, who emphasized that the Ministry was not included in “Turkey’s initiative to unify the Islamic Community”. However, it appeared to him that, through the unification process, Turkey pretentiously attempted to favour the organizational structure seated in Novi Pazar and led by Mufti Muamer Zukorlić. Šijaković pointed out that this religious community was acting as an explicit opponent of Serbia’s state policy for a few years already. He then made a very sharp assessment: “Sandžak separatists led by Zukorlić wish to divide the national wholeness of the Serbian people, so that one part remains in Serbia and the other – in Montenegro and Hercegovina”<sup>363</sup>

The status of Muslims in Serbia is still burdened by an organizational division within the Islamic community or, better said, the existence of two Islamic Communities, while their continuing and stubborn insistence on their positions resulted in the creation of parallel institutions, which only increases the current distance and makes reconciliation efforts more difficult.

Traditionally, Muamer Zukorlić, Chief Mufti of the Islamic Community in Serbia, was most often present in the media, especially in 2012, when

362 “Zilkić: Zukorlić i ja treba da se povučemo sa svih funkcija”, *Blic*, 3 January 2012, <http://www.blic.rs/Vesti/Politika/299448/Zilkić-Zukorlić-i-ja-treba-da-se-povucemo-sa-svih-funkcija>.

363 “Šijaković: Crkva treba da ima veću ulogu u javnom životu”, *Politika*, 5 March 2012.

he came into the spotlight in Serbia on a few occasions due to his candidacy for the Serbian President. According to Sarajevo-based daily *Dnevni avaz*, in mid-February 2012, it was plotted to assassinate Chief Mufti Zukorlić; the assassination was planned in Sarajevo and its executors would be a group of Serbian criminals. According to the same daily, Serbia's police and security services received the information about this plot two months earlier, but did not warn the Chief Mufti.<sup>364</sup> Deputy Prime Minister and Interior Minister Ivica Dačić confirmed that he had received the letter from Hajro Tutić, President of the Assembly of the Islamic Community in Serbia, asking him to verify the authenticity of the alleged death threat to the Chief Mufti.<sup>365</sup>

A few days later, the Security Information Agency (BIA) announced that there were no grounds for the claims about a plot to assassinate the Chief Mufti of the Islamic Community in Serbia and thus also responded to the request of Labour Minister Rasim Ljajić to investigate the allegations appearing in the media in Serbia and the region about the plot and linking Ljajić to it. In its response, the BIA called such allegations "an amateurish attempt by some individuals to destabilize the situation in our country".<sup>366</sup>

In early April 2012, Mufti Muamer Zukorlić announced that he would run for President of the Republic of Serbia in the country's elections scheduled on 6 May. He explained that his decision was based on the conviction that the state and society were on the verge of collapse and that it would be very selfish just to observe such collapse. The Chief Mufti announced an authentic salvation programme that would be acceptable to all citizens and would anticipate the overall revival of the state. On this occasion, Mufti Zukorlić also said that he would give up his position in the

364 "Ugrožena sigurnost predsjednika Mešihata IZ u Srbiji: Pripreman atentat na muftiju Zukorlića!", *Dnevni avaz*, 17 February 2012, <http://www.avaz.ba/vijesti/teme/80435-ugrozena-sigurnost-predsjednika-mesihata-iz-u-srbiji-pripreman-atentat-na-muftiju-zukorlica.html>.

365 "Ispitivanje pretnji Zukorliću", *Blic*, 19 February 2012.

366 "Muftiji niko ne preti", *Pravda*, 23 February 2012.

religious community “when he wins the presidential election”.<sup>367</sup> As could be expected, the announced candidacy provoked numerous reactions. One of the first came from Safet Softić, President of the Islamic Community in Bosnia and Herzegovina, who pointed to the decision of the Islamic Community that religious officials should in no way promote any political party or participate in election campaigns. He also recalled that at one time some imams of the Islamic Community in Bosnia and Herzegovina were relieved of duty because of engaging in politics. In view of the fact that the Meshihat of the Islamic Community in Serbia, which is presided by Mufti Zukorlić, belongs organizationally and spiritually to the Islamic Community in Bosnia and Herzegovina, Softić says that the interpretation of his status following the candidacy falls within the competence of the Riyaset of the Islamic Community in Bosnia and Herzegovina. “The Assembly of the Islamic Community in Bosnia and Herzegovina has not received any official information about Mufti Zukorlić’s decision, so that I cannot comment on it from the aspect of his status in the Islamic Community. All this has come as a surprise to me”, said Softić. He also pointed out that by the decision of the Riyaset religious officials should not perform religious and political functions simultaneously.<sup>368</sup>

The Assembly of the Islamic Community in Serbia unanimously upheld the Chief Mufti’s decision to run as a presidential candidate. On the other hand, the Reis-ul-Ulema of the Islamic Community of Serbia, Adem Zilkić, assessed Chief Mufti Zukorlić’s candidacy as a gross violation of the Islamic Community’s Constitution. He stated that by taking this action Zukorlić left the Islamic Community and ceased to be the Sandžak Mufti.<sup>369</sup>

According to the results published by the Republican Election Commission, Chief Mufti Zukorlić won 54,492 votes, or 1.39 per cent of the

367 “Zukorlić kandidat za predsednika Srbije”, *S media*, 7 April 2012, <http://www.smedia.rs/vesti/90318/izbori-2012-Zukorlic-se-kandiduje-za-predsednika-Srbije-Muamer-Zukorlic-Predsednicki-izbori-Zukorlic-kandidat-za-predsednika-Srbije-VIDEO.html>.

368 “Islamska zajednica u BiH iznenađena”, *RTS*, 9 April 2012, <http://www.rts.rs/page/stories/sr/story/11/Region/1079432/Islamska+zajednica+u+BiH+iznena%C4%91ena.html>.

369 “Zilkić: Zukorlić najgrublje prekršio Ustav IZ”, *S media*, 7 April 2012, <http://www.smedia.rs/vesti/90338/izbori-2012-Islamska-zajednica-Srbije-Adem-Zilkić-Zilkić-Zukorlić-najgrublje-prekrasio-Ustav-IZ.html>.

vote.<sup>370</sup> Thereafter he stated that he would not support any candidate in the runoff election and that the candidates would have to initiate the talk with him should they wish to benefit from his votes.<sup>371</sup>

Following its analysis of the election results, the Riyaset of the Islamic Community of Serbia issued a public statement in which it pointed out that the results corroborated the earlier claims that Muamer Zukorlić had no supporters in Sandžak since he won only 20 per cent of the vote, thus being totally defeated. It was further stated that 80 per cent of Sandžak citizens voted against his abuse of religion, religious institutions and symbols, as well as violence and arrogance. Thus, such voting results should be understood as the support of Sandžak Bosniaks to the concept promoted by the Riyaset. At the end of the statement, they appealed to the competent bodies of the Republic of Serbia to solve the problem concerning entry in the Register of Churches and Religious Communities in accordance with the Law within the shortest possible time, thus enabling the Islamic Community of Serbia to enjoy the same legal status as other religious communities.<sup>372</sup>

The long-standing problem concerning the appointment of Islamic religion teachers was also topical at the beginning of the school year 2012–2013, but the measures taken this year were more radical. Namely, provoked by the appointment of Islamic religion teachers and supported by the Association of Islamic Religious Teachers, which also proposed such a measure in September of the previous year, Chief Mufti Zukorlić or, more precisely, the Fatwa Council of the Islamic Community in Serbia, issued a fatwa against Islamic religion classes in elementary and secondary schools in the Republic of Serbia, banning the attendance of religious classes conducted by unauthorized and incompetent teachers, demanding that

370 "1 krug: Tadić bolji za 0,26 odsto", *B92*, 10 May 2012, [http://www.b92.net/info/izbori2012/vesti.php?yyyy=2012&mm=05&dd=10&nav\\_id=608132](http://www.b92.net/info/izbori2012/vesti.php?yyyy=2012&mm=05&dd=10&nav_id=608132).

371 "Zukorlić: neću podržati nikoga", *S media*, 8 May 2012, <http://www.smedia.rs/vesti/vest/92608/Izbori-2012-Muamer-Zukorlic-Zukorlic-Necu-podrzati-nikoga.html>.

372 "Rijaset Islamske zajednice Srbije: Saopštenje za javnost", *Meshihat of the Islamic Community of Sandžak*, 8 May 2012, <http://www.mesihatsandzaka.rs/vijesti/655-rijaset-islamske-zajednice-srbije-saopstenje-za-javnost.html>.



parents protect their children from attending disputed religious classes and enabling them to attend Islamic religious education in a mosque or mekteb. In the conclusion, it was pointed out that “school principals and teachers putting pressure on students to attend such religious education are doing evil and thus aligning with the enemies of Islam, the Islamic Community and Muslims.”<sup>373</sup> In justifying the issuance of a fatwa it was stated that the Ministry of Religion or, more precisely, the Commission for Relations with Religious Communities, as well as the Ministry of Education completely ignored the list of religious teachers proposed by the Meshihat of the Islamic Community in Serbia and excluded almost all religious teachers belonging to this Community from conducting religious education, and that something proposed as Islamic religion teaching for this school year as Islamic religion teaching was actually “heresy” and “an attempt to teach children to be the slaves of Belgrade and its regimes”. Education Minister Žarko Obradović stated that the fatwa represented “deep meddling of religion and politics in Serbia’s education system”.<sup>374</sup>

The number of registered and reported incidents in Sandžak, especially in Novi Pazar where they used to be most frequent, has strikingly declined over the past years, so that it can be concluded that tensions were substantially eased or, better said, they took a certain institutionalized form. However, a few sporadic incidents were registered: as reported by the Meshihat of the Islamic Community of Sandžak, in the settlement of Bajevica, in late April 2012, imam Ahmedin Dervišević was verbally attacked and physically abused, after which his car was stoned<sup>375</sup>; in the settlement of Mur, in October 2012, a religion teacher was attacked in the

373 “Fatva o pohađanju islamske vjeronauke u osnovnim i srednjim školama Republike Srbije”, *Islamic Community in Serbia*, 26 September 2012, [http://www.islamskazajednica.org/index.php?option=com\\_ezine&task=read&page=2&category=12&article=6961](http://www.islamskazajednica.org/index.php?option=com_ezine&task=read&page=2&category=12&article=6961).

374 “Novi Pazar: Poziv na bojkot vjeronauke”, *Aljazeera*, 4 October 2012, <http://balkans.aljazeera.net/vijesti/novi-pazar-poziv-na-bojkot-vjeronauke>.

375 “Saopštenje za javnost”, *Meshihat of the Islamic Community of Sandžak*, 27 April 2012, <http://www.mesihatsandzaka.rs/vijesti/642-saopstenje-za-javnost-placenicimuamera-zukorlica-izazvali-novi-incident-u-novom-pazaru-kada-je-bez-razloga-napadnut-ahmedin-ef-dervisevic-imam-dzamiye-u-bajevici.html>.

corridor of the Josanica Elementary School<sup>376</sup>; on 1 May 2012, according to the testimony of Novi Pazar Mayor Meho Mahmutović, the followers of Mufti Muamer Zukorlić were shooting in the direction of the Novi Pazar Municipality building and breaking billboards in the presence of the police, due to which the Mayor sharply criticized the police for inaction and called on Interior Minister Ivica Dačić to explain its behaviour.<sup>377</sup>

On 21 September 2012, Novi Pazar was the venue of a protest against the showing of the video (part of the film) titled “Innocence of Muslims” insulting the Prophet Muhammed. A protest walk started after the Juma prayer and ended with a gathering of several thousand people at the Square of Isa-beg Ishaković. The whole protest, organized by the fans of the Novi Pazar Soccer Club, known as Torcida Sandžak, passed without incident.

Chief Mufti Muamer Zukorlić stated that the Islamic Community in Serbia was not involved in the organization of this protest, but supported it: “I understand the right of Muslims to protest against insults. The Islamic Community in Serbia did not organize a protest, but does not oppose such a method of expressing discontent about those insults, but they cannot be an excuse for violence.”<sup>378</sup>

During the year, the Riyaset of the Islamic Community of Serbia worked diligently on the revival of old institutions and strengthening of new ones, both from an infrastructural and institutional aspect. In early May 2012, thanks to donations from numerous benefactors, primarily the Government of Azerbaijan, the restoration of the Bajrakli Mosque was completed and the building, which will house the Belgrade muftiate, medresa, library, Faculty of Islamic Studies and the like, was formally opened. It is the question of the building that was heavily damaged by fire

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376 “Napadnut imam i veroučitelj u Novom Pazaru”, *Meshihat of the Islamic Community of Sandžak*, 23 October 2012, <http://www.mesihatsandzaka.rs/vijesti/788-napadnut-imam-i-veroucitelj-u-novom-pazaru.html>.

377 “Pucnji u centru Novog Pazara”, *B92*, 1 May 2012, [http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=05&dd=01&nav\\_category=16&nav\\_id=605615](http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=05&dd=01&nav_category=16&nav_id=605615).

378 “Miran protest navijača u Pazaru», *B92*, 21 September 2012, [http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=09&dd=21&nav\\_category=12&nav\\_id=644863](http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=09&dd=21&nav_category=12&nav_id=644863).

in March 2004. The ceremony was attended by Patriarch Irinej, Archbishop of Belgrade Stanislav Hocevar, Rabbi Isak Asijel, Allashukur Pashazadeh, President of the Caucasus Muslim Administration, Bishop Alexander Shiein of the Russian Orthodox Church in Azerbaijan, Deputy Prime Minister Elchin Efendiyev, the outgoing Serbian President Boris Tadić and diplomatic corps representatives.<sup>379</sup>

In late October 2012, the Belgrade municipal authorities and Islamic Community of Belgrade agreed on the basis for solving the decade-long problem of refurbishing the Muslim cemeteries in the Serbian capital. According to the Deputy Reis-ul-Ulema, Mufti Muhamed Jusufspahić, agreement was reached with Belgrade Mayor Dragan Đilas concerning the refurbishment of existing burial plots at the cemeteries and provision of new ones, as well as their uniformity, which can be regarded as the improvement of relations between the Islamic Community of Serbia and the City of Belgrade, as part of great efforts to enable Muslims to practice their religion more adequately in many towns in Serbia.<sup>380</sup>

In early December 2012, the representatives of the Government of the Republic of Serbia, Halal Agency of Serbia, USAID and Cluster "Guardians of Tradition – Pester, Golija and Kopaonik" signed the Memorandum on Cooperation enabling the opening of the first halal foods store in Belgrade. It is expected that the halal foods store will be opened in early 2013.<sup>381</sup>

Intensive institutional cooperation between the Islamic Community of Serbia and other traditional churches and religious communities, through participation in all meetings, conferences, round tables and debates, was also confirmed by the fact that the Ryaset joined the request of the Serbian Orthodox Church and Dveri Movement to ban the photo exhibition "Ecce Homo" because, as it was written in the statement issued by

379 "Obnovljena Bajrakli džamija», *RTS*, 3 May 2012, <http://www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/1095712/Obnovljena+Bajrakli+d%C5%BEamija.html>.

380 "Muslimani dobijaju groblja u Beogradu», *Kurir*, 24 October 2012, <http://www.kurir-info.rs/muslimani-dobijaju-groblja-u-beogradu-clanak-476456>.

381 "Prva halal prodavnica u Srbiji", *Meshihat of the Islamic Community of Sandžak*, 5 December 2012, <http://www.mesihatsandzaka.rs/vijesti/818-prva-halal-prodavnica-u-srbiji.html>.

the Meshihat, it defiles the image of Jesus Christ and insults Christian believers. The *Rijaset* holds that the role models of believers must not and cannot be used as fictional objects that are contrary to their real lives and roles in society. It is further stated that “this is not art or the freedom of speech, it consciously and clearly insults believers and faith. Muslims feel just as hurt by the desecration of the image of Jesus as when this was done with the image of Muhammad the Blessed”<sup>382</sup>

In early December 2012, Serbian President Tomislav Nikolić awarded the Honorary Reis-ul-Ulema of the Islamic Community of Serbia, Hamdija Jusufspahić, with the Sretenje Order of the First Degree for his contribution to inter-faith cooperation and tolerance and for his dignified presentation of Serbia and its citizens abroad. At the ceremony, which was held at the Islamic Centre operating within the Bajrakli Mosque, President Nikolić expressed his gratitude to Hamdija Jusufspahić, his long-standing friend, on behalf of all citizens of Serbia, emphasizing that Serbia knew how to appreciate those who loved and respected it. Apart from a great number of imams and clerics of the Islamic Community of Serbia, the ceremony, which also marked the 45th anniversary of Jusufspahić becoming the imam of Belgrade, was attended by Grand Mufti of Russia Sheikh-ul-Islam Talgat Tajuddin, Patriarch Irinej, Culture Minister Bratislav Petković, Minister Sulejman Ugljanin, high dignitaries of traditional churches and religious communities, as well as diplomatic corps representatives, including Turkish Ambassador Mehmet Kemal Bozay. That same day, in the Serbian Presidency building, President Nikolić awarded Serbian Orthodox Church Archimandrite Jovan Radosavljević, Odzaci Parish Priest and Danube Archpresbyter of the Catholic Church in Serbia Jakob Pfeiffer, Bishop Istvan Csete-Szemesi of the Reformed Christian Church in Serbia and Aca Singer, the long-time President of the Jewish Communities in Serbia, with the Sretenje Orders of the Second Degree.<sup>383</sup>

382 “*Rijaset* IZS traži zabranu izložbe „*Ecce Homo*””, *Blic*, 3 October 2012, <http://www.blic.rs/Vesti/Drustvo/345975/Rijaset-IZS-trazi-zabranu-izlozbe-Ecce-homo>.

383 “Nikolić uručio orden beogradskom muftiji Hamdiji ef. Jusufspahiću”, *Mehihat of the Islamic Community of Sandžak*, 6 December 2012, <http://www.mesihatsandzaka.rs/vijesti/821-Nikolic-urucio-orden-beogradskom-muftiji-hamdiji->

The continuation of the “postponed” initiative, or the launching of a new one, for the consolidation or unification of the rival organizational structures of the Islamic Community, will encounter one more obstacle in the coming period. Two days before the expiry of his term of office, the outgoing Reis-ul-Ulema of the Islamic Community in Bosnia and Herzegovina, Mustafa Cerić, issued a fatwa proclaiming that “a believer is not *jai’z* (permitted) to listen to or follow Adem Zilkić”, or “perform the Jummah Namaz after Adem Zilkić, since he has no necessary *ijāzah*”<sup>384</sup>.

As was expected, the content and timing of the fatwa provoked numerous reactions. The labelled Reis-ul-Ulema of the Islamic Community of Serbia, Adem Zilkić, also addressed the public. He said that a fatwa issued against him represented an abuse of the ayets in Quran and holy norms, flagrant meddling in the internal affairs of the Islamic Community of Serbia and malicious overlooking of the fact that he is not only the Reis-ul-Ulema of Bosniaks, but also of all other Muslims in Serbia. Reaction also came from the Islamic Community in Bosnia and Herzegovina itself. Halil Mehtić, Professor at the Islamic Theological Faculty in Zenica and one of the original five candidates for the position of Reis-ul-Ulema, said that the fatwa “does not have a basis in Sharia law and thus does not bind anyone”; in other words, it represents “one in a series of reckless acts by the outgoing Reis-ul-Ulema Cerić (...) and pouring oil on the fire raging over the past years within the Islamic Community of Serbia”, which is “a fully autonomous and independent community with all legislative and executive bodies”. He also said that the newly elected Reis-ul-Ulema Kavazović and Zagreb Mufti Hasanović “have already planned to launch an initiative for the reconciliation of the two Islamic Communities in Serbia.

*ef-jusufspahicu.html*; “Nikolić uručio orden Jusufspahiću”, *B92*, 6 December 2012, [http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=12&dd=06&nav\\_category=12&nav\\_id=666452](http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=12&dd=06&nav_category=12&nav_id=666452); “Nikolić Jusufspahiću: Odličje pravom prijatelju”, *Večernje novosti*, 6 December 2012, <http://www.novosti.rs/vesti/naslovna/aktuelno.290.html:409264-Nikolić-Jusufspahicu-Odlicje-pravom-prijatelju>.

384 Ijāzah – a written certificate, authorization, Sharia document granting legal authority for the performance of any religious function.

Unfortunately, Cerić's fatwa will certainly slow down and make their noble efforts more difficult"<sup>385</sup>.

As long as this fatwa is in effect, it will be a big stumbling block in the future efforts to settle the dispute between the rival organizational structures of Muslims in Serbia, since it challenges the legality and legitimacy of the highest authority of one negotiating party.

## Instead of the Conclusion

The unconstitutional character of the Law on Churches and Religious Communities and its arbitrary implementation by the competent institutions, as well as the discriminatory provisions of the Rules on the Content and Method of Keeping the Register of Churches and Religious Communities, pose insurmountable obstacles to the realization of religious rights and freedoms of a great number of citizens of the Republic of Serbia.

The problem related to the registration of a religious community entails restrictions on its right to work, staff employment and legal protection. In addition, there is a property restitution problem.

The constitutional provisions on the relations between state and church are not implemented, the Law is selectively implemented, while a gap between the privileged traditional churches and religious communities, especially the majority church, and unregistered religious communities is deepening. Most Protestant churches remain unregistered and none of the polytheistic religious communities have been registered. The Protestant religious communities are under pressure to unite under the control of those who will be elected by the administrative apparatus and will have the property and other resources of those discriminated against at their disposal. All this is aimed at reducing the actual number of nontraditional religious communities.

Insofar as physical assaults on priests, believers and facilities of religious communities are concerned, the fact is that the situation is improving

385 "Reakcija: Fetva jedan u nizu nepromišljenih poteza Cerića", *Radio Free Europe*, 14 November 2012, <http://www.slobodnaevropa.org/content/reakcije-fetva-jedan-u-nizu-nepromisljenih-poteza-Cerica/24771099.html>.

– the number of incidents sparked by inter-religious intolerance has been steadily declining. However, one must not lose sight of the fact that there are still various forms of discrimination.

So, for example, the decreasing number of physical assaults on Jewish facilities, synagogues and Jewish municipalities, devastation of Jewish cemeteries and destruction of tombstones, does not mean that there is no anti-Semitism, or that the writing of anti-Semitic graffiti, publishing of the lists of Jews and writing and sending of threatening letters to some members of the Jewish community, is acceptable only because there are no victims. So far, more than 120 anti-Semitic books have been published and sold in book shops in Serbia, while the Union of Jewish Municipalities of Serbia has filed dozens of criminal complaints or charges. According to Aleksandar Necak, Honorary President of the Union of Jewish Communities of Serbia, the explanation given to the Union of Jewish Municipalities of Serbia for one acquittal was that the book in question did not stir more anti-Semitism than it already contains, so that the complaint was rejected.<sup>386</sup> At the session of the Commission for Monitoring Anti-Semitism, which was held on the premises of the Union of Jewish Communities of Serbia on 1 June 2012, it was stated that right-wing forces in Serbia, including specifically extremist pro-Nazi and anti-Semitic ones, were gaining in strength. They also stated that Hungarian nationalist organizations, headquartered in that country, also operate outside its borders and are especially active in Backa. At this meeting, there was also mention of the rehabilitation of some collaborationists in World War II or, better said, attempts to rehabilitate them. The Commission holds that such efforts must be opposed, adding that not all rehabilitation cases should be equalized (e.g. Nedić, Ljotić and others, on one side, and Draža Mihailović, on the other).<sup>387</sup>

386 "Vlasti ne reaguju na antisemitske pojave", *Danas*, 23 November 2012, [http://www.danas.rs/dodaci/vikend/vlasti\\_ne\\_reaguju\\_na\\_antisemitske\\_pojave.26.html?news\\_id=251626](http://www.danas.rs/dodaci/vikend/vlasti_ne_reaguju_na_antisemitske_pojave.26.html?news_id=251626).

387 "Sastanak Komisije za praćenje antisemitizma", *CENDO*, 11 August 2012, <http://www.cendo.hr/Novosti.aspx?id=1808&a=0>.

There is one more event worth mentioning. Namely, in early October 2012, the renovated building of the Christian Baptist Church in Belgrade or, more exactly, the First Baptist Church was formally opened. The Church waited for this moment since losing its first building in 1973 (the authorities demolished the partially confiscated building at Kralja Aleksandra Boulevard 264). In 1977, after four years of its “subtenant” status in the Reformed Church building, the Church bought a detached house in Zvezdara where it is still located, thanks to the financial support of churches in the United Kingdom, United States and others. However, the Church’s requests for approval to renovate the building in order to meet its needs were rejected until 1999, when approval was finally granted. The process for issuing the permit to renovate and remodel the building lasted until 2009 when building work finally started.<sup>388</sup>

388 “Otvorenje zgrade Hrišćanske baptističke crkve”, *First Baptist Church*, 7 October 2012, [http://baptisti.rs/index.php?option=com\\_content&task=view&id=43&Itemid=1](http://baptisti.rs/index.php?option=com_content&task=view&id=43&Itemid=1).





## VII – ETHNIC MINORITIES



## Still Targeted by Nationalists

The exercise of the constitutionally guaranteed rights and freedoms of members of national minorities in Serbia is more or less regulated by the Constitution and a number of laws. According to the census of 2002, a total of 1,135,393 members of minorities lived in Serbia excluding Kosovo. The results of the 2011 census have not yet been made public.

The adoption of two key pieces of legislation concerning the exercise of minority rights – the Anti-Discrimination Law (26 March 2009) and the Law on National Councils of National Minorities (3 September 2009)<sup>389</sup> – completes the legal framework as far as the minorities are concerned. The first law is important in that it guarantees the equality of the citizens; the second creates the prerequisites for overcoming the legal vacuum in which the national councils found themselves owing to the fact that the mandates of most of them had already expired. The first law was a prerequisite for including Serbia in the white Schengen list and the second for ensuring self-government by national minorities. A host of other laws were adopted including legislation on education,<sup>390</sup> culture<sup>391</sup> and the establishment of the jurisdiction of the Autonomous Province of Vojvodina,<sup>392</sup> the Law on Amendments on the Law on Public Information,<sup>393</sup> the Law on Textbooks and other Teaching Aids,<sup>394</sup> the Law on Registers of Births, Marriages and

389 The National Council is the body that represents its minority in the fields of education, culture, information in the minority's language and official use of its language. The National Council participates in the process of making decisions of relevance to the minority's rights. It also gives its opinions on draft legislation, measures and other legal acts of relevance to the situation of its national minority.

390 *Službeni glasnik RS*, 72/09.

391 *Ibid.*

392 *Službeni glasnik RS*, 99/09.

393 *Službeni glasnik RS*, 36/09.

394 *Službeni glasnik RS*, 72/09.

Deaths,<sup>395</sup> the 2011 Law on Population, Household and Housing Census<sup>396</sup> and the Law on the Prohibition of Manifestation of Neo-Nazi or Fascist Organizations and Associations and the Prohibition of the Use of Neo-Nazi and Fascist Symbols and Emblems.<sup>397</sup>

The situation of the minorities in Serbia has not changed for the better because the state lacks an inclusive policy and because the implementation of the relevant legislation is beset with numerous difficulties and obstructions. Also, Serbia lacks a social ambience conducive to tolerance and coexistence.

During 2012, the majority of representatives of national councils of national minorities found the legal framework for the preservation of their rights adequate. However, they pointed out that major problems concerning the implementation and enforcement of these rights still existed. Further, attention was drawn to instances of collision of various legal provisions that prevent the enjoyment of guaranteed rights and necessitates adjustment or the adoption of an adequate law package. In some parts of the country, notably Temerin, Novi Pazar and Preševo, interethnic conflicts escalated and distrust between communities grew. The failure of the state authorities to react adequately in the majority of the cases rendered the situation even more unstable. The overall political situation prevailing in Serbia in 2012 also affected the situation of the national minorities in specific ways. The negotiations on Kosovo and Belgrade's insistence that the north of Kosovo be granted the widest degree of autonomy provoked similar demands in the Preševo valley. Serbia's maximum demands for the Serbs in the north of Kosovo could boomerang against Serbia itself, particularly as regards territorially compact minorities such as Hungarians, Albanians and Bosniaks.

As before, the situation of the national minorities in 2012 indicated that they continue to be used and abused by politicians and nationalists in their efforts to create states which are as ethnically pure as possible, which menaces the very survival of these communities. The main tools of

395 *Službeni glasnik RS*, 20/09.

396 *Službeni glasnik RS*, 104/09.

397 *Službeni glasnik RS*, 41/09.

this policy include the slow implementation of legislation or no implementation at all, the unfavourable social atmosphere and the worrying economic situation particularly as regards the minorities living near or on the economic fringes of society. Meanwhile, some minority communities have presented their own demands for territorial autonomy. In these demands, they do not have the support of the state. This is additionally widening the distance towards those minorities because autonomy of any kind is looked upon as separatism. It remains to be seen which of the two concepts – ethnic or civic – will prevail and where the point of integration of societies in South-Eastern Europe lies.

### **Political participation**

Out of 91 registered political parties in Serbia, 52 are parties of national minorities. The Bosniaks have 12, the Roma seven and the Albanians and Hungarians six each. The interests of the Vlach minority are represented by four parties, of which one has nothing to do with the Vlach community. The Bunjevacs and Bulgarians have three parties each, the Croats, Ruthenians, Slovaks and Romanians two and the Montenegrins, Macedonians and Gorani one each.

The 12th party of the Bosniak national minority in Serbia, the Bosniak People's Party, was established in January 2012.<sup>398</sup> This leaves every 10,000 Bosniaks in Serbia with a party of 'their own' (there are 136,087 Bosniaks in Serbia accounting for 1.82 per cent of the population).

The Bosniak parties will have to fight hard to make it to the republic parliament considering that the Hungarians, who are the largest national minority (numbering 293,299 or 3.91 per cent of the population) have six registered parties.

The Hungarians, who are the largest national minority both in Vojvodina and in Serbia, outnumber other minorities in terms of the number of representatives in the provincial government bodies, particularly in the last 12 years. In addition to being the most numerous in the Vojvodina parliament, they also control several secretariats, i.e. those in charge of

<sup>398</sup> *Politika*, 'Zašto su Bošnjaci manjina sa najviše partija', 25 January 2012.

administration and regulations, economy, health care and education. In nearly every third municipality out of 45 in Vojvodina, the Hungarians share in government through their national or other parties. Also, the Hungarians have their parliamentary group in the Serbian Assembly.<sup>399</sup>

Besides the Bosniaks and the Hungarians, the Albanians are also represented in the national parliament. Some other minorities are also represented through members of coalition parliamentary groups.

Under the Law on the National Assembly, members of national minorities are entitled to use their mother language in the Assembly. In 2012, as in the two previous years, no minority representative in the national parliament exercised this right.

Serbian legislation allows national minority parties to contest seats in parliament by crossing the so-called natural threshold in elections; on the other hand, the national parties are subject to a 5 per cent parliamentary threshold. Also, a minority party is required to collect 1,000 signatures in order to be registered whereas others need to collect 10,000 signatures. This positive legal framework, which is primarily designed to ensure positive discrimination and larger participation of representatives of minority national communities, was abused during the 2012 parliamentary elections. The Nijedan od ponuđenih odgovora party (None of the Listed Replies – NOPO), whose articles of association do not include protection of the interests of a specific national community among its goals, was registered as a party of the Vlach national minority. The NOPO President, Nikola Tulimirović, himself acknowledged that the party's election list comprising about 100 candidates includes only three Vlachs. *'That was the only way to get registered because the new law drastically discriminates against small parties. We by all means protect the rights of the Vlach national minority. No one has the right to pronounce on our nationality by counting our numbers,'* Tulimirović said.<sup>400</sup>

He said that the list, which is headed by Đorđe Vukadinović, fully complied with the legal obligation and that there was no formal obstacle to it being a minority party. Within the meaning of the Law on Political

399 *Večernje novosti*, 'Čardaš po Ustavu', 4 March 2012.

400 *Večernje novosti*, 'Pod maskom manjina', 21 April 2012.

Parties, a political party of a national minority is a political party 'whose activities...are in particular directed to presentation and representation of the interests of a national minority and protection and promotion of the rights of the persons belonging to that particular national minority in accordance with the Constitution, law and international standards, as defined by the articles of association, programme and statute of the political party'.<sup>401</sup>

In spite of the legal and material deficiencies involved, the Republic Electoral Commission permitted NOPO to be registered as a national minority party.

At the parliamentary elections held in May 2012, NOPO won one parliamentary mandate. It is now represented in the Serbian Assembly by its President Nikola Tulumirović.

## **The use of minority languages and education**

National minorities in Serbia are not equal in terms of the status and degree of standardization of their mother tongues. On the one hand, the Hungarians have a standardized language, education and personal documents in their own language and exercise their right to use their mother tongue in communities where they account for over 15 per cent of the population. Unlike the Hungarian national community, the majority of others have problems in exercising some of their rights guaranteed by law.

Pursuant to their status, representatives of Hungarians in Serbia were the first to raise the question not only of the rights of minority communities but also of the point of integration of different communities. For instance, the academician and international law professor, Tibor Varadi, said that the Hungarian language was in much wider use at the Novi Sad Faculty of Law before the regime of Slobodan Milošević. Prior to that, instruction at the faculty was also available in the Hungarian language and the institution also had the post of Hungarian language instructor. The abolition of the Hungarian language was contrary to the community's fundamental right to have the Hungarian language in use by the public administration

401 The Law on Political Parties.



and the judiciary. Representatives of the Learned Society of the Vojvodina Hungarians said they wanted the Faculty of Law, the National Council of Hungarians and the Learned Society to conclude an agreement on providing instruction in Roman law, international private law and civil law in the Hungarian language.

However, the Novi Sad University and Faculty of Law student associations had earlier sharply criticized the President of the National Council of Hungarians, Tamas Korhecz, for saying that the Hungarian language was not in use at the Faculty of Law and that the number of Hungarian scholars at the Faculty of Law had declined drastically. The associations said that Korhecz's allegations were untrue.<sup>402</sup> Reactions of this kind show that the majority Serb community is insufficiently supportive of integration.

Although Vlachs account for up to 35 per cent of the population of some municipalities in eastern Serbia, there is no education in their mother tongue and it is not in official use by local government bodies. The main problem is, the Vlach language had not been standardized by the start of 2012 and therefore could not have been in official use. On the other hand, Romanians living in Banat, who use the standardized Romanian language, are able to use their mother tongue in local self-government bodies and to receive instruction in it. This fact was highlighted in connection with Romania's objections to the situation of the Vlachs in Serbia on the occasion of Serbia being awarded candidate status for European Union membership. The Romanians living in Serbia themselves do not wish to become involved in the Vlachs' identity issue. *'Serbia provides European standards, and even more than that, as far as the protection of the cultural identity of the national minorities is concerned. We are very satisfied with this segment of the care for the rights of minorities, thanks to which we have an education system [in the Romanian language] in Serbia,'* said Marčel Dragan, the secretary of the National Council of Romanians.<sup>403</sup>

The National Council of Vlachs, at a session in Petrovac na Mlavi on 24 January 2012, formalized the Vlach alphabet comprising 35 letters. Dr Siniša Čelojević, the President of the Committee for official use of language

402 *Politika*, 'Varadi: Vratiti mađarsku u nastavu na Pravnom fakultetu', 28 February 2012.

403 *Večernje novosti*, 'Čardaš po Ustavu', 4 March 2012.

and script of the National Council of Vlachs, said that the adopted variant had already been approved by the Executive Council of the National Council of Vlachs on a proposal from the Gergina citizens' association from Negotin. It consists of the Serbian alphabet to which five characters peculiar to the Vlach language have been added, he said.

*'What matters is that we are putting a stop to the years-long controversy as to whether the Vlachs who live in eastern Serbia south of the Danube speak in the Vlach or the Romanian language. Also, now there is nothing stopping us from starting to print a magazine and other literature in the Vlach language. This will enable us to present the richness of the Vlach spoken language, which differs from the Romanian language to the same degree that our Vlach origin does,'* Čelojević said.

The Gergina Society has compiled a Vlach-Serbian phraseological dictionary, an authority on the expressions and phrases which are well known to both Vlachs and Serbs living in that part of Serbia. The Society is also busily working on completing a Vlach-Serbian dictionary.<sup>404</sup>

The regional TV channel Bor started to broadcast programmes with subtitles in the Vlach language. The subtitled programmes, dedicated to promoting and preserving national minorities' music, folklore and cultural heritage, were part of a 50 years of Tradition project financed by the Ministry of Culture.<sup>405</sup>

During 2012, the Bosniak National Councils petitioned the highest state institutions to introduce the Bosnian language with elements of national culture in the educational system of the Sandžak Bosniaks and to provide all instruction in the Bosnian language. Back in 2009, the 'older' Bosniak National Council (BNC) with a technical mandate submitted to the Ministry a *Study of a Model of Education for the Sandžak Bosniaks in Serbia*. At the time, the leaders of the Bosniak Cultural Community (BCC) tried to call the initiative into question. The BCC leaders later became the leaders of the BNC which is not recognized by the state. *'Unfortunately, both the unrecognized BNC and the BNC with a technical mandate, that is, the options that stand behind them, wish to use the issue of the use of the Bosnian*

404 *Politika*, 'Usvojena vlaška azbuka sa 35 slova', 1 February 2012.

405 *Politika*, 'TV Bor emisije titluje na vlaškom jeziku', 29 February 2012.

*language for daily political purposes,'* said Sead Biberović, the programme coordinator of the Urban In organization.<sup>406</sup>

The Bosniak national community's biggest problems concerned education in its mother tongue and the use of the Bosnian language in the local self-government bodies. Preparatory instruction in the Bosnian language was introduced in several schools in the municipalities of Novi Pazar, Sjenica, Tutin and Prijepolje on 21 February 2013. Some 500 pupils in 12 preparatory classes will be instructed in the Bosnian language and literature. Lectures in this language are being prepared for teaching history, musical education and visual arts education.

*'As a matter of fact, the pupils will have instruction in Serbian according to the schedule already in use as well as four to five classes in the Bosnian language. From 1 September, children who opt for Bosnian will have two lessons a week in the Serbian language and literature as a non-mother tongue,'* said Džudžević. He said that the Bosnian language would be taught by teachers who had previously taught Serbian and had in the meantime undergone training and been awarded certificates.<sup>407</sup>

The biggest problems concerning the use of the Bosnian language in local self-government bodies were registered in Priboj. According to the 2002 census, the municipality had 18.33 per cent Bosniaks. The law stipulates that a national community is entitled to the official use of its language and script in every local self-government body where the community accounts for more than 15 per cent of the total population. However, this positive legal norm has not been implemented by the municipal authorities in Priboj since this right was guaranteed by law back in 2002. Following many unsuccessful petitions to the municipal authorities by the citizens, on 22 August 2008 the Sandžak Democratic Party filed with the Constitutional Court a motion for an assessment of the constitutionality and legality of the disputed article of the municipal statute (Article 5). On 5 November 2009, the Constitutional Court rejected the motion on grounds that it was not properly formulated. On 31 March 2010, the Ombudsman

406 *Danas*, 'Obrazovanje na bosanskom jeziku', 28 August 2012.

407 *Šumadija press*, 21 February 2012. <http://www.sumadijapress.co.rs/index.php/od-danas-u-skolama-bosanski-jezik/>

recommended the municipal administration in Priboj to amend Article 5 of the Statute by adding a provision which would bring into official use the Bosnian language and the Latin script. The time limit for complying with the recommendation was 60 days. However, the municipal authorities failed to reply to the Ombudsman's recommendation and Article 5 remained unamended.<sup>408</sup>In the meantime, according to the results of the 2011 census, the number of Bosniaks in the municipality of Priboj fell under 15 per cent.

The Albanian national minority living in the south of Serbia also had great problems in the field of education. Riza Halimi, an MP and an Albanian leader in the area, saw the problems as relating to the contents of the textbooks used by Albanian children and to the fact that the national RTS channel has no programmes in the Albanian language.<sup>409</sup>The unavailability of textbooks in the Albanian language was another persistent problem. In many classes, owing to the lack of textbooks in particular subjects, pupils are forced to rely on their notes taken during the lectures.

## **Exercise of rights of national minorities in the field of culture**

Under Article 18, paragraph 1 of the Law on National Councils of National Minorities, a national council decides which institutions in the field of culture are of special importance for the preservation, promotion and development of the individuality and national identity of its national minority. Practice has shown that the provision's main flaw lies in the lack of criteria needed to specify which institutions can be designated by a national council as being of special importance and on what grounds. This loophole in the law has made it possible to abuse the Law on several occasions. The most drastic instance of this practice was registered in Subotica where the national councils of Croats and Roma designated as an

408 Belgrade Centre for Human Rights, *Ostvarivanje prava nacionalnih manjina*, Belgrade, 2013.

409 *Večernje novosti*, 'Čardaš po Ustavu', 4 March 2012.

institution of special importance for the preservation, promotion and development of their individuality and national identity the Palić Zoo.

As regards the transfer of ownership and the participation of representatives of national minorities in the work of management boards of cultural institutions, problems stemming from the inconsistency of legislation were noted. Although the Law on National Councils of National Minorities and the Law on Culture were adopted on the same day, they contain contradictory provisions on the participation of minorities in the management of cultural institutions. While the Law on National Councils of National Minorities states that every national minority is entitled to one representative on a management board, the Law on Culture states that one member shall represent all the national minorities. The practice itself in this regard varies. For instance, the management board of the Subotica Children's Theatre has one member each representing the councils of the Hungarian, Croat, Bunjevac and Roma national minorities. On the other hand, the Hungarian and Romanian national councils are represented on the management board of the Pančevo Historical Archives by one person they jointly elect.<sup>410</sup>

### **The declaration on the situation of the Sandžak Bosniaks**

In mid-February 2012, the Bosniak National Council sent to many European institutions and European embassies in Belgrade a draft declaration on the situation and exercise of rights of the Sandžak Bosniaks. The document alleges that the Bosniaks living in Serbia have constantly and for decades been denied their right to a national identity and prevented from exercising their collective national rights. It says that the Bosniaks are denied the right to official use of the Bosnian language and script, education, information in own language and protection and promotion of the Bosniak cultural heritage.

410 Belgrade Centre for Human Rights, *Ostvarivanje prava nacionalnih manjina*, Belgrade, 2013.

The adoption of the final text of the declaration was originally scheduled for 15 February 2012. Although Esad Džudžević, the President of the BNC and an MP, tried to make the declaration acceptable to all Bosniak structures, the response to his efforts among the Bosniaks themselves varied. Mufti Muamer Zukorlić and the President of the unrecognized BNC, Samir Tandir, argue that although the Bosniaks are deprived of their rights, the appeal was not necessary.

*'Džudžević is a member of parliament and a member of a party which forms part of the ruling coalition in Serbia. He and those who hold the same political views bear responsibility for the overall situation in Sandžak, for the disfranchisement of and discrimination against the Bosniaks and for the economic backwardness of this region. For this reason his present insistence on the internationalization of this issue and call for a conference on the rights of the Bosniaks is an act of hypocrisy,'* said Tandir.<sup>411</sup>

The SDPS President and Minister of Labour and Social Policy, Rasim Ljajić, said that the Bosniaks' right to respect for their national identity was not denied. *'There are problems which are identical with the problems of all other citizens in Serbia: they are related to poverty and the economic-social status. Rights from the domain of identity are respected along with all international standards in that field,'* Ljajić said.<sup>412</sup>

On the other hand, BNC President Esad Džudžević pointed out that the legal framework which regulates these rights was good but was not being implemented. *'We are denied the right to the Bosnian language. The Bosnian language should be in use in the five municipalities – Novi Pazar, Tutin, Sjenica, Prijepolje and Priboj – which have more than 15 per cent of the Bosniak population. We want the street names in both alphabets and we want the government to provide funds for the publication of Sandžačke novine. We also want the government to provide funds for the protection of buildings of cultural value,'* he said.<sup>413</sup>

411 *Politika*, 'Koja prava Džudžević traži za Bošnjake', 27 January 2012.

412 <http://www.sandzaklive.rs/index.php/sandzak-politika/123-rasim-ljajic-prava-bosnjaka-nisu-ugrozena> 1 February 2012.

413 *Večernje novosti*, 'Čardaš po Ustavu', 4 March 2012.

The LDP MP from Priboj, Kenan Hajdarević, denounced the Declaration on the freedoms and rights of the Bosniaks in Serbia. He considers the initiative 'belated, insincere and illegitimate'. *'It is belated because although the parties and coalitions rallied around Sulejman Ugljanin have been in power at the republic level for six years now, they only began talking about violations of the Bosniaks' rights a few months before the elections. It is insincere because it comes from a political option which, at certain times, played a crucial part in denying the rights of the Bosniaks in Serbia through rotten political compromises and deals. It is illegitimate because it was launched by an institution elected eight years ago whose mandate expired when the BNC was elected in June 2010. With that document, its authors are trying to whitewash their inactivity during the previous period of their power, to maintain the created parallel institutions and thereby to disown the domestic and international publics,'* said Hajdarević.<sup>414</sup>

Hajdarević presented a 10-point charge sheet against the government led by Ugljanin's coalition.

The charges include falsifying the results of the referendum on the 2006 Serbian Constitution, creating a parallel Islamic community, economically devastating the municipalities of Novi Pazar, Tutin and Sjenica, voting for the Srebrenica Resolution in the Serbian parliament, participating in the local government in the municipality of Priboj which refuses to introduce the Bosnian language into official use, avoiding participation at the constitutive session of the new BNC, supporting presidential candidate Velimir Ilić, taking part in the vote for the Law on Statistical Regionalization of Serbia, failing to support the declarations on violations of the Bosniaks' human rights and discrimination against the Bosniaks and Sandžak adopted between 2006 and 2011 and helping to obstruct religious instruction in Sandžak.<sup>415</sup>

Minister for Minority Rights Milan Marković dismissed the BNC declaration that criticizes the status of the Bosniaks in Serbia as 'their (pre-election) campaign'. *'The Bosniaks in Serbia enjoy all rights. That national community has two ministers in the government. Who are they complaining*

414 <http://vesti.krstarica.com/raska-oblast/deklaracija-je-nelegitмна/> 9 February 2012.

415 Ibid.

*against? Against themselves? Those that are saying such things are MPs and have participated in the last three governments,'* said Marković.<sup>416</sup>

At the middle of March 2012, the BNC decided to adopt the Declaration on the Situation of the Bosniaks albeit at regional level. In cooperation with allied Bosniak institutions – the Bosniak Council of Montenegro and the Council of the Congress of Bosniak Intellectuals in Bosnia and Herzegovina – the BNC in Serbia signed in Sarajevo on 28 June 2012 the Declaration on the Situation and Rights of the Bosniaks in Sandžak (in Montenegro and Serbia) and the Relations with Bosnia and Herzegovina. The Declaration supports and recognizes the integrity and sovereignty of the said states (Bosnia and Herzegovina, Montenegro and Serbia) and is asking the competent authorities to resolve the crimes committed against Bosniaks during the 1990s wars and satisfy the requirements of transitional justice with regard to the victims. The Declaration also requests that Sandžak be defined as a separate administrative territory in future decentralization processes in Montenegro and Serbia. It also insist on respect for the rights of the Bosniak minority, particularly in the field of education and the use of its official language.<sup>417</sup>

## **The conflicts and interventions**

Besides sharing the problems of national minorities throughout South-Eastern Europe, a situation compounded by transition and the recent conflicts, minorities living in Serbia in 2012 became major targets of nationalistic aspirations in the Balkans.

As the negotiations between Belgrade and Pristina moved into high gear, Serbia began to place ever greater emphasis on a plan envisaging territorial autonomy for northern Kosovo (a status enjoyed by Republika Srpska). The Albanians in the Preševo valley responded in kind and asked to be represented in the negotiations between Belgrade and Pristina. For a decade now, the Albanians in the south of Serbia and the Serbs in the

416 *Press*, 'Marković: Kampanja Bošnjaka', January 2012.

417 BNV statement, 29 June 2012. <http://www.bnv.org.rs/vijesti/potpisana-deklaracija-o-polozaju-i-pravima-bosnjaka-u-sandzaku/>



north of Kosovo have been hostage to Serbia's refusal to acknowledge the new reality in Kosovo. Both communities have been living in suspense in anticipation of an accommodation, a situation resulting in a political vacuum on both sides compounded by a legal vacuum in the north of Kosovo. Throughout 2012, the Albanians in the south of Serbia stepped up their actions and raised their demands. During the pre-election campaign early in 2012, the then Minister of the Interior, Ivica Dačić, raised tensions in the region by radicalizing his rhetoric. At the end of 2012, the Albanian local authorities in Preševo erected a monument to the Liberation Army of Preševo, Medveđa and Bujanovac (UCPMB). The Belgrade authorities demanded the urgent removal of the monument on the grounds that it was erected illegally. Prime Minister Ivica Dačić said that unless the municipality itself removed the monument, the state would do that. On the other hand, the former commander of the formation said that he and his fellow fighters would take up arms in case the government should try to tear the monument down.<sup>418</sup> Following a month-long standoff, the monument was removed by gendarmes in the presence of many residents of Preševo.<sup>419</sup> In the aftermath of the intervention, Albanians held protests in Preševo for several days.

In the context of Serbia's efforts to be granted candidate status for membership of the EU, Romania and Bulgaria raised the issue of the situation of the Bulgarian and Vlach minorities.

In September 2012, media reported that Bulgaria might place obstacles in Serbia's and Macedonia's path to European integration because of certain open bilateral issues. *'There are indications that a number of Bulgarian members of the European Parliament will raise the issue of the rights of the Bulgarian national minority in Serbia. We have an answer to that, because Serbia can serve as a role model for many countries in the matter of rights of national minorities,'* said Suzana Grubješić, Serbian Deputy Prime Minister in charge of European integration.<sup>420</sup>

418 RTS: 'Preševo, spomenik i pretnje', 26 December 2012. <http://www.rts.rs>

419 Alazeera, Preševo: 'Uklonjen spomenik albanskim borcima', 20 January 2013.

420 Press, 'Grubješić: Bugari greše, Srbija poštuje manjine', 18 September 2012.

Bulgarian Foreign Minister Nikolai Mladenov said that Bulgaria should work out guidelines for its policy towards its neighbours within the framework of Balkan countries' European integration. However, he did not elaborate. The Bulgarian Vice President, Margarita Popova told members of the Bulgarian minority assembled in Bosilegrad that Serbia would not become a member of the EU unless it resolved the problem of the Bulgarian minority.<sup>421</sup> Bulgaria had earlier raised the issue of the unresolved dispute between the Serbian Orthodox Church and the Bulgarian Orthodox Church over the Bulgarians' demand that divine service be performed in their mother tongue.

During the deliberations on the candidate status, Romania presented its demand that Serbia should treat the Vlachs as Romanians. Romanian President Traian Basescu paid two visits to eastern Serbia where he said that all who declare themselves as Vlachs-Romanians should be provided education in the Romanian language.

*'All who declare themselves as Vlachs-Romanians need schools in Romanian, but also churches and media in their mother tongue,'* he said.<sup>422</sup>

On 28 February 2012, Serbian President Boris Tadić described Romania's objections about the situation of the Vlach minority as unjustified. He said that he was surprised at Romania's position because he had discussed the matter repeatedly with President Traian Basescu before. European Commission diplomatic sources say that Romanian Foreign Minister Cristian Diaconescu insisted practically right up until the end of the meeting that the Vlachs be designated as a Romanian minority in Serbia.

*'We are ready to discuss with our friends in Romania whether the Vlachs are Romanians or not, but in Serbia that is a matter of human rights. In a democratic country every person has the right to state their national affiliation in a census in accordance with how they feel. This is a matter of individual human rights, and one of the fundamental individual rights is that no one may force you to declare yourself as belonging to a collectivity against*

421 *Press*, 'Grubješić: Bugari greše, Srbija poštuje manjine', 18 September 2012.

422 *Politika*, 'Vlasi nisu iznenađeni stavom Rumunije', 29 February 2012.

*your will. Serbia and Romania have a long record of friendly relations and the points being raised now are not justified,'* said Tadić.<sup>423</sup>

A group of Serbian MPs paid a visit to Bucharest on 24 February 2012. Their Romanian opposite numbers, both in government and opposition, insisted that the Vlachs are actually Romanians and that the issue must be resolved. The parliamentarians agreed at their meeting in Bucharest to set up a bilateral commission to address the matter.

*'We told them that while Serbia does not forbid any person from declaring themselves as this or that, it also cannot force any person to adopt any particular national affiliation. In conformity with the Constitution and international conventions, every person has the right to declare themselves according to their wishes. They talked about the question of the Vlachs in the context of Serbia's European path; I think that they are merely bringing pressure to bear and will not block our candidacy,'* said Miletić Mihailović, an SPS MP and Vice-President of the National Council of Vlachs.

Teodor Baconschi, the former Romanian Foreign Minister, told *Večernje novosti* that his country supports Serbia's candidacy and raised the question of minorities. *'European integration is the best way to improve the standards of minorities in all EU countries,'* he said.<sup>424</sup>

On the other hand, the President of the National Council of Vlachs, Radiša Dragojević, insisted that Vlachs have no problems in Serbia and that the political conditions being set by Romania have nothing to do with the Vlach minority. *'There is no problem regarding the situation of the Vlach minority in Serbia; the authorities in Bucharest are actually asking official Belgrade to pronounce us as Romanians, something our community opposes. We regard Serbia as our mother country and, except for some common roots, we have no connections with Romania. Romania wants to be able to say that it has 100,000 Romanians in Serbia as well as to force its language on us as our mother tongue. According to the 2002 population census, there were 41,000 Vlachs in Serbia, whereas the last census shows an increase of 60 per cent. We are not forbidding those Vlachs who want to declare themselves as Romanians to do so. As a minority in Serbia we have no*

423 *Politika*, 'Tadić: Privedbe Rumunije su neopravdane', 29 February 2012.

424 *Večernje novosti*, 'Sada se Vlasi dosetili', 25 Februar 2012.

*problems, not even with the Romanians, and we are not denied our rights,'* said Dragojević.<sup>425</sup>

Bucharest's demand is not approved of by Romanians living in Serbia either. The National Council of Romanians says it has not concerned itself with the idea. *'The Constitution of Serbia guarantees that every citizen has the right to freely state to which people they belong. Whether someone considers themselves a Romanian or a Vlach is a subjective feeling and should as such be respected. This is why Romania's demand is not justified,'* said Marčel Dragan, the secretary of the National Council of Romanians.<sup>426</sup>

According to the census of 2002, there are just over 40,000 Vlachs in Serbia. The Vlach language, however, is spoken by 54,800 people, the difference being accounted by those who declared themselves as Serbs but whose mother tongue is Vlach. It is estimated that the number of Vlachs living in 19 municipalities in eastern Serbia has increased in recent years and now stands at about 64,000. The number of Romanians is far lower (30,419) and they live in Banat.

The Ministry for Local Self-Government, Human and Minority Rights says that a clumping together of minority communities would be impossible because every citizen is guaranteed by law the right to declare themselves as belonging to a minority of their own choice.

Those who claim that the Vlachs in Serbia are deprived of their rights argue that they have no schools in their language, which cannot be said of the Banat Romanians who have regular education in Romanian. The main problem with the Vlach language is that it is not standardized and as such cannot be studied in schools.

However, not all Vlachs have the same attitude to Serbia. The Vlach-Romanians living in the Timočka Krajina region, who number 1,500, insist that Romanian is their language. Their 10 or so parties and associations have turned for help to Bucharest on several occasions. On the eve of the last census, Romania made a number of unsuccessful demands including that the category 'Vlach' should be deleted.<sup>427</sup>

425 *Danas*, 'Vlasi odbacuju zahtev Bukurešta da budu Rumuni', 25–26 February 2012.

426 *Večernje novosti*, 'Rumunija krši prava Vlaha', 1 March 2012.

427 *Večernje novosti*, 'Rumunija krši prava Vlaha', 1 March 2012.

At a press conference in the Media Centre in Belgrade on 20 September 2012, the President of the Vlach National Council, Radiša Dragojević, presented his perception of the problem. According to the 2002 census, there are about 45,000 Vlachs living in 19 municipalities in Serbia. Unofficially, the results of the last census indicate that their number has increased to 62 per cent. Also according to the 2002 census, about 57,000 people said that Vlach was their mother tongue. Dragojević said he believed that this figure had increased proportionately at the last census and that the final census results would bear this out. However, even these figures are a far cry from the real state of affairs, given that there are estimates that there are some 200,000 Vlachs living in eastern Serbia. The Vlachs have only just begun to exercise their rights. He stressed, however, that the Vlachs' relations with other ethnic groups, including Serbs, were good. In institutional terms, Serbia has taken a step back not only in the context of the Vlach national minority. The Ministry for Minority Rights has been abolished and the state office, which is after all at a lower institutional level, is only in the formative stage. He expressed his satisfaction that the Council of Europe has finally recognized the existence of a distinct Vlach national minority. 'We respect and have good cooperation with the Romanian National Council; as regards Romania itself, we only regard it as a good neighbour. Serbia is our mother country and Vlach is our mother tongue,' Dragojević said. A Vlach script (in both the Cyrillic and Latin alphabets) was adopted and a dictionary is being prepared. This is part of the standardization of the language and a pre-condition for introducing education in the Vlach language.

Prior to the summit of the EU member countries' heads of state and government, Serbia and Romania signed an agreement on 1 March 2012 whose provisions are designed to improve the situation and rights of the Romanian minority in Serbia and the Serb minority in Romania.

The agreement highlights the right to 'free, personal choice regarding one's membership of a particular national minority' and specifies the future moves of the Serbian government Serbian Orthodox Church and Romanian Orthodox Church. The document also guarantees reciprocity of minority rights in both countries. Serbia and Romania agreed that all the

outstanding problems between the two churches should be resolved by themselves and that their dialogue should begin as soon as possible. The agreement envisages the taking of 'measures to provide education, access to the media, public administration and service in the mother tongue to members of the Romanian national minority in eastern Serbia'. The two states' agreement guarantees that the minorities will have textbooks in their mother tongues.<sup>428</sup>

### **Radicalization of the Hungarian minority**

Interethnic conflicts involving Serbs and Hungarians in Temerin grew in intensity at the end of 2012 and the beginning of 2013. Members of both ethnic groups were attacked. Nevertheless, when it came to arresting and processing suspects, the police and judicial authorities proved far more expeditious towards Hungarians suspected of attacking Serbs. This added to the tension and resulted in more violent and more frequent clashes. The media in both languages were of no help in the efforts to cool the tempers. By only reporting names and incidents relating to members of their respective communities and failing to issue denials of incorrect information, they painted a distorted picture of the incidents for the benefit of their respective ethnic groups.

Even violence involving groups comprising Serbs and Hungarians on both sides was portrayed as interethnic.<sup>429</sup>

In the past year more than 20,000 Vojvodinians applied for Hungarian citizenship and 2,000 were granted Hungarian passports. Given that there are nearly 300,000 Hungarians living in Vojvodina, the number of those who have applied for dual citizenship so far is lower than expected. However, since the procedure has been simplified and far fewer documents are required than before, it is assumed that the number of applications will reach 80,000 in the forthcoming period. The Hungarian ministries of

428 *Blic*, 'Srbija i Rumunija juče potpisale sporazum', 2 March 2012.

429 <http://www.helsinki.org.rs/serbian/doc/HB-Br92.pdf>

justice and foreign affairs have so far received about 180,000 applications for citizenship from all over the world.<sup>430</sup>

However, NSM President Tamas Korhecz, says that in comparison with the most developed European countries – if one excepts Temerin – Serbia assures to its minorities a position he would personally rate seven or eight on a scale of 10. *'Serbia can be proud of its legal framework for protecting the identity of the minority communities, particularly in education and the development and preservation of their cultural identity. The problem is, some laws and regulations are still being implemented with difficulty, such as the conduct of litigation in minority languages,'* he says.<sup>431</sup>

However, the incidents in the abovementioned Hungarian settlements, as well as the discriminatory practice of the courts, have brought about a radicalization of the Hungarian minority. Neo-Nazis from the Hungarian majority towns of Senta and Ada went repeatedly to Temerin during the period in question and provoked anti-Serb incidents.

On 2 March 2013, the Hungarian extreme right-wing, anti-Jewish party Jobbik established in Subotica a Vojvodina branch with Gyori Endre, a teacher from Senta, at its head.

At the 23 March 2013 meeting in the Hungarian town of Martely of Hungarian leaders from Vojvodina, Romania and Slovakia, Istvan Pasztor, the leader of the strongest Hungarian party in Vojvodina, the Alliance of Vojvodina Hungarians (svm), called for Hungarian territorial autonomy in Vojvodina for the first time. The svm had not previously made such demands publicly in Vojvodina but other Hungarian parties have, namely the Democratic Community of Vojvodina Hungarians, the Democratic Party of Vojvodina Hungarians, the Civic Alliance of Hungarians and the Hungarian Hope Movement.

430 *Večernje novosti*, 'Traže 20 000 mađarskih pasoša', 4 March 2012.

431 *Večernje novosti*, 'Čardaš po Ustavu', 4 March 2012.

## Tensions in Sandžak

During 2012 Sandžak was another scene of ethnic and political tensions between Bosniaks and the Serbian state. On 4 August 2012, the municipal authorities in Novi Pazar dedicated a plaque in honour of Aćif Hadžiahmetović, better known as Aćif Efendi, in the town's pedestrian precinct. The plaque was set up without following the prescribed procedure and obtaining the prior permission of the competent authority. The unveiling was attended by Sulejman Ugljanin of the SDA and the State Secretary in the Ministry of Education, Muhedin Fijuljanin. The Ministry of Justice and State Administration on 28 August 2012 instructed the municipal authorities to remove the plaque within 13 days.<sup>432</sup> Aćif Efendi was a controversial person. While some Bosniaks regard him as a national hero who protected Bosniaks from the Chetniks of Draža Mihailović, the Serb community regards him as a criminal who took reprisals against Serbs in the Sandžak region during the Second World War.

The unresolved political problems escalated in the sports stadiums. During the eighth-finals Serbian Cup match in Novi Pazar on 24 October 2012, hooligans belonging to the fan group Ekstremiti displayed banners in praise of the 'Yellow House', a building in Albania in which, according to a report by Dick Marty, body organs were removed from captured Serb civilians. The public, police and prosecuting authorities reacted promptly and the suspects were processed.<sup>433</sup> The public in Sandžak and Serbia was agitated again when, during a match on 5 November 2012, supporters of the football club Novi Pazar, unfolded a banner reading 'The Stadium of Aćif Efendi'.<sup>434</sup>

432 *Danas*, 'Ukaz u gradskoj upravi, a niko ne zna', 28 august 2012.

433 *Blic Sport*, 'Skandal u Novom Pazaru: Transparent "Živela Žuta kuća"', 24 October 2012.

434 *Press*, 'Navijači Novog Pazara slave ubicu Srba', 5 November 2012.



## Conclusions

In spite of having an adequate legal framework and necessary legislation, the state has no inclusive policy towards minorities. Indeed, a discriminatory attitude towards nearly all the minorities is still in evidence. Implementation of legislation continues to be problematic due to the lack of political will. In addition, the situation of the minorities is additionally complicated by the poor functioning of the institutions, particularly the judiciary.

The situation of the minorities in Vojvodina is far better than in Serbia proper. Substantial differences persist regarding the scope and quality of enjoyment of minority rights in Vojvodina and Serbia. The rights of Hungarians, Slovaks, Croats, Romanians, Ruthenians, Bunjevacs, Macedonians, Ukrainians, Germans and other minorities in the fields of education, media, culture and religion are respected. However, anti-Hungarian incidents, above all in Temerin, Bečej, Novi Sad, Srbobran and Subotica, have been characteristic of Vojvodina in the last year as well as before. This has resulted in a radicalization of the Hungarian minority.

In response to these incidents, Minister of the Interior Ivica Dačić and President of the Vojvodina parliament Istvan Pasztor on 16 February 2013 agreed to employ the gendarmerie in municipalities in which inter-communal incidents have occurred as and when necessary and to step up policing in areas hit by an upsurge in crime in order to protect the citizens and their property.

In central Serbia, the minorities issue was only raised after the ouster of Milošević. Instruction in the Romanian language (for members of the Vlach minority) began to be introduced while that in the Bosnian language was introduced in April 2013. Belgrade continues to encourage divisions within the Bosniak community and to favour the anti-Zukorlić faction. The question of the Romanian Orthodox Church, which continues to be discriminated against, is yet to be addressed. The Serbian Orthodox Church is sharply opposed to Romanian priests performing religious services in Serbia.

There are potential security risks for the region stemming from Serbia's demand for Serb territorial autonomy in Kosovo. Demands for territorial autonomy have also been made by the Hungarians in Vojvodina, the Albanians in the Preševo valley in southern Serbia (expressed in the 9 March 2013 Declaration of all Albanian municipal deputies in Preševo, Medveđa and Bujanovac) and the Bosniaks in Sandžak (by the Bosniak Democratic Community on 14 March 2013). All these demands invoke the principle of reciprocity with regard to the claim for Serb territorial autonomy in Kosovo.



## VIII – THE MEDIA



## In the Service of the Government

The first year of the term of the new Serbian government (July 2012 – May 2013) was marked by the return and growth of hate speech. What is more, although the Serbian Constitution and laws guarantee freedom of expression, alternative thinking (which is in evidence in only a very few media outlets) is again discouraged while the number of attacks against people belonging to minorities and using minority discourse is on the increase. The media are used as a tool for further stripping Vojvodina of its autonomy and made to employ the same propaganda methods that were used in the 1990s to topple the Vojvodina leadership and establish a strong central government in Belgrade, a policy jeopardizing, among other things, the security of the citizens.<sup>435</sup>

The hate speech is closely linked to the incidents targeting minorities (political and ethnic minorities as well as a number of media outlets and civil society organizations).<sup>436</sup> The extremist organizations were strongly encouraged to carry out such attacks by the victory of the populist Ser-

435 The Independent Journalists' Association of Vojvodina (NDNV) warned that media freedom in Vojvodina and Serbia was in serious jeopardy and that the journalist profession is undergoing a decline unseen since the 1990s. This is especially visible in the coverage of current affairs in Vojvodina. 'Those reports abound with nationalist propaganda, semi-truths, lies and falsifications,' the NDNV said in a statement. ([www.ndnv.org](http://www.ndnv.org)) The NDNV rightly points out that the tendency to class people as patriots and traitors not only endangers media freedom and democratic processes but can seriously jeopardize the security of the citizens of Vojvodina and cause a deep crisis in which it will no longer be possible to address problems by the institutions of the system. The president of the Independent Association of Journalists of Serbia (NUNS), Vukašin Obradović, describes the situation in similar terms, saying that a 'legalization of hate speech' is at work on the public stage. 'Ethnic counts are making a comeback, with government representatives failing to take a clear position on such instances. This leads us to the conclusion that the extreme right-wingers feel that their time has come. They are part of the encumbrance we got with the new government,' Obradović said. Discussion panel: *Vraća se atmosfera iz devedesetih godina*; [www.autonomija.info](http://www.autonomija.info), 11 February 2013.

436 See parts of the Helsinki Committee reports on Vojvodina and extremism.

bian Progressive Party (SNS) at the presidential elections, which enabled it to form a government and enter other institutions. The government made no response to the numerous appeals by media associations and civil society organizations warning against the growing tide of extremism.

Although extremely low standard of living and widespread unemployment are fertile ground for extremism and hate speech, the Helsinki Committee for Human Rights is of the opinion that the cause of these growing trends should be sought in the political constellation.

The majority of the international donors who have financed Serbian media during the last two decades have pulled out. The largest of them, IREX from the United States, closed down its office in Belgrade in 2012. The international donors had focused on media privatization and their financial sustainability in the future, believing that that alone would be sufficient to ensure media freedom. However, the media donors failed to make sufficient allowance for the risks lurking in Serbian transition and in the incapacity of the Serbian elites to make a break with the period of warmongering propaganda and strictly controlled media and provide adequate conditions for the development of pluralism of media content.

When IREX left Serbia it painted a very gloomy picture in its Media Sustainability Index 2012 report, noting that the previous decade had been marked by a stagnation of media development in Serbia. It said that in the wake of 2000 the upward period lasted only three years and that 2003 was followed by a two-year stagnation and then a permanent deterioration over the next six years. In 2012, Serbian media were operating in an environment which differed little from the year 2000, it said. In development terms, Serbian media lost the last eight years, it noted. Since 2001, freedom of speech and professional journalism have only marginally improved, with only Macedonia trailing Serbia in the region in this regard, it said. In terms of economic operations, the IREX report said that Serbia was practically on the level of 2011. The report confirms the assessments of other independent sources that the media are highly politicized, which is reflected in the excessive influence of politics on their editorial policy, the avoidance by politicians to order the media space in a civilized

manner and the meekness with which journalists are resisting the role of politics in the media sector.

The government elected in 2012 agreed to implement its predecessor's media strategy. As regards freedom of the media, the decriminalization of libel (towards the end of 2012) was a positive development thanks to the insistence of a large number of media associations and civil society organizations.

The media strategy does not indicate what guarantees will be offered to endure media pluralism, one of the main stumbling blocks of Serbian transition. The Internet and the new media are becoming the most important source of alternative information in Serbia. However, their reach is limited and their impact highly dependent on what information the traditional media choose to carry from websites and blogs. Also, while many people now prefer to keep abreast of events via the Internet, they still rely on the websites of the traditional media outlets as their primary sources of information.

Motivation for analytical and investigative journalism among journalists, particularly those belonging to the younger generation, has been on a serious decline year after year. The media expert, Professor Snježana Milivojević, says that the media have for decades been in a state of lethargy as a 'consequence of the terrible agony and prolonged transition' of a democracy that is neither consolidated nor unconsolidated. 'I fear that this is a permanent state of affairs and that this society is rather immature,' Milivojević says. In her opinion, the fact that the issue of the media is only raised when absolutely necessary or in certain specific situations indicates that the public does not regard the media as an important institution.<sup>437</sup> Another indicator of society's immaturity, she says, is the fact that the docile media from the 1990s have succeeded in outliving the autocratic regime.

Topics are forced by influential structures and individuals rather than by journalists. In spite of the Law on Free Access to Information of Public Importance and incomparably better conditions for investigative journalism compared to the 1990s, journalists remain hampered by routines

437 [http://www.b92.net/info/vesti/tema.php?yyyy=2012&mm=06&nav\\_id=615037](http://www.b92.net/info/vesti/tema.php?yyyy=2012&mm=06&nav_id=615037).



dating from the time when the media were directly controlled by the state. They very often rely on sources such as 'tip-offs' from politicians' or tycoons' offices, which are mostly spinned by people with a lot of pull, especially those from the political-economic circles, in order to sway public opinion in their settling of accounts with opponents. On the other hand, journalists are going out increasingly rarely to find things for themselves and have no motivation for checking information.<sup>438</sup>

The change of the political make-up of the Serbian government has laid bare the media's inability to stand up to pressure. The hitherto influential Democratic Party lost its clout with many media outlets. The Independent Journalists' Association of Vojvodina (NDNV) pointed out that all political elites in Serbia have suppressed the development of professional and independent journalism and regarded the media solely as a tool for their own promotion and propaganda. In consequence, those who hold the reins of power have almost complete control over the media sphere. The NDNV warned that the present state of affairs clearly reveals the perils of a situation where 'control has been taken over by those who have lived and continue to live by manufacturing crises and creating enemies'.<sup>439</sup>

The media discourse on topics of consequence for Serbian transition remained unchanged in 2012. It comprised topics concerning European integration and attitudes to regional issues linked to transitional justice, particularly the ICTY.

An analysis of the dominant media discourse will benefit from paying attention to two aspects: reporting on the main regional issue – the Kosovo negotiations which were mostly conducted by Prime Minister Ivica Dačić – and reporting on the fight against corruption spearheaded by the First Deputy Prime Minister Aleksandar Vučić.

With the authorities making a gradual volte-face in their policy on Kosovo, the media began to modify their dominant discourse on the topic. It is interesting to follow, in this context, their attitude towards the two key political figures, Ivica Dačić and his deputy Aleksandar Vučić. At the height of the negotiations with Pristina, domestic media began to report

438 Helsinki Committee interview with media representatives.

439 [www.ndnv.org](http://www.ndnv.org).

one scandal after another (e.g. the 'Miša Banana' affair) with the object of incriminating Belgrade's chief negotiator, Prime Minister Dačić. This attitude towards Dačić primarily reflects the ongoing test of strength within the ruling coalition (in order to be able to form a government, the victorious SNS had to cede the post of Prime Minister to a partner who had polled considerably less votes in the elections). Other than that, in the event of a failure of the Kosovo negotiations in Brussels, Aleksandar Vučić would come away with his 'hands clean'.

On the other hand, Vučić enjoyed from the very first media's strong support in his highly problematic conduct of the fight against corruption. As time went by, it became increasingly apparent that the SNS was engaged in a populist campaign and that the main object of its fight against corruption were party interests rather than systemic solutions and a process which would lead to a substantial improvement in the long run. Any criticism of Vučić met with hostility in the public discourse. Filip Švarm, a journalist with the weekly *Vreme*, notices that the fight against corruption is generating a consensus of opinion which could be likened to the 'anti-bureaucratic revolution' that brought Slobodan Milošević to power.

As regards the traditional media, it is a paradox that in the last few years since the Serbian media were 'liberated' Radio Free Europe continues to play a major part in providing information to people who want to hear alternative opinions about certain topics; this is especially true of reporting news from the region because coverage by other media is neither sufficient nor adequate.

As regards the free flow of information via cable, the case of TV Al Jazeera Balkans shows that it depends mainly on 'political circumstances and requirements' whether a TV channel will be able to broadcast through the cable system. Although it was announced early in 2012 that the channel would be able to broadcast through the cable system (the start-up being also advertised on billboards in Belgrade), broadcasts only started at the end of the year, that is, after the new government was formed. The Helsinki Committee learned that the object of the delay was to prevent the broadcasting of any alternative media content first during the electoral campaign and then during the new government's first months in power.

## Hate speech in the social-political context

The 2012 elections returned to power the populist Serbian Progressive Party (SNS) and Aleksandar Vučić, who was Minister of Information at the time of the severest systemic repression of the independent media in Serbia (March 1998 – October 2000). In 1995, Vučić was elected General Secretary of the Serbian Radical Party, the wartime regime's 'mailed fist' during the 1990s, a party notorious for its chauvinist rhetoric and hate speech targeting the opposition and non-governmental organizations. Within days after the Srebrenica genocide, Vučić himself announced, addressing the national parliament, that 100 Muslims would be killed for every Serb victim.<sup>440</sup>

Vučić's term of office as Minister of Information was marked by the murder of journalist Slavko Ćuruvija, proprietor of the daily *Dnevni telegraf* and the magazine *Evropljanin*, and systematic campaign against these papers, bans on media establishments, arrests and detentions of editors and journalists, the imposition of censorship during the NATO intervention (with Vučić having regular meetings with editors in his capacity as chief censor), forbidding independent media journalists to report from meetings of state bodies (including parliament), criminal prosecution and imprisonment of journalists and adoption of a severely repressive Law on Information.

The Helsinki Committee's 1999 report<sup>441</sup> states: 'During the war, almost all media reported in a similar manner, using a more or less vulgar and/or impassioned rhetoric.' (...) After the end of the war the situation changed considerably, with the majority of dailies, including *Glas javnosti*, *Blic*, *Danas* and even *Večernje novosti*, beginning to report on events in a much more objective manner. A number of TV and radio stations, particularly in the interior, also joined this post-war trend. As the media became increasingly more professional, government stepped up its repression of them. Draconian files, bans on the circulation of particular issues and threats against journalists soon followed. The report cites and explains in-

440 <http://www.youtube.com/watch?v=UGqv9CJbd3U>.

441 *Vreme*, [http://www.vreme.com/arhiva\\_html/467/15.html#Uvod](http://www.vreme.com/arhiva_html/467/15.html#Uvod).

stances of this aspect of state repression as well as instances of or rules for carrying out state propaganda through state-, or rather, party-controlled media (RTS, *Politika*, *Borba*, *Politika ekspres* and others).

A relapse into the 1990s, as far as the official attitude to the media and the alternative scene in Serbia was concerned, was in evidence at the very beginning of the mandate of the new government: on the eve of his appointment,<sup>442</sup> Assistant Minister of Culture in charge of the Media, Dragan Kolarević, called for a 'cultural revolution' and made public a list of unsuitable 'holders and executors of the deleterious anti-Serb policy in Serbia'. He mentioned many public personages by name. The text was published on 13 August 2012 on the website of the nationalist and conservative portal *Novi standard*.<sup>443</sup> Throughout 2012 and early in 2013 similar lists were published intensively by extremist right-wing organizations, with no one from the government ever clearly condemning such attacks.

As a result of the new reality in the wake of the elections and the inability of the media to resist the pressure, Vučić became a most popular personality with Serbian media. This was confirmed to the Helsinki Committee by Belgrade media journalists. The editors-in-chief take great pains not to antagonize Vučić and to ensure that their media outlets do not go too far in criticizing one of Serbia's most powerful men. Things have gone so far that even some media establishments which were targeted during Vučić's term as Minister of Information have now become very kindly disposed towards him. The editors who once bore the brunt of Vučić's explicitly repressive measures are these days seen engaging in quasi-friendly discussions with the SNS leader.

The entry of the populist SNS into the institutions in the aftermath of the 2012 elections is fertile ground for the activities of extremist groups, suppression of free speech and flourishing of hate speech and violence against the champions of alternatives. The object is to intimidate all who have alternative views and to cow them into silence.

A foretaste of what lies in store for dissenters was provided during TV B92's *Utišak nedelje* programme on 20 January 2013, featuring Minister

442 The news of his appointment was announced on 18 August 2012.

443 <http://www.standard.rs/dragan-kolarevic-vreme-je-za-prvi-srpski-kulturni-ustanak.html>.

of Justice Nikola Selaković, president of the Serb National Movement Naši (SNP Naši) Ivan Ivanović, Liberal Democratic Party MP Miljenko Dereta and president of the Helsinki Committee Sonja Biserko. The leader of the extremist group Naši, Ivan Ivanović, warned that all who say that Kosovo is independent would be tortured, mutilated and killed. During the programme, he confirmed explicitly on several occasions that he stood by his earlier statement that 'anyone who says that Kosovo is independent will not only have their tongue but their head cut off'. Ivanović said this after Sonja Biserko had observed that Kosovo was already independent. Ivanović later 'corrected' himself and 'mitigated' the punishment of Biserko; he said that she would be prosecuted rather than beheaded though, to paraphrase him, some other people's heads would roll. Ivanović thus made it clear that his movement will not shrink from violence.

Members of the movement provoke incidents and liaise with organizations whose aims include 'strengthening the spirit and military training of course takers'. For instance, the movement announced on its website [www.Našisrbija.org](http://www.Našisrbija.org) that, during a training exercise in Moscow called 'The Volunteer', the host National Assembly organization insisted on giving the guests from SNP Naši 'brief training in assembling and stripping Kalashnikovs'. In the summer of 2012, the takers of 'The Volunteer' course stayed in a sports-military camp in Apatin set up by the organization Patriotic Front.

What was most worrying in this connection, however, was the attitude of Minister of Justice Selaković during the programme. Instead of coming to the defence of Sonja Biserko, he behaved as if he saw no difference between her and Ivanović. The fact that the Minister of Justice permitted threats of murder, mutilation and torture to be made in his presence shows that he approves of the activities of the Naši movement. The Minister not only passed over these threats in silence but went a stage further in their relativization when he wound up his 'exposition' by concluding that there was no difference between Biserko and Ivanović. In doing so, Minister Selaković came in on the side of the bullies.

The incident was duly reported to Prime Minister Ivica Dačić and First Deputy Prime Minister Aleksandar Vučić, from whose party Selaković

comes. The Human Rights House in Belgrade asked them to publicly condemn the gesture of Minister Selaković, adding that only then will they believe in the sincerity of their words that the authorities of the state must protect all citizens who receive such threats. The Human Rights House asked them to 'state clearly and in public that no one may be killed for saying things in public, receive threats of death and violence, and that the authorities of the state, particularly the judicial system, must protect all citizens who are threatened in this way'.

However, the letter remained unanswered. The letter was a test for the new government to show its attitude to media freedom and demonstrate its resolve to oppose extremist groups in Serbia. If anything, hate speech has escalated in recent months. Repressive measures against hate speech cannot bring about significant results; what is necessary is that holders of important posts should continuously offer alternatives and denounce behaviour such as that of Minister Selaković in the abovementioned programme.

The dangerous tendency to equate extremists with civil society organizations and media establishments which are critical of extremism is manifested in extremists' announcements that they would file suits for 'dissemination of hate speech' against a large group of professional media and non-governmental organizations. Such tactics involving abuse of the law are calculated at producing the same effects as in Russia, where the authorities are taking a variety of legal measures against human rights defenders on charges of spying. For instance, the Naši movement addressed an appeal<sup>444</sup> to the Broadcasting Agency and the Serbian government asking them to 'put a stop to the hate speech against the Serb people the media house RTVB92 disseminates by abusing its national frequency' and called 'attention to the new text by the activist of the Queeria organization, Predrag Azdejković, entitled 'Četiri jahača Kačavende.'<sup>445</sup>In its appeal,<sup>446</sup> the movement points out that it has submitted to the prosecuting

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444 Frontpaged on the website of the Naši organization on 18 April 2013.

445 The text is about the retired Bishop of the SPC, Vasilije Kačavenda, who is accused of involvement in serious crime.

446 <http://Našisrbija.org/index.php/2013/04/18/snp-Naši-traze->

authorities material evidence on several occasions about what it calls RT-VB92's scandalous and impermissible hate speech against the Serbs.

Such tactics by extremist organizations, which are not clearly denounced by the authorities, constitute a serious threat to the freedom of speech. An analysis of the wider context shows several reasons for concern. The Naši organization is not without influence in society. What is more, it has a strong footing in the Serbian Orthodox Church and enjoys the support of influential circles in Serbia which carry weight with the government itself and are grouped around Serbian President Tomislav Nikolić. Second, it is an organization whose members are perpetrators of violent incidents. Finally, one should not lose sight of the political past of the ruling SNS (formerly the Serbian Radical Party) and the Socialist Party of Serbia, both of which promoted the war propaganda and carried out repression against media and journalists during the 1990s.

## Hate speech

During 2012 and especially in early 2013, a strong campaign characterized by threats and hate speech was conducted against the Independent Journalists' Association of Vojvodina (NDNV) and Radio Television Vojvodina (RTV) and their managements. The fact that they were targeted as bearers of autonomist policy in Vojvodina makes us conclude that the whole campaign against them has a political background and cannot be viewed independently of the political context and the Serbian government's attitude to the province.

In the first months of 2013 the attacks grew in intensity. In this connection, The NDNV appealed to the government leaders and the Serbian President several times but received no reply.<sup>447</sup>

The NDNV General Secretary, Nedim Sejdinović, said that the NDNV was daily exposed to a media witch-hunt. This is a pattern which repeats itself

*reakciju-rra-zbog-govora-mrznje-medijske-kuce-b92/.*

447 Although President Tomislav Nikolić, Prime Minister Ivica Dačić and First Deputy Prime Minister Aleksandar Vučić were informed about the persecution campaign against the NDNV leadership, they never reacted.

over and over again. For instance, in 2007 journalist and DNDV President Dinko Gruhonjić and his family were the target of a campaign of hatred and threats spearheaded by the neo-Nazi organization Nacionalni stroj, which has meanwhile been banned. The premises of the NDNV in the centre of Novi Sad were broken into on 14 February 2013 for the sixth time. The plate bearing the name of the Association was torn down several times. All these incidents were reported to the police. The RTV Programme Director, Sanda Savić, received messages that she had been 'shadowed from birth', that more about her was known than she will ever know about herself and that she had better go back to Belgrade or 'even better, to Split'.<sup>448</sup>

The pattern of these attacks (including the political background and the reactions to the hate speech) is best illustrated by the following instance: In the article entitled 'Da li su naši TV novci',<sup>449</sup> the TV commentator of the weekly *Pečat*,<sup>450</sup> Miodrag Zarković, alleges that the management of Radio Television Vojvodina consists of anti-Serb storm troopers and confirmed Serb-haters.

Besides making other insults, the text is replete with libel and fabrications about the authors and management of RTV and about NDNV President Dinko Gruhonjić. The closing portion of the article is an apt illustration of the way *Pečat* is bringing back to the public stage the hate speech and war propaganda of the 1990s: 'If one looks at the national affiliation of the majority of the managers, some of whom have been mentioned in the text, and if one looks at the programme of the Novi Sad TV channel, one can hardly fail to notice a truculent Croat lobby behind that crime.'

The author is accusing the 'newly-arrived editors' of the RTV News Programme of being 'anti-Serb storm troopers to a man'. He alleges that the Vojvodina public broadcasting service has 'since July 2011 been completely in the hands of anti-Serb managers whose passionate hatred of

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448 This was discussed at length at the discussion panel 'Vraća se atmosfera iz devedesetih godina' on 11 February 2013, [www.autonomija.info](http://www.autonomija.info).

449 <http://www.uns.org.rs/sr/desk/media-news/15086/di-su-Naši-tv-novci!.html>.

450 The Editor-in-Chief of *Pečat* is Milorad Vučelić, editor of Radio Television Belgrade at the height of its war-mongering propaganda. *Pečat* regularly publishes texts of that kind.



the nation in whose state they live and work has been proved beyond doubt'. The targets of this nationalist 'wanted notice' are Sanda Savić, Danica Vučenić and Dinko Gruhonjić, reputable media professionals and recipients of prestigious journalist awards.

In an appeal to the state authorities, RTV pointed out that such labels can seriously affect the operation of the provincial public broadcaster as well as the safety of the staff, who are again having their blood analysed to determine their ethnicity, a practice dating back to the time when *Pečat's* director and editor-in-chief Milorad Vučelić was at the head of the Novi Sad TV channel. 'Since RTV produces programmes in nine national minority languages, one can well imagine how they feel after being reminded of the time when malignant nationalist hysteria flourished,' RTV said in a statement issued on 18 January 2013.<sup>451</sup>

Official Belgrade did not react to these and similar attacks although appeals had been addressed from various quarters requesting top government officials to condemn the attacks. The nexus between politics and the attacks on RTV can be inferred from the statement of the Vice-President of the Socialist Party of Serbia (SPS) and President of the SPS Vojvodina Board, Dušan Bajatović, that the party was calling for changes in RTV's editorial policy. Bajatović said that the editorial policy of that media establishment was in the service of one political party, namely the Democratic Party (DS). 'If its editorial policy is not changed urgently, we will demand the dismissal of all senior managers of RTV,' he told a press conference. Bajatović also said that the SPS had asked to see a list of top 20 salaries in RTV. He said that the party would also request this information through the Commissioner for Information of Public Importance.<sup>452</sup>

The RTV programme director, Sanda Savić, described Bajatović's statement as a direct political attack: 'The shadows have come out and

451 [http://www.rtv.rs/sr\\_lat/vojvodina/novi-sad/rtv:-govor-mrznje-u-tekstu-o-radio-televiziji-vojvodine-u-pecatu-sledi-tuzba\\_364902.html](http://www.rtv.rs/sr_lat/vojvodina/novi-sad/rtv:-govor-mrznje-u-tekstu-o-radio-televiziji-vojvodine-u-pecatu-sledi-tuzba_364902.html).

452 Published on 8 March 2013. <http://www.blic.rs/Vesti/Politika/371323/Bajatovic-Rukovodioci-u-RTVu-imaju-vecu-platu-od-mene-sto-je-priznacete-jako-tesko>.

everything's clear now. We have been under great pressure from various political groups all the time and I expect that this pressure will continue.'<sup>453</sup>

The Independent Association of Journalists of Serbia warned that 'such nationalistic pamphlets (as the *Pečat* article) are encouragement to the extreme right-wing organizations which have in the last months been systematically drawing up lists of unsuitable media and organizations and accusing them of anti-Serb activities. This is again creating in Serbia a climate of divisions into "patriots" and "traitors", something we had during the 1990s when people with different opinions were subjected to relentless harangues.'<sup>454</sup>

The General Secretary of the Independent Journalists' Association of Vojvodina, Nedim Sejdinović, says that the *Pečat* article should be viewed in two contexts. 'First, as a process which has long been conducted against Vojvodina and the advocacy of its rights; second, this is one in a series of texts which criticize the NĐNV as a civil society organization and specifically Dinko Gruhonjić,<sup>455</sup> a person who is seen as calling for a debate on the status of Vojvodina and the decentralization of Serbia.'

RTV announced that a survey carried out at the time of the *Pečat* article showed a 80 per cent increase in RTV's television viewer ratings, with radio listener ratings jumping from eighth to third place. In analysing these results, one should bear in mind that RTV operates in unsuitable premises and has inadequate and obsolete equipment, a poorly regulated subscription system and problems with collecting subscriptions.<sup>456</sup>

Unlike their Belgrade opposite numbers, the provincial authorities reacted to the attacks on the management of RTV and the NĐNV. The provincial Prime Minister, Bojan Pajtić, attributes this to the recomposition of the multi-ethnic authorities in multi-ethnic environments and their

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453 <http://www.autonomija.info/odbor-za-informisanje-osudio-napade-na-rtv-i-na-ndnv.html>.

454 [http://www.rtv.rs/sr\\_lat/vojvodina/novi-sad/rtv:-govor-mrznje-u-tekstu-o-radio-televiziji-vojvodine-u-pecatu-sledi-tuzba\\_364902.html](http://www.rtv.rs/sr_lat/vojvodina/novi-sad/rtv:-govor-mrznje-u-tekstu-o-radio-televiziji-vojvodine-u-pecatu-sledi-tuzba_364902.html).

455 *Danas*, 21. January 2013.

456 [www.vojvodina.gov.rs/index.php?option=com\\_content&task=view&id=7489&Itemid=1&month=3&year=2013](http://www.vojvodina.gov.rs/index.php?option=com_content&task=view&id=7489&Itemid=1&month=3&year=2013).

replacement with nationalist parties during the last months of 2012. He said that the NDNV was being targeted because its name contains the word 'Vojvodina', because it operates in Vojvodina and because it brings together people of different ethnic backgrounds. 'We abhor any attack on independent journalism and any attack on people who cross themselves in a different way, speak a different language and belong to a different nationality,' he said.<sup>457</sup>

The Information Committee of the Vojvodina Assembly denounced the attacks on journalists and the hate speech and threats addressed to the RTV and NDNV managements as also jeopardizing the political stability of Vojvodina. However, when it came to the vote, the provincial MP of the SNS, Damir Zobenica, said that while he essentially agreed with the conclusions, he had a 'few minor objections' (15 March 2013).<sup>458</sup>

The 'ethnic count of journalists' also provoked reactions from international organizations.<sup>459</sup>

However, the reaction to the *Pečat* article of the President of the Association of Journalists of Serbia (UNS) and the Press Council (a self-regulatory body overseeing the print media code of ethics) was inappropriate. Although the UNS deplored the fact that *Pečat* cannot criticize the professional work of its colleagues without at the same time denouncing their national affiliation and political persuasions, Ljiljana Smajlović presented her views in the weekly *Vreme*. She tendentiously equates the journalists rallied around the NDNV and RTV with the extremist organizations, that

457 [http://www.rtv.rs/sr\\_lat/vojvodina/pajtic:-neprihvatljivi-napadi-na-nezavisno-novinarstvo\\_371641.html](http://www.rtv.rs/sr_lat/vojvodina/pajtic:-neprihvatljivi-napadi-na-nezavisno-novinarstvo_371641.html).

458 [http://www.rtv.rs/sr\\_lat/vojvodina/novi-sad/odbor-za-informisanje-osudio-napade-na-rtv-i-na-ndnv\\_377970.html](http://www.rtv.rs/sr_lat/vojvodina/novi-sad/odbor-za-informisanje-osudio-napade-na-rtv-i-na-ndnv_377970.html).

459 Head of the OSCE media department Dragana Nikolić – Solomon called on the state authorities to do 'everything in their power to stop such public discourse. It is necessary to distinguish between freedom of the media and discrimination and hate speech. One should know where the limits of a democratic society stand.' (Beta, 21 January 2013). Amnesty International noted that the continual verbal attacks on NDNV president Dinko Gruhonjić and on other members of the society represent a form of discrimination, hate speech and, in some instances, incitement to violence. The overriding motive for those attacks is their ethnic origin, i.e. nationality, with NDNV members described as 'anti-Serbs'. ([www.amnesty.org](http://www.amnesty.org)).

is, the perpetrators of violence. She writes, ‘...not infrequently, our journalist colleagues act above all as sympathizers of particular political and financial projects. It is in this that the author from *Pečat* and the NDNV President differ little from each other. All their opponents are invariably “storm troopers”, the difference being that Gruhonjić’s opponents are “fascists”, “chauvinists” and “genocidal” maniacs and/or “executioners”, whereas (Miodrag) Zdravković’s storm troopers are as a rule “anti-Serb”. A day or two before *Pečat* came out, Gruhonjić said, speaking in a panel discussion in Belgrade, that the media scene in Serbia is a “viper’s nest” and that “warmongers, accomplices in Serb crimes” still occupy editorial posts in the majority of state-owned media. I would say that both Gruhonjić’s struggle for a multicultural and Zarković’s for a Serb Vojvodina are equally disregardful of the principle of journalistic impartiality. The two of them are equally fond of strong words and injudicious accusations,’ Smajlović writes.<sup>460</sup>For instance, Smajlović makes no distinction between RTV journalist Danica Vučinić (recipient of numerous professional awards) and Milijana Baletić, a leading light of Serb war propaganda. She finds it quite normal that journalists and media funded from abroad should be called foreign agents, a label used by extremist organizations in targeting their opponents.

The position put forward by Smajlović in *Vreme* is a most telling example of the ‘normalization’ of extremism in Serbia and of drawing an equal sign between those who criticize hate speech and are subject to serious threats and physical violence on one hand and extremists who initiate and practice violence on the other. The very same message is also being sent by members of the Serbian government, especially the SNS.

In response to Ljiljana Smajlović’s text, the DNDV General Secretary described the state of Serbian journalism as follows: ‘In these parts, the silly thesis that the truth is never either here or there has long persisted among the so-called moderate nationalists and even among those who do not call themselves that, and it also persists in a large segment of public opinion. Let us say a studio invites a person who advocates killing and justifies crimes and a person who insists that killing and hatred are something

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460 <http://www.vreme.com/cms/view.php?id=1094343>.

impermissible and punishable. And somehow, from their quest for the truth, there somehow finally emerges a middle ground according to which killing is quite OK though one should not really go too far. Incitement to lynching is also [found to be] justified, only one must find the right target and sow moral panic; finding someone to pull the trigger is not all that difficult after all.<sup>461</sup>

The President of the Independent Association of Journalists of Serbia (NUNS), Vukašin Obradović, says that at work here is an 'intellectualization' of hate speech, that is, its legalization through phrases that 'all lists are the same' and the insistence that freedom of expression is what matters. He says that in order to make up for the lack of results, the authorities are feeding the population a steady diet of real and fictitious thieves on one hand and 'Croats', 'non-Serbs' and 'traitors' on the other.<sup>462</sup>

The Serb nationalist propaganda matrix from the 1980s and 1990s which laid the groundwork for going to war has never disappeared from the media discourse in Serbia. This matrix rests on the premises that the Serbs bear no responsibility for the war and that they are threatened by other Balkan peoples, on denying or playing down the crimes committed against Bosniaks and Croats, and on interpreting any demand for decentralizing Serbia as a separatist demand leading to further dismemberment of Serbia.

Serb elites have never accepted the narrative about the responsibility of the Serbian institutions and leadership for the outbreak of the war in the former Yugoslavia nor launched transitional justice processes to create a new historical narrative. In this regard, the victory of Tomislav Nikolić at the presidential elections, the entry of the SNS into the institutions and the establishment of the coalition government by the wartime allies SPS and SNS<sup>463</sup> resulted in the abovementioned matrix being again forced on the media.

461 Nedim Sejdinović: 'Osrednja istina', *www.autonomija.info*, 27 January 2013.

462 Discussion panel: Vraća se atmosfera iz devedesetih godina; , 11 February 2013; *www.autonomija.info*.

463 Today's leadership of the SNS consists of the same people who occupied the highest positions in the Serbian Radical Party (SRS) throughout the war.

Apart from the example of Vojvodina, this is clearly seen in the reporting about the Hague tribunal and the past. A case in point is one of the most popular chat show television programmes called *Veče sa Ivanom Ivanovićem* (An Evening With Ivan Ivanović) which is broadcast nationwide by the TV Prva channel. The host incurred the wrath of public figures and viewers and received a series of threats when he made a rare decision to deviate from his routine (crude jokes about minorities and women are not uncommon in his show) and invite as his guest the last President of the SFRY and former President of Croatia, Stjepan Mesić.<sup>464</sup> Ivanović found himself subjected to public harassment: the hue and cry started on twitter after he announced Mesić's participation and escalated during and after the programme. The threats, traditional media reported, included death threats.<sup>465</sup> The charges on twitter, carried by a number of websites, were that Ivanović had invited as his guest a man 'whose arms are covered in blood up to his elbows' and who took part in the killing of Serbs. The editor of the tabloid *Informer*, Dragan J. Vučićević, was one of the critics.<sup>466</sup>

Ivanović said, 'Considering the kind of country we live in, it is no surprise that things like this should happen. I have no special comment. We

Aleksandar Vučić was a SRS MP and, after 1995, general secretary of the party. Nikolić was the number-two man in the SRS since its establishment.

464 Broadcast on 7 December 2012.

465 *Blic* carried (on 9 December 2012) some of the threats addressed to the host: 'You're soap for laundering the reputation of the Ustashi,' Ivan, one can now freely say that you're a mere ghost walking about Serbia. Therefore, consider yourself as not existing ... You wretch of a man.'

466 The owner and editor of the newspaper *Informer*, Dragan J. Vučićević, wrote: 'Ivan Ivanović is the very image of the corrupt Serb hypocrite. This country was ruined by people like him. I can't believe that you're letting Mesić spread Ustashi lies at peak viewing time on a national TV channel! Can you imagine Bora Jović appearing as guest and spreading Serb propaganda in a prime-time slot of RTL in Zagreb?! What a shame, the things they're doing to us! The Tuđmanite liar Stjepan Mesić poisoning Serb children with Ustashi propaganda! Shame on you, Ivanović! (...) Why, that man sitting across from you was an accomplice in the killing of Serbs. His arms are covered in blood up to his elbows. (...) Actually, tonight Ivan Ivanović is out to convince the Serbs that the Croats are our more clever brothers ... the thieving treacherous bandits poisoning the nation!', Vučićević wrote. (The text of Vučićević's tweet was taken from <http://www.svet.rs/najnovije-vesti/hajka-na-tviteru-ivana-Ivanovića-napali-zbog-stipe-mesica>).

live in a country brimming with violence, so these threats come as no surprise. They attest to the level of our civilization. I hope that as a society we shall realize that hatred merely corrupts and slows us down in our lives.’<sup>467</sup> However, two weeks before playing host to Mesić, Ivanović invited as a guest Veselin Šljivančanin, the former JNA officer who served a prison sentence for the war crime of aiding in the torture of Croat prisoners at Ovčara farm near Vukovar.<sup>468</sup> Vukovar is a town in Croatia which was occupied by the Serbian army during the war. Šljivančanin was introduced as a retired major who would be telling anecdotes from The Hague. He was also introduced as the writer of book and the grandfather of a little girl. Šljivančanin’s granddaughter also appeared in the show. This example typifies the dominant matrix in the Serbian media.

### **The commission to investigate the murders of journalists**

On a proposal from First Deputy Prime Minister Aleksandar Vučić, the Serbian government on 24 January decided to set up a Commission ‘which is to investigate the unsolved killings of journalists in Serbia Slavko Ćuruvija,<sup>469</sup> Dada Vujasinović<sup>470</sup> and Milan Pantić.’<sup>471</sup> The Commission’s terms

467 <http://www.telegraf.rs/jetset/447402-Ivanović-pretnje-me-ne-iznenadjuju-jer-zivimo-u-zemlji-Našilja>

468 Broadcast on 23 November 2012.

469 Slavko Ćuruvija, the owner of *Dnevni telegraf* and *Evropljanin*, was shot dead on 11 April 1999. His case will be discussed at greatest length in this report.

470 Dada Vujasinović, a journalist with the weekly *Duga* who reported from the battle zones in Croatia, was found dead in her New Belgrade flat on 8 April 1994. For years, the official verdict was that she killed herself with a hunting rifle. Her family did not believe this version and new expert analyses were carried out, one of them establishing that this was a case of murder after all. The prosecuting authorities accepted this in 2009, i.e. 15 years after Vujasinović’s death. Since then no progress has been made.

471 Milan Pantić, the Jagodina correspondent of *Večernje novosti*, was struck in the back of the head with a metal bar or similar object and killed in the entrance to the building in which he lived on 11 June 2001. Pantić’s coverage of scandals in Jagodina is believed to have motivated the crime. Officially, no hard evidence was found and only an identikit was issued which led to no arrests. The police announced from

of reference were later expanded to include investigation of the deaths of 16 RTS employees during the NATO intervention. The Commission was initiated and is chaired by Veran Matić, Director of the B92 Fund, and comprises representatives of the Serbian security services, the Prosecutor's Office and media.<sup>472</sup>

However, the Commission does not enjoy much public confidence chiefly because of the support of Aleksandar Vučić, who was Minister of Information at the time Slavko Ćuruvija was murdered.<sup>473</sup> The Helsinki Committee believes that there are substantial reasons for this lack of confidence. The establishment of the Commission gave rise to a debate and divisions among journalists at the annual Assembly of the Independent Association of Journalists of Serbia (NUNS) in April 2013, when the Commission was sharply criticized by Branka Prpa, a prominent historian and wife of the late Slavko Ćuruvija. Shortly after its establishment the Commission was left by the journalist-editor of the weekly *NIN*, Vesna Mališić, and, later, by NUNS President Vukašin Obradović.

The circumstances of the murder of Slavko Ćuruvija, who owned the magazine *Evropljanin* and the daily *Dnevni telegraf*, are the main cause of the lack of confidence in the Commission: Aleksandar Vučić, the then

time to time that hundreds of interviews had been made but made no progress. There are no suspects, no testimony about any suspect leaving the scene and no forensic evidence that might lead to the identification of the perpetrator.

472 At the OSCE conference on media freedom in South Eastern Europe in September 2012, Matić said that the object of the commission was to analyse 'all the investigations so far, establish the facts why they have been unsuccessful and lay the foundations for upcoming investigations.' (<http://www.politika.rs/rubrike/Hronika/Osnovana-medjunarodna-komisija-za-ubistva-novinara.lt.html>) The first report of the Commission was made public early in April 2012 and is available at [http://www.b92.net/info/dokumenti/index.php?nav\\_id=703248](http://www.b92.net/info/dokumenti/index.php?nav_id=703248)

473 Apparently, Vučić has so far taken no active part in the work of the Commission. However, his support for the Commission is evident, especially in his capacity as Coordinator for National Security who coordinates all the security services in the country. Veran Matić did not rule out the possibility of Vučić's direct involvement in the work of the Commission: 'We have not yet involved Aleksandar Vučić in the activities of the Commission, though the possibility remains open for us to make use of his current position and authority, naturally within the limits of the law.' (11 April 2013, <http://nuns.rs/info/news/19061/resicemo-slucaj-ubistva-curuvije.html>)



Minister of Information, no doubt bears responsibility for the witch-hunt campaign preceding the murder. The analysis and investigation of the incident so far suggest a political murder at the hands of the regime and the state. The murder of Ćuruvija was preceded by the destruction of his newspapers through judicial proceedings because of their criticizing of the regime. Shortly before the murder, the pro-regime daily *Politika ekspres* on 5 April 1999 published an article entitled 'Ćuruvija dočekaao bombe' (Ćuruvija welcomes the [NATO] bombs) in which the owner of *Dnevni telegraf* was branded as a traitor. The story was also read on the RTS main television news. Many media wrote later that Ćuruvija later received an 'information' from the authorities that the article was a mistake that would not be repeated. These assurances him to remain in the country. The investigation also established that the state security men who shadowed Ćuruvija all the time were called off shortly before the murder.

Branka Prpa, who has been helping all the judicial and police authorities investigating Ćuruvija's murder so far, said that after the investigation was concluded in 2007 all that remained to be done was for the Prosecutor's Office to bring an indictment 'rather than now investigating the whole affair all over again by alternative methods'.<sup>474</sup> She said that the Commission could not serve as a substitute for something the Prosecutor's Office itself should have done and that its establishment was a 'populist show and extravaganza which is an insult to the dead people'. The manipulative character of the Commission is borne out by the fact that it is a conglomerate comprising members of the police, secret services and the journalist profession.<sup>475</sup> Lawyer Nikola Barović, who is thoroughly ac-

474 'I don't think that this Commission can help us to come to a denouement of a political and state murder such as the murder of Slavko Ćuruvija. I don't believe in any parainstitution which a law-governed state needs to substitute for an institution whose reason for existence are precisely serious criminal offences such as the killing of people. The prosecution, the investigative authorities, the judicial system are there to deal with such things, surely they are the institutions whose job is to deal with such cases,' said Prpa, speaking in the RTV '1 na 1' programme on 29 January 2013.

475 'This is a trivialization of the whole affair and is simply impermissible,' said Prpa. She said that the establishment of the commission for solving the murders of journalists was a manoeuvre 'because the authorities are declaring the state powerless to

quainted with the Ćuruvija case, says that it is so simple that it could be solved at the level of a secondary police school, not a matter for a big commission. He says that it is known who called off the men who followed Ćuruvija, who issued the order to kill and who was on duty at headquarters on the day in question.<sup>476</sup>

NUNS President Vukašin Obradović walked out of the Commission because he was opposed to the idea of some of the participants in the murder being granted protected witness status if it came to trial. 'I hold that people who take direct part in a murder, either as masterminds or executors, should not be amnestied by being granted protected witness status. Getting at the truth in this way would not have good effects either on society or on freedom of information in Serbia,' he said.<sup>477</sup> Branka Prpa too thinks that granting 'cooperating witness' status to someone like Rade Marković (a possibility entertained by circles close to the Commission), who was at the head of State Security at the time of the murder, would destroy the very concept of justice. 'This is a monstrous confusion of issues: those who were in charge of all those actions and who stand behind all those political and state murders since 1998 will now be able to get the status of cooperating witnesses. This is unacceptable both politically and ethically because it destroys the very idea of sanctioning those who carry out such crimes,' she said.<sup>478</sup>

Slavko Ćuruvija's brother, Jovo Ćuruvija, made a public statement on the 14th anniversary of the assassination. He said that he did not wish to address those who are today in power and who kept silent at the time when Slavko and his journalists were persecuted, his offices looted and destroyed, and he finally brutally murdered. They kept silent and were part of Milošević's criminal regime, he said. One of them was the Deputy Prime

solve that and rehabilitating it'. Speaking on the RTV '1 na 1' programme, she said that 'political will to conclude the process legally also lacked while Boris Tadić was in power' and that 'there is now a political will, but it is turning into a circus'.

476 Al Jazeera Balkans, <http://balkans.aljazeera.net/vijesti/imena-ubica-curuvije-poznata-ali-se-taje>.

477 [www.blic.rs](http://www.blic.rs).

478 Al Jazeera Balkans.

Minister in the Milošević government, another the Minister of Information, and a third a mouthpiece for Milošević's hatred and evil, he said. During the reign of terror, and even when Slavko was murdered, they said many a heinous lie about him, he said.<sup>479</sup>

## The media strategy and Law on Information

The general verdict of the media community<sup>480</sup> on the Draft Law on Public Information is that it is excessively regulatory, restrictive, contains vague and contradictory provisions and favours the state-owned media. The public debate on the Draft Law was marked by an angry controversy dating back several years between media associations and private media outlets on the one hand and representatives of local public broadcasters and media in minority languages (funded by their respective national councils) on the other. Although the Draft Law sets 31 December 2014 as the final date for the privatization of the state-owned media, there is already talk that the time limit may be extended, a possibility strongly opposed by the Media Community.<sup>481</sup> The Draft Law envisages only two public broadcasting services – Radio Television Serbia and Radio Television Vojvodina.

The Media Community also insists that the Draft Law should explicitly prohibit budgetary financing of media from 2014 and provide for a changeover to project financing only. The move to privatize the media in Serbia has the support of the European Union, with Head of the EU Delegation to Serbia Vincent Degert saying that the withdrawal of the state from the media is the prime objective.<sup>482</sup>

479 [www.blic.rs](http://www.blic.rs).

480 The Media Community comprises the Media Coalition (ANEM, UNS, NUNS and Lokal Press) and the Media Association.

481 Under the 2003 Law, the deadline for the privatization of print media was April 2006 and for electronic media December 2007. As no deadline has been observed so far, the state keeps its ownership of media.. More than 1,000 media outlets have been registered in Serbia, which has a population of 7.1. About 100 media outlets are financed from the budget.

482 'Nothing should be done through the back door or under the counter. The

As also proposed by the previous government in its media strategy, the Draft Law provides for project financing of media, which means that media will have to enter competitions and apply for funds on the basis of projects and that some media will no longer receive direct budgetary resources. Sandra Bašić Horvatin, the EU media expert who took part in creating the media strategy of the previous government, says that although €20 million was spent on the media from the budget, the criteria for spending the money were not clear and transparent. She said, 'The Draft Law on Public Information is not against them (public broadcasters); however, all must have equal conditions in the market in order to ensure protection of the public interest and a transparent way in which the taxpayers' money is spent'. Through project financing the state will render assistance to the media and protect the public interest in information at all levels, said Bašić Horvatin.<sup>483</sup>

However, the Media Community says that the Draft Law does not lay down clear criteria for project financing. The community proposes that the majority of members of competition commissions should be experts delegated by representative professional and media associations and that competitions for the election of commission members should be uniform regardless of the level of the authority providing the finance (national, regional or local). A case in favour of privatization of the media concerns the unfair competition between private and public broadcasters, with state-owned media being guaranteed budgetary resources under the new law.

The Assistant Minister of Culture and Public Information, Dragan Kolarević, says that the concept of regional public broadcasting services was dropped because it was difficult to define a region, identify the owner and work out the method of their financing.<sup>484</sup>

financing of projects should be transparent and without exercising the hitherto power of discretion,' said Degert. <http://www.novosti.rs/vesti/naslovnadruštvo/aktuelno.290.html:425146-Drzava-da-se-povuce-iz-medija>.

483 [www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/1299216/Javno+slu%C5%A1anje+o+medijima.html](http://www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/1299216/Javno+slu%C5%A1anje+o+medijima.html).

484 [www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/1299216/Javno+slu%C5%A1anje+o+medijima.html](http://www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/1299216/Javno+slu%C5%A1anje+o+medijima.html).

The City of Belgrade television channel Studio B is one of the media opposing privatization. Its director Aleksandar Timofejev claims that the channel will be forced to close down unless it receives budgetary resources. All that the channel has are its personnel and very old equipment. Because it has no premises, the editors fear that no buyer interested in broadcasting news concerning the city's everyday life will come forward. Closure of some media outlets will be an inevitable consequence of the media privatization.

As has been shown in practice, the question of privatizing the media in minority languages, which are currently financed with funds made available to the national councils of national minorities and are not independent of them, is somewhat more sensitive: at issue is an acquired right of the national minorities and a guarantee of their survival. Media consultant Goran Cetinić says that the media privatization process should be pursued and that a long-term strategic programme is necessary to ensure the survival and development of minority programmes in Serbia.<sup>485</sup>The problem concerning programmes in minority languages in Serbia is not different from those existing in other states, he says. Every state provides funds for financing media in minority languages without wishing to own those media. Competitions are regularly announced: the role of the state is to control the way the funds are used, i.e. how a programme is realized, he said. He believes that the state should carry out thorough research on a relevant sample and put forward solutions to ensure that the media can operate efficiently over the long term. He says that the halting of the privatization process has resulted in absolute party control over media programmes.

Provisions of the Draft Law concerning concentration of ownership have raised concerns in the Media Community although they have been approved by EU media expert Bašić Horvatin. (Sandra Bašić Horvatin said that the EU finds it important 'that the proposed law prevents

485 Okrugli sto: 'Privatizacija medija na jezicima nacionalnih manjina – deetizacija i(li) opstanak!' [http://www.vojvodina.gov.rs/index.php?option=com\\_content&task=view&id=2750&Itemid=1](http://www.vojvodina.gov.rs/index.php?option=com_content&task=view&id=2750&Itemid=1).

concentration of ownership in the media).<sup>486</sup> However, the Media Community holds that private media at a time of a 'general media convergence and amalgamation are thwarted by the introduction of unacceptable control mechanisms'. The Law on Public Information overlooks the fact that the process of registration or the process of checking for irregular combination is already regulated by other legislation and forces on the media too many provisions and conditions which are the responsibility of government authorities. Representatives of the Media Community consider that the Draft Law is contrary to the general principles of free business operation and European standards in this area. The Media Community says that the Law is overstandardized regarding the provisions on the media register because the quantity of required data about founders and associated persons far exceeds the idea of transparency of media ownership. The Media Community holds that the Law must incorporate a provision to prevent distributors from being founders of print media at the same time.

In spite of the new government's declaratory support for media privatization, its use of media financing mechanisms indicates that it does not want to relinquish its influence on the media. This is indicated by its populist move to abolish compulsory subscription as a way of financing RTS and revert to financing the public broadcasting service from the budget. The state still has a share of ownership of the *Politika* and *Večernje novosti* dailies.

### **Transparency of ownership of and cash flows in the media**

The transparency of media ownership and cash flows within the industry was a key issue in the media sphere during 2012. The Anti-Corruption Council says in its 2011 report that of the 30 media establishments it analysed, 18 had a vague ownership structure.

The ownership structure of the daily *Press* is a case in point. The public did not learn that tycoon Miroslav Mišković was its owner until he

486 [www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/1299216/Javno+slu%C5%A1anje+o+medijima.html](http://www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/1299216/Javno+slu%C5%A1anje+o+medijima.html).

confirmed this himself. All along, the question of who owned *Press* had been a mystery even to the Anti-Corruption Agency. Shortly before Mišković made the disclosure, the head of the Operational Affairs Sector of the Anti-Corruption Agency, Dragomir Trninić, said that at that moment<sup>487</sup> the institution had no evidence that either Mišković or Mayor of Belgrade Dragan Đilas had ownership shares in *Press*. President of the Association of Journalists of Serbia Ljiljana Smajlović found it unnatural that owners of media outlets should make a secret of the fact; this, she said, indicates bad faith and that media are used here for settling accounts with political and business opponents.<sup>488</sup>

On 12 November 2012, Miroslav Mišković announced that he was withdrawing from *Press* as the largest individual owner of the daily (50 per cent ownership). Before Mišković made the disclosure, Aleksandar Vučić had raised the matter of media ownership in Serbia and said that Mišković and Belgrade Mayor Dragan Đilas were the real owners of *Press*. The timing of Vučić's move indicates that he did not raise the issue of ownership as a matter of principle in order to lessen the pressure on the media and stem the spinning of tales in the media. The daily *Politika* wrote that Vučić raised the question of domestic media ownership 'in reaction to newspaper articles claiming that the Serbian Progressive Party had "offered the post of Consul in Thessaloniki in exchange for control of Požarevac"'. Vučić dismissed the allegation as actually a 'self-projection of the real owners of the newspaper *Press* Miroslav Mišković and Dragan Đilas who are gunning for him. The scandal surrounding *Press*, which ended in Mišković's admission that he is one of its owners, was a prelude to Mišković's arrest.

These developments soon led to the closure of the daily (with financial reasons being given why the daily would no longer come out in print form). No sooner was *Press* closed than a new newspaper, *Naše novine*, appeared. It is managed by an editorial collegium headed by Đoka Kesić who edited *Press* for years. Because the real owner of the daily cannot be identified, there is room for fresh speculation about its ownership.

487 14. December 2012.

488 *Politika*, 15 December 2012.

The report of the Anti-Corruption Council, the only relevant document of that type so far, indicates that €160–170 million a year are turned over in the media advertising market, with the state having a 40 per cent share. There are no indications that the new government has changed course in this regard.

As an example of the non-transparency of cash flows within the media, the president of the Independent Association of Journalists of Serbia, Vukašin Obradović, mentioned *inter alia* the daily *Kurir*, which changed its editorial policy within weeks (after the formation of the new government) although the ownership structure remained the same. 'For example, we don't know who is financing *Kurir* and how, and not only *Kurir* but also a number of other media that are published without advertisements, have no circulation and make no profit,' he said.<sup>489</sup> For this reason, he said, it is necessary to regulate not only the transparency of media ownership but also media financing, that is, the transparency of funding, which is a far more difficult task.

## The new media

From the point of view of human rights and freedom of the media, the most contentious point of the newly-proposed media legislation concerns the new media and the legislation in force pertaining to freedom of media activity in a digital environment. The wording of the provisions in question is ambiguous and gives the state bodies scope for interpreting them ambiguously and applying them as measures of repression of the media. When these statutory provisions were drafted, no account was taken of the specific features of the digital technologies and new media. These flaws were warned against by representatives of SHARE Foundation, which is concerned with the new media.

The Draft Law on Public Information namely envisages the additional requirement of registering every electronic publication and incorporates a wide definition of media including independent electronic publications distributed via the Internet and other electronic communication

489 Tanjug, 14 December 2012.



networks: hypothetically, this may include all kinds of digital and citizen media including blogs, web and mobile platforms, forums, twitter registration, facebook pages and other Internet services providing the public with information of public importance. During the public debate, this was especially pointed out by representatives of SHARE Conference and the Pirate Movement. They warned that such legislation could even result in censorship of free bloggers. The representatives of SHARE Conference recalled that the media have been exempt from media regulation and that no registration had ever been necessary for their operation let alone permission to operate.

This position is fully in line with the Constitution of Serbia and the European Convention on Human Rights, which stipulate that 'Everyone shall have the freedom to establish newspapers and other forms of public information without prior permission and in a manner laid down by the law' (Article 50 of the Constitution) and guarantee the right to freedom of expression including 'freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers (Article 10.1 of the Convention). However, even under the existing legislation the new media are not outside the legal system and hypothetically may be called to account on a number of grounds. According to SHARE Foundation, responsible persons in the cyberspace have had to deal with claims for damages (mainly in respect of non-material damage) as well as criminal proceedings (for defamation and libel) although they operated outside the regime of the traditional media. Under the present legislation, of all digital media, traditional media web presentations alone would be subject to media legislation.

New media representatives have voiced their concerns to the Helsinki Committee that the new legislation will create confusion as to which media on the Internet will have to obtain registration, display an imprint page, have an editor-in-chief and be subject to the legislation applying to the traditional media.

In order to obviate ambiguous interpretation of the new law and its use as a tool of repression of new and citizen media, SHARE Foundation has proposed an amendment stipulating what shall not be considered an

independent electronic media outlet. According to the amendment, independent electronic publications shall not include electronic platforms such as Internet forums, social networks and other platforms which make possible the free exchange of information, views and opinions of its members, nor shall it include any other presentation of information, views or opinions by way of independent electronic publications such as blogs, web presentations and like electronic presentations unless the publisher files an application for registration with the Public Media Register as required with the law.<sup>490</sup>

The preliminary Draft Law on Electronic Media including commentaries by the Broadcasting Agency obtained by the representatives of SHARE Foundation provides for an additional requirement to register every electronic publication.

SHARE warned that the drafters of the preliminary Draft Law on Electronic Media took upon themselves to regulate in detail the matter of electronic publications and control of their contents, something which should fall within the jurisdiction of the Republic Broadcasting Agency (RRA), without carrying out any serious analysis.

SHARE Foundation said it saw confirmation of the state's tendency to introduce mechanisms of control and supervision into the Internet media space in the Preliminary Draft Law on Electronic Media accompanied by the RRA's commentaries, which makes it obligatory to register electronic publications with the RRA. If the draft is approved, it said, it would impose on natural and legal persons the obligation to file an application with the RRA in order to be registered as providers of electronic publication services before being able to provide such services. Given that there is no definition of an electronic publication anywhere, and that the obligation relates to natural persons, it follows that such an obligation would pertain to any presentation of information of public interest, the representatives of SHARE Foundation warned.<sup>491</sup>

490 [http://www.shareconference.net/sites/default/files/amandman\\_zoji\\_share\\_22mar13.pdf](http://www.shareconference.net/sites/default/files/amandman_zoji_share_22mar13.pdf).

491 <http://www.shareconference.net/en/news/reakcija-share-na-pokusaj-srbije-da-regulise-sajber-prostor-kroz-medijske-zakone>.

## Conclusions and recommendations

Hate speech on the Internet, as well as in the traditional media, is seriously on the rise and is directed against minority groups (particularly the LGBT population) and those expressing minority views. The politically-backed rabble-raising campaign and threats to journalists and media in Vojvodina is especially intensive. There is a clear nexus between the government's political position on Vojvodina and the persecution of those who criticize the centralistic attitude of government officials. This should also be viewed in the context of the growing number of attacks on people who express minority views, particularly in Vojvodina.

Repressive measures are not a mechanism to use in order to prevent hate speech in the long run. What is necessary is education, making room for different views and creating conditions and a 'good climate' for media pluralism. It is of particular importance for the authorities of the state to publicly name individuals and organizations spreading hate speech and to protect those subjected to persecution campaigns with serious threats to their security.

In this regard, it is impermissible to equate extremist organizations which often resort to violence and civil society organizations, something both government officials and public personages often do.

Commissions for the allocation of state funds for media projects should include representatives of media associations as well as civil society organizations concerned with human rights and democratization of Serbia, a prerequisite for creating media pluralism and protecting the public interest.

The proposed statutory provisions are creating a context in which media freedom on the Internet could be endangered. The work of the new media must not be restricted by any legislative measures or ambiguous legal regulations making for censorship in the cyberspace.

There are serious grounds set out in this report for not trusting the Commission. The presence of the people from the services controlled by Aleksandar Vučić, who was Minister of Information at the time journalist Slavko Ćuruvija was persecuted and murdered, throws doubt on the

sincerity of the intentions of the Commission. In our opinion, in connection with the Čuruvija case the problem is not to 'establish the truth' but to bring those responsible to court. We suspect that the efforts to bring this case to a conclusion are seriously obstructed by people from the regime of Slobodan Milošević employed in the security services and the judiciary.



## IX – KOSOVO



## Progress Made under the Pressure from Realities

Serbia and Kosovo's normalization agreement (signed on April 19) is crucial for both regional and bilateral stabilization. The agreement put an end to fragmentation of the region along ethnic lines and to the delusion that a change in international constellation would play into the hands of Serbia by enabling partition of Kosovo: the option Serbia's political and intellectual elites have banked on until the very end. Instead, the agreement practically guarantees Prishtina's sovereignty over the entire territory of Kosovo and complies with the 2007 Ahtisaari plan for the autonomy of the Serb community.

Certain concessions Belgrade got do not undermine the agreement's strategic dimension: definite withdrawal of Serbia and its institutions from Kosovo North.

For Belgrade, the fact that the autonomous entity in the North would incorporate only four municipalities with Serb majority population (and only Mitrovica North) and that a community of municipalities would have a president, a vice-president and a council was "a maximum under given circumstances." Major achievements, Belgrade said, was that the community of municipalities would appoint a regional police commander and that an appellate court would be established in Mitrovica North. Belgrade also obtained guarantees from NATO that Kosovo police forces would not operate in Kosovo North without permission from the North-Atlantic Alliance and the Serb community.

Faced with strong resistance from the conservative bloc and the grey zone of politics, Premier Ivica Dačić was skillfully meandering through Brussels' requests and domestic criticism. The ruling coalition – having itself traveled the path from denial to acceptance – obtained relevant political legitimacy for a turn to take. The Serbian government voted in the agreement as one only two days after the Brussels paraph, while the parliament adopted it with 173 out of 250 votes.



Except for Kostunica's Democratic Party of Serbia /DSS/, all other opposition parties – Democratic Party, Liberal-Democratic Party, Alliance of Vojvodina Hungarians and League of Vojvodina Social Democrats – backed the agreement. Anti-European forces assembling Serb Radical Party, unrepresented in the parliament, and various right-wing organizations (Dveri, Naši, "1389," and the like) apart from DSS, failed to stage massive protests aimed at annulling the agreement. Not even Serb Orthodox Church's open support to this part of Serbia's social and political scene prevented an almost smooth Kosovo-related U-turn. This testifies that legitimacy of these forces has not only dried up but also that the society as a whole is exhausted and aware that this is the only choice Serbia could possibly make.

Leaders of Serb municipalities in Kosovo North also raised their voice against the agreement. Head of the Office for Kosovo and Metohija Aleksandar Vulin resigned in protest: an act that in no way affected the government's unity. Serb leaders in the North were the first to threaten with a referendum but missed the mark. For their part, Aleksandar Vučić and Ivica Dačić accepted the idea of a referendum under the condition that it was called in the shortest possible while and, more importantly, stood not in the way of the agreement's implementation while prepared. As it seems, the referendum will never be called.

All relevant international factors and organizations welcomed Belgrade and Prishtina's agreement. They mostly praised its historical aspect. The Council of the European Union recommended that Serbia should obtain a date for accession negotiations. EU summit is supposed to decide on the issue in late June.

There is no doubt about a historical dimension the agreement has in Serb-Albanian relations. Albanians are for the first time ever equal partners to Belgrade. On the other hand, real challenges are still ahead. Interpretation of the agreement and, especially, its implementation will be major stumbling blocs.

EU High Representative for Foreign Affairs Catherine Ashton, experienced in dealing with Balkan leaders, told Moscow's *Commerzant*, "We should not be so happy about it in advance. History is not over yet. Both

states are still at the crossroads but two brave men have already chosen a path of peace.”<sup>492</sup>

## Negotiating agony

After a series of successful rounds from October till late March 2013 negotiations came to a standstill. Belgrade was expected to have its say about the normalization agreement by early April. Acceptance implied denial of the strategy for Kosovo’s partition and dismissal of parallel structures in Kosovo North.

Belgrade negotiators insisted on autonomous legislative and executive powers for the Serb community (the judiciary and the police in the first place) and on a ban on the Kosovo Army in Kosovo North. A “community of municipalities” as such would have resembled Republika Srpska, entity of Bosnia-Herzegovina, which was “unacceptable” as us Ambassador in Belgrade Michael Kirby put it. This was the more so since the 2007 Ahtisaari plan, incorporated into Kosovo’s Constitution, did not envisage that organizational forms of the Serb community should be invested with such authorities.

In the dramatic last act Serbia’s top leaders were seeking a face-saver: to avoid saying “no” to Brussels on the one hand, and to convince domestic public, especially conservative circles, that negotiations were leading towards rejection of Albanian claims on the other. This time their mastery of trickery, manipulation and buying time seemed doomed. EU was unbending in its demands. However, it allowed extra ten days for Belgrade to finally decide: to take or leave what it has been offered at the negotiating table.

Two positions crystallized over the turmoil at home: political pragmatism of Ivica Dačić and anti-Europeanism and xenophobia of the influential conservative circles. President Tomislav Nikolić – to whom the later have counted on – actually belongs to this current.

And so it happened that in the shadow of Brussels negotiations conservatives won the first round at home. On April 8 the Serbian government

492 Blic, April 28, 2013.

unanimously turned down the agreement while asking for a continuation of the dialogue. This only strengthened the conservative bloc's belief that any agreement with Prishtina was out of question and that Serbia would finally give up the European course – this being their ultimate goal.<sup>493</sup>

The agreement on dismissal of parallel institutions was a turning point in negotiations. That was the hardest test for Belgrade's cooperativeness: it had to give up the plan for Kosovo's partition that had been the sum and substance of its demands. Almost until the very end Iвица Dačić kept insisting that partition was the best solution. Aware that he would be the one on the carpet – either should he sign or not – Dačić included Vice-Premier Aleksandar Vučić in the negotiating team.<sup>494</sup>

Of all the leaders of the ruling coalition Premier Dačić is obviously the best aware of international and domestic realities. In this context the constructive turn he made was also the biggest. He skillfully played on war-mongering careers of some officials of the incumbent regime (Socialists from the Milošević era). In an article he penned for the *NIN* weekly on the occasion of the 10th anniversary of Zoran Đinđić's assassination, he wrote, "There maybe some justice in the fact that today I am the most responsible for a peaceful solution, a negotiated solution."<sup>495</sup>

The balance of power in the parliament was also crucial for the breakthrough in the Kosovo policy. Apart from the considerable majority of parliamentarians from the ruling coalition (Serb Progressive Party, Socialist Party of Serbia and United Regions), Democratic Party /DS/ and Liberal Democratic Party /LDP/ backed the agreement with Prishtina.

493 „...“The unity reached in the final act of Brussels negotiations is growing stronger and stronger thanks to the participation and support of President of Serbia Tomislav Nikolić,” wrote Milorad Vučelić, editor-in-chief of the *Pecat* magazine, a couple of days before the government decided to say „no.” *Pecat*, April 5, 2013.

494 According to unofficial sources, Dačić asked Catherine Ashton to invite Vice-Premier Aleksandar Vučić to participate in the last, eight round of negotiations.

495 *NIN*, March 7, 2013. Dačić also wrote, „We've lied that Kosovo belonged to us and even legalized the lie in the Constitution. This Constitution is of no avail today. The President of Serbia cannot go to Kosovo. Neither can the Premier. Nor ministers. Nor the police. Nor the army.

The agreement was reached because all parties were eager not to allow the negotiations to fail: Belgrade did not want to be on the waiting list for accession negotiations, Prishtina was after opening the process of European integration and Brussels wanted to demonstrate (to Americans) that it is capable of looking after its own backyard.

The resolve of international factors – Germany and us in the first place – to make Belgrade's regime normalize its relations with Prishtina brought down the curtain on the last regional problem.

## **Russian influence**

Whether and to what extent Russia contributed to Serbia's initial denial remains unclear. Belgrade seemed to avoid consultation with Moscow over the last months of the negotiations. However, on the eve of the final decision Tomislav Nikolić phoned Russian President Vladimir Putin, while Dačić paid a visit to Moscow only a day after the government turned down the "Brussels paper." Premier Dmitry Medvedev statement on the occasion that is was "Serbia's privilege to solve the Kosovo problem" did not solve the dilemma. Ivica Dačić explained that "Russia was most annoyed with learning about some developments in Serbia's foreign policy post festum" (allegedly this referred to Tadić-Ashton agreement to move the Kosovo issue from UN to Brussels).<sup>496</sup> His explanation leads to the conclusion that Moscow learned about the latest developments post festum once again.

While Ivica Dačić was in visit to Moscow, Serbia was accorded a permanent observer status with the Assembly of the Collective Security Treaty Organization /ODKB/ assembling ex-Soviet republics – Russia, Byelorussia, Kazakhstan, Armenia, Uzbekistan, Kyrgyzstan and Tajikistan. Commenting on this status for Serbia, analyst Milovan Drecun said, "It is most important that we establish cooperation with other countries at regional level. In this context, a permanent observer status with ODBK is a very good step in the right direction."

According to Russian media, Serbia's participation in ODBK is Russia's geo-political success because this military alliance has been thus enlarged

496 Politika, April 12, 2013.

beyond the boundaries of the former Soviet Union. Russian General Leonid Ivashov said that the permanent observer status for Serbia “could be the first step towards strengthening its /Serbia’s/ position in the Balkans,”<sup>497</sup> whereas analyst Konstantin Sivkov called for establishment of Russian military bases throughout Serbia that “would strengthen the country’s sovereignty.”<sup>498</sup>

### Cutting the Kosovo knot

After the seventh round of negotiations Dačić said Serbia would accept a compromise “but not humiliation and blackmail.”<sup>499</sup> With their vague and half-finished statements high-ranking officials contributed to general confusion and opened the door to “yes” or “no” conjectures about the outcome of the “Brussels ultimatum.” Some speculated on disunity of the ruling coalition, including disputes between Tomislav Nikolić and Aleksandar Vučić. Some papers such as *Nase Novine* launched the thesis about tensions between Nikolić and Vučić. Allegedly, Vučić was in favor of the agreement while Nikolić (having spoken to Russian President Putin at the time) was against it.<sup>500</sup>

Officials were simultaneously arguing that Serbia had been offered “nothing” and, therefore, could not accept the Brussels paper, and that there was no alternative to the talks with Prishtina and the course to Europe. During his one-day visit to Paris, say, Premier Dačić said that Serbia had not a single true friend in the West, was “sinking deeper and deeper in quicksand as years go by” and that the talks with Prishtina were such that “all that was missing was a coach to sign a capitulation in.”<sup>501</sup> And then he said, “A refusal would be of no avail in the long run given that we cannot expect anything better from any future proposal.”<sup>502</sup>

497 Voice of Russia

498 Politika, April 12, 2013.

499 Politika, March 23, 2013.

500 Naše Novine, April 5, 2013.

501 An allusion to France’s capitulation to Hitler.

502 Vreme April 11, 2013.

Statements by Aleksandar Vučić were even more disputable.<sup>503</sup> The media were most preoccupied with his role in Brussels, claiming he was obstructing Dačić's readiness to accept the agreement (at long last). Allegedly, the media argued, Vučić had been included in the negotiating team at Brussels and Washington's request. The claim gave rise to negative commentaries such as "the composition of the negotiating team dictated from the outside looked humiliating to the Serbian side."<sup>504</sup>

Serbia's team that showed up in Brussels on April 2 was enlarged by Aleksandar Vučić and Suzana Grubješić, vice-premier for European integration (who joined the "regulars:" Dačić, Aleksandar Vulin, chief of the Office for Kosovo and Metohija, and Marko Đurić, foreign policy adviser to the President of the Republic).

Another long day in Brussels (talks lasted more than 14 hours) ended up as a failure: the agreement was not reached. Calling it a day, Catherine Ashton said that despite several proposals that had been put on the table the gap between the two delegations remained insurmountable – "shallow but deep." She emphasized that was the last formal meeting of the two delegations. "They will now both go back and consult with their colleagues in their capitals and will let me know in the next few days of their decision," Ashton said.<sup>505</sup>

Papers also reported on some bizarre incidents that marked the last round in Brussels. Vučić and Thaci were shouting at each other. After the meeting Dačić told the press that at one point of excruciating negotiations Vučić offered his resignation, which he refused to accept. According to some sources, Premier Dačić and Suzana Grubješić were in favor of the

503 „We've been offered nothing, absolutely nothing...We cannot accept nothing but ask for something...We shall not kneel to EU to obtain the date," Politika, March 31, 2013; „If we turn down the plan, the door will close on Serbia and its budget...We must try to obtain the date and find a common denominator with Western powers, which is a rather risky enterprise," Aleksandar Vučić said in an interview with RTS, April 3, 2013.

504 Vreme, April 4, 2013.

505 „Bez dogovora u Briselu", Politika, 3. april 2013.

agreement, while Vučić, Vulin and Marko Đurić opposed it – and that was the reason why Vučić offered his resignation.<sup>506</sup>

### **Pressure from the right-wing bloc**

The right-wing, conservative bloc perceived all the rounds as Brussels “ultimatum.” For it, the agreement stood for “a betrayal of state and national interests,” whereas “seven points” by German parliamentarians (re-iterated in Belgrade in March 2013) were highly unacceptable. These seven points refer to dismissal of parallel institutions in Kosovo North, investigation into the torching of the German Embassy, implementation of the agreements already reached, ban on the denial of the Srebrenica genocide and Serbia’s “manifest readiness for a legally committed normalization of relations with Kosovo” prior to accession negotiations with EU.

Insisting that the thesis about “no alternative to EU” was fatal to Serbia and recalling EU’s role in the creation “of a false state of Kosovo” and its blackmails, the bloc raised the tension with ever more severe accusations. It specifically targeted Germany by reminding of “similar” ultimatums it posed to Serbia in 1914 and 1941. Democratic Party of Serbia /DSS/ was the fiercest critic of the “ultimatum.” The incumbent government, released the party, “has a historical opportunity to turn down the ultimatum at the negotiations in Brussels”, bearing in mind that EU wanted no other state but Serbia to “overcome its past and change its collective consciousness.”<sup>507</sup> DSS also initiated petitioning<sup>508</sup> claiming that the authorities were accomplices in the gradual appropriation of Kosovo and Metohija as they “bargained with EU at the cost of Serbia’s national and historical values.” DSS representatives in the parliament unanimously condemned the government’s

506 „Vučić bi datum, Toma ne pristaje na ultimatum“, Naše novine, 5. april 2013.

507 Prema Vremenu, 4. april 2013.

508 Petition was signed by academicians Milorad Ekmečić, Matija Bečković, Vasilije Krestić, Milovan Danojlić and Kosta Čavoški, and intellectuals such as Emir Kusturica and Leon Kojen.

negotiating stance, which, they argued, equaled recognition of Kosovo as an independent, neighboring country.<sup>509</sup>

Leaders of the four Serb municipalities in Kosovo North added fuel to the fire. They explicitly called upon Serbia to give up the agreement with Kosovo or else they would start the procedure for the establishment of a Kosovo North parliament (by the model of the so-called independent autonomous regions in Croatia and Bosnia-Herzegovina in early 1990s.).

The bloc welcomed the government's decision of April 8 to turn down the agreement. At a joint session deputies from Kosovo North appealed to Russian troops to rejoin KFOR to "guarantee peace and security to the Serb people."<sup>510</sup> Russian Ambassador Alexander Chepurin visited Mitrovica a couple of days before the meeting and was welcomed "with ovation."<sup>511</sup>

President of Republika Srpska Milorad Dodik actively participated in the debate urging refusal of the Brussels ultimatum. He paid a visit to Tomislav Nikolić a day before Catherine Ashton's deadline and confirmed his stance at a joint press conference.<sup>512</sup> The offer from Brussels, said Dodik, was "a false compromise" and Serbia should say no to "the arrogant policy of Prishtina, probably encouraged by big powers."<sup>513</sup>

The *Pečat* weekly, a mouthpiece of anti-Europeanism, and the influential website of the *New Serb Political Thought* magazine and its editor-in-chief Đorđe Vukadinović are of like mind. Vukadinović said that he had bet on Belgrade's 'no.'<sup>514</sup> He drew a parallel between quisling general Milan Nedić's policy of "pragmatism and realism" and the incumbent government.

509 DSS release, Danas, Novembar 20, 2012.

510 Politika, April 4, 2013.

511 Politika, April 1, 2013.

512 The joint press conference by Nikolić and Dodik, broadcast live by RTS, April 7, 2013.

513 Danas, April 4, 2013.

514 TVB92, April 7, 2013.



## Serb Orthodox Church

Serb Orthodox Church /SPC/ strongly advocated against the agreement. “We shall not accept Europe’s invitation if it is conditioned with Kosovo. If they expect us to give it up, we shall send our apologies and go on with our life, the hard and painful life we’ve lived for 500 years,” said Patriarch Irinej.<sup>515</sup>

However, as the time drew near for crucial decision “ideological allies” noted that SCP calmed down its Kosovo related discourse. While they openly criticized the church’s opportunism, some media were speculating on discord among high dignitaries and two opposing currents. According to the *Nedeljnik* weekly, Bishop of Backa Irinej was in charge of censorship: he swept under the carpet a letter the Holy Synod addressed to President Nikolić in late November 2012 appealing to him to end the dialogue with Prishtina.<sup>516</sup>

SPC did not miss the opportunity to raise its voice on the eve of the crucial decision. Two days before Brussels’ deadline it publicized Patriarch Irinej’s appeal (on behalf of the Holy Synod and believers). The Patriarch directly appealed to three highest state officials – the President, the Premier and the Vice-Premier – to keep their “promises made in the election campaign and in the post-election period to never and on no account surrender, betray or sell Kosovo and Mehotija, the historical ‘Old Serbia.’”<sup>517</sup>

Some papers such as *Nase Novine* claimed that the Premier and the Vice-Premier had been willing to accept the “Brussels paper” but then changed their mind under the pressure from the Patriarchate and the Presidential Palace.<sup>518</sup>

Evidently annoyed with the church’s attitude, Premier Dačić called the appeal superfluous. The church should not tell the people that “we all should be sent to the stake and suffer for another 500 years to live to see cloudless skies” he retorted harshly. He also reminded church dignitaries

515 Helsinki Bulletin No. 91

516 *Nedeljnik*, April 4–11, 2013.

517 *Danas*, April 8, 2013.

518 *Naše Novine*, April 9, 2013.

that their message had not been sent from Peć but from Belgrade. "This means that the Serb Patriarch abandoned Kosovo back in 1690," he was quite explicit.<sup>519</sup>

## Conclusions and recommendations

The public in Serbia responded to the U-turn in the decades-long Kosovo policy as to something that could not have been avoided. People have been aware for long that Kosovo was a lost cause. Kosovo has been used only as a tool for the achievement of the goals in Bosnia. Persistence on the "Kosovo policy" threatened to draw Serbia. Germany's resoluteness to put an end to the misuse of Kosovo and clearly defines preconditions for the membership of EU turned out to be most efficient.

Premier Ivica Dačić was the first to realize it, as he knew the best how Kosovo has been used and what the effects have been. His personal engagement (with subsequent support from his deputy, Vučić) contributed to the rather frictionless atmosphere the agreement met in Serbia.

The attempts by DSS, SRS and their allies from right-wing groupings and organizations to stage massive protests have not posed a serious threat to the ruling coalition so far.

The conservative bloc takes that Serb Progressive Party has let it down as it failed to make a clear break with the "treacherous" policy of Democratic Party and its leader, Boris Tadić.<sup>520</sup> According to it, the West "precisely cast SNS as the lead only a party with patriotic aura could possibly play."

So far the advocacy for the establishment of a "strong patriotic bloc" as "a genuine opposition and a new force at the Serbian political scene" sounds more like a cry for the moon than a serious threat.

Kosovo North leader's opposition to the agreement is chilling out. This only testifies that their area for maneuver has always depended on

519 Politika, April 8, 2013.

520 „Expectation from SNS has been the biggest enemy of Serbia in the past nine month," wrote DSS vice-president Milos Jovanović, Politika, April 24, 2013.

Belgrade. Their grudge, deprived of Belgrade's support, can only to some extent stand in the way of the agreement's implementation.

The implementation of the agreement will be disputed from many sides. This calls for continued monitoring by European Commission on the one hand and civil societies in Kosovo and Serbia on the other.

EU should insist on overcoming ethnic divisions and thus open the avenues for pluralization of the two societies.

A date for accession negotiations will be imbued with political energy only if all pro-European forces join hands for the common goal and initiate the society's transformation with enthusiasm and faith in a European Serbia.

# X – SERBIA AND ITS NEIGHBORS



## Bosnia-Herzegovina: Waiting for the Circumstances to Change

The relations between Serbia and Bosnia and Herzegovina (BiH) remain unchanged. Serbia's state strategy towards BiH has so far been implemented consistently by all Serbian governments. This strategy rests on a number of major determinants: first and foremost the six war aims laid down at the 16th session of the Assembly of Republika Srpska (RS) in May 1992<sup>521</sup>; the congress of Serb intellectuals held in Belgrade in 1994; the conclusions of the symposium *Geopolitička stvarnost Srba* [The Geopolitical Reality of the Serb Nation] (Institute for Geopolitical Studies, Fruška Gora, Novi Sad, 1997), which accepted the Dayton Agreement as the maximum that could have been achieved under the international circumstances at the time and laid down guidelines for preventing the return of refugees to RS and for the economic and cultural integration of RS with Serbia. The rest are Dobrica Ćosić's preface to Nikola Koljević's journal *Stvaranje Republike Srpske* [The Creation of Republika Srpska] (Belgrade, *Službeni glasnik*, 2008); the Strategy of the Serbian Government on relations with the Serbs in the region prepared by the Ministry for the Diaspora (2009); and Dobrica Ćosić's book *Bosanski rat* [The Bosnian War] (Belgrade, *Službeni glasnik*, 2012).

It took historians, academics and many public personages three years to prepare that document.<sup>522</sup>The guidelines for implementing the Strategy recommend that Serbia and RS should give serious thought to a political

521 They are known as the 'six strategic objectives': first, detaching the Serbs from the other two communities; second, establishing a corridor between Semberija and Krajina; third, eliminating the river Drina as a border, i.e. abolishing the existing border separating Bosnia and Herzegovina and Serbia. The fourth objective is the establishment of a border on the rivers Una and Neretva; the fifth, the division of the city of Sarajevo into Serb and Muslim parts. The sixth objective is an outlet on the sea for Republika Srpska.

522 *Slobodna Bosna* published a document containing instructions for carrying out the strategy defined in the government's Strategy and aimed at paralysing the state of Bosnia and Herzegovina and its dissolution on 21 March 2013.

and economic orientation towards Russia and recommend cold-shouldering politicians from countries supporting an integral BiH and using every means available to hamper and discredit both houses of the BiH parliament in their work. It is also suggested that the passage of legislation which is considered inessential and to be posing no threat to RS should be blocked. This is one of the principal means for proving the thesis that the joint institutions cannot be made to work. It is insisted that the state power and institutions at the level of BiH are unnecessary, superfluous, unfeasible, expensive and anti-Serb.<sup>523</sup>The behaviour of Milorad Dodik in recent years, particularly since the adoption of the Declaration of Independence of Kosovo, clearly lends credibility to a document published in *Slobodna Bosna*.

RS is envisioned as an autonomous state within Bosnia with prospects of detaching itself completely. This is manifested in the statements of Milorad Dodik as well as in the behaviour of other government representatives. During the past years contacts between Belgrade and Banjaluka have been frequent. Sarajevo has figured for the most part symbolically and chiefly under pressure from the European Union (EU). Although Serbian President Boris Tadić during his term established communication at the political level almost throughout the region, this was not followed up by any meaningful cooperation at other levels, especially as regards Bosnia.

The present government is choosing its words in all references to BiH and RS. However, the substance remains much the same though there is an awareness that the international community will not permit the dissolution of BiH. Foreign Minister Ivan Mrkić said that the position of Serbia was clear and principled. Serbia supports the sovereignty and territorial integrity of BiH and all the arrangements under the Dayton Agreement. It will also support any arrangement which will be agreed by the three constituent peoples in BiH. The independence of RS, he stressed, is not an option for anybody and is certainly not something that is contemplated in Belgrade. He stressed that '...we have a common history, a harmonious present and are striving for a common future. We ought to be building projects and initiatives which will make us stronger. Serbia is ready for this

<sup>523</sup> *Slobodna Bosna*, 2 March 2013.

and wants the closest relations with Sarajevo.<sup>524</sup> Before visiting Sarajevo in September, Prime Minister Ivica Dačić said, 'There is a clearly defined Bosnia and Herzegovina in accordance with the Dayton Agreement, and Serbia will abide by that'. Nevertheless, he added that in his view BiH should be a state which 'should never take it into its head to recognize the independence of Kosovo and Metohija'.<sup>525</sup>

Milorad Dodik misses no opportunity to argue that BiH is an unsustainable creation: 'We are preparing ourselves for the dissolution of BiH, where RS alone is self-sustainable. Except for May Day and the New Year, we celebrate no holidays together.'<sup>526</sup> Analogies with Kosovo are drawn all the time and it is stressed that 'Kosovo is a source of instability in the Balkans and that Republika Srpska will never recognize its independence'.<sup>527</sup> Mladen Ivanić, the former RS Prime Minister, does not expect any major changes in BiH (neither centralization nor dissolution). In his opinion, BiH will be put on the waiting list for membership of the EU the same as the rest of the Western Balkan countries. He views the period of waiting for EU membership as an opportunity for RS to grow stronger and wait for the circumstances to change and allow full independence to become an option. He further elaborates that RS can be satisfied with the Dayton Agreement; but if the process of Kosovo's independence continues, RS could, taking a long view of things, say, 'If the Albanians can do it, so can we'.<sup>528</sup>

Because Kosovo has been looked upon as a precedent in relation to the situation in RS and its aspiration for autonomy, Belgrade's and Banjaluka's future attitude to the question of Kosovo is uncertain. BiH has not recognized Kosovo because RS is preventing it from doing that with Belgrade's backing. Dodik stresses that 'whereas in a state sense Kosovo is Serbia's number one priority, in a national sense its number one priority is RS

524 <http://www.naslovi.net/2012-12-27/b92/mrkic-srbija-oseca-bih-kao-suseda/4242814>.

525 'Srbija će poštovati državu BiH', Anadolu Agency, 11 September 2012.

526 'Srbi budite lojalni', *Kurir*, 28 April 2012.

527 'BiH nikad neće priznati Kosovo', *Blic*, 14-15 April 2012.

528 'Vehabije su problem BiH', *Pravda*, 20 March 2012.



because 1,400,000 Serbs live here.’<sup>529</sup>In common with all Serbian governments to date, including the present one, Dodik also advocates a partition of Kosovo. Prime Minister Dačić for one argues that that would be the best solution. Milorad Dodik has in the last year paid several visits to Kosovska Mitrovica to express support for its wish to secede.

Slobodan Durmanović, an analyst for the portal of Nova srpska politička misao [New Serbian Political Thought], believes that Belgrade’s and Banjaluka’s strategic plans regarding Kosovo may meet with a Western demand for a ‘concession’ in BiH involving ‘dividing the sovereignty’ of RS, an arrangement that may result in a weakening of the position of RS under the Dayton Agreement.<sup>530</sup>

Such expectations appear to be supported by numerous other analyses, such as, for instance, the one by the Friedrich Ebert Foundation, which issued a publication entitled *Bosnia and Herzegovina 2025: Scenarios on future Developments*. The publication suggests that the dissolution of the state might be an option. The publication also states that both the international community and the local communities in BiH see dissolution as the only possible option after 2025.<sup>531</sup>

A number of political commentators and historians in Serbia argue that Serbia and RS would best function as two neighbouring countries co-operating most closely because they share the same ethnic and cultural space. For instance, Neven Cvjetičanin believes that a ‘stable and economically strong RS best suits the interests of Serbia because RS is one of the few foreign-trade partners with whom we have a positive balance. Serbia would have a trustworthy partner in RS on whom it could rely in all other matters.’<sup>532</sup> The historian Srđan Cvetković points out that ‘A Serb who goes to RS does not feel he is in another state. In formal legal terms, RS is an autonomous territory within the neighbouring state of BiH; however, in the process of Europeanization, borders are becoming increasingly soft and

529 ‘Nikolić je u pravu za Srebrenicu’, *Blic*, 6 June 2012.

530 <http://www.nspm.rs/sudbina-dejtonske-bih-i-republika-srpska/rs-i-srbija-sta-nemogu-dodik-i-Nikolić-q.html> (downloaded 1 March 2013). <0}

531 ‘Dejton dva za raspad države’, *Danas*, 4 April 2012.

532 ‘Najbolje rešenje su dve srpske države na Balkanu’, *Press*, 16 January 2012.

relative and serve more to bring people together than to keep them apart. Essentially, what matters at this moment is not that we are talking about two states but about the same people. In modern times, the ethnic principle of borders is de facto of far greater importance than the historical. This is clearly observable in the example of Kosovo and the same goes for RS.<sup>533</sup>

The foreign-policy analyst Predrag Simić says that the 'relationship between Serbia and RS is a topic being discussed not only in these parts but also in international circles, especially by drawing a parallel with Albania's relations with Kosovo'. He argues that essentially it is better to have two votes in international bodies than one.<sup>534</sup>

In the wake of the May 2012 elections, Serbian President Tomislav Nikolić made statements reaffirming the continuity of Belgrade's policy on Bosnia and/or RS. Having said that he envisions RS as an independent state, Nikolić said that Serbia and RS deserve better political leaderships. The target of his criticism were both Boris Tadić and Milorad Dodik. He said that he could only picture RS as an independent state in the future and made clear that BiH both as a state and a political reality were of no interest to him. He next stated: 'Of course, I prefer a Republika Srpska as an autonomous and independent state to a Republika Srpska that is immersed in a federation in which it is losing one competence after another,' he said and added that 'Republika Srpska cannot forever remain a state whose citizens are not permitted to decide on their future in a referendum.'<sup>535</sup>

On the eve of his visit to Banjaluka in December 2012, Nikolić said that 'hardly anybody can separate RS and Serbia'. Nikolić said that 'Serbia has seen the end of this year with many changes: it has positioned itself in relation to its neighbours, whom it regards as lesser or greater friends, and decided that the relationship between Serbia and RS should be viewed in terms of the Agreement on Special Parallel Relations between [Republika] Srpska and Serbia, which implies their close cooperation.'<sup>536</sup>

533 Ibid.

534 Ibid.

535 'Nikolić: RS da sama odlučuje o sebi', *www.b92.net*, 16 May 2012.

536 'Srbiju i RS teško ko može da rastavi', *Vijesti.ba/Srna*, 25 December 2012.

During the final stage of the talks between Belgrade and Pristina (the crucial eighth round), Milorad Dodik was invited to a consultation in Belgrade where many were asked to state their positions on the document the signature of which would secure to Serbia a date for the start of EU accession talks. Dodik said at the time, 'We are here in order to line up behind the leadership of Serbia and to call for unity, for time will never forgive those who are not united...as far as we're concerned, we're in favour of rejecting ultimatums: it has been our experience that when you say "no" to an ultimatum usually nothing happens, whereas if you say "yes" you're presented with a new ultimatum.'<sup>537</sup>

The international community tried (albeit not hard enough) to stimulate changes in Bosnia in order to make it a functional state. However, it failed in that. RS and Milorad Dodik insist that the Office of the High Representative should be closed. Furthermore, Dodik views the role of Turkey, which has been rather active in trying to solve the Bosnian question, as harmful. His view is shared by some circles in Belgrade including Dr Darko Tanasković, who maintains that Turkey is 'trying to strengthen to the utmost the position of the Bosniak people'. In this connection, he criticized Bakir Izetbegović for seeking to boost Turkey's role in dealing with internal problems.<sup>538</sup>

BiH is undergoing its worst crisis since the war. Bodo Weber, a political analyst and German Balkans policy expert, sees a 'constant erosion of the institutional and constitutional order – that post-war rough-and-ready provisorium – with there being no possibility of establishing any new order including secessionist. The greatest responsibility lies with the EU and the United States of America, naturally without absolving the domestic actors from their share of responsibility.'<sup>539</sup> Weber considers that the 'international community must re-establish certain basic rules of the game. Nothing more. The political elites will then have to address the interests and frustrations of the citizens because they will have run out of their authority which they had been drawing from one source and one source

537 'Dodik: Srbija treba da odbije ultimatum', *Blic*, 7 April 2013.

538 'Erdogan nije lider Bošnjaka u BiH', *Politika*, 20 February 2012.

539 Anadolu Agency, 13 November 2012.

alone – the weaknesses of the international community. However, such an about-turn can only be effected by one person – German Chancellor Angela Merkel. To be sure, in cooperation with Great Britain and with the renewed involvement of the USA.<sup>540</sup>

Daniel Server stressed repeatedly that it was important for the USA to remain involved in Bosnia although, objectively, it has no major interests there other than preserving Bosnia and Herzegovina as an integral state, i.e. preventing its dissolution into two or three parts. Washington wishes to let the Europeans deal with everything else because it has many other difficulties, he said.<sup>541</sup>

### The interpretations of the past

Belgrade's attitude to the 1992–1995 war in Bosnia has been and remains the main stumbling block in the relations between the two countries. The complexity of the Bosnian reality is manifested mostly on that plane, with each of the three peoples making its own construction of remembrance and consequently its own interpretation of the events from the 1990s. The character of the war has been interpreted by each side as it sees fit. The Serb side views the war in Bosnia as a 'liberation war of the Serb people' in spite of the numerous judgments of the International Criminal Tribunal for the Former Yugoslavia (ICTY) which clearly point to Serbia's aggression against Bosnia. The problem lies in the fact that neither the ICTY nor the International Court of Justice has taken a clear position on the aggression against Bosnia although the documents and judgments of the ICTY leave no doubt about it.

In this connection, *Dnevni avaz* warned that 'in these days too attempts are being made to obfuscate the truth as to from where and at whom the shots are being fired, at whom the barrels of today's verbal artillery are aimed. Who's insulting whose intelligence here? This propaganda

540 Ibid.

541 'Dejtonski sporazum favorizuje nacionaliste', Radio Slobodna Evropa, 5 April 2012.

which falsifies the historical facts and denies the aggression and genocide is neither innocuous nor should be underestimated.’<sup>542</sup>

Every date and every incident are subject to controversy. While, for instance, Sarajevo marks 6 April as the day on which the war in BiH started, RS considers that on that day in 1992 the persecution and murders of the Sarajevo Serbs began. The Serbs maintain that Sarajevo is a city which no longer has its former ‘character’ and ‘neighbourship spirit’ and that these centuries-old values have given way to ethnic cleansing and intolerance of the other and the different.<sup>543</sup> On the occasion of the marking of 6 April, Milorad Dodik wrote to Zlatko Lagumdžija, the BiH Foreign Minister, that a reception to mark the beginning of the ‘siege of Sarajevo’ was absolutely unacceptable and that it had not been agreed by all the sides in BiH. In his letter to Lagumdžija, Dodik observed that the ‘joint institutions of BiH are not a private property of any individual but places for the joint formulation of all policies.’<sup>544</sup>

Drago Kovač, Secretary in the Ministry for Human Rights and Refugees of BiH, said that Sarajevo’s pre-war Serb population of some 160,000 had dwindled to about 8,000.<sup>545</sup> However, the causes of this state of affairs are largely disregarded: many Serbs left Sarajevo on the eve of the war and many others joined them in the aftermath of the Dayton Agreement. Further, a great many Serbs live in Eastern Sarajevo and many of them continue to work in Sarajevo. In addition, as far as employment is concerned, one should not overlook the disastrous economic situation in BiH which is affecting all the communities alike.

Belgrade failed in its attempt to use two incidents from the very start of the war in Bosnia (1992), the ‘Dobrovoljačka Street’ and the ‘Tuzla column’, to prove that the Bosniaks provoked the war by attacking the Yugoslav People’s Army. The arrests of Ejup Ganić in London and Jovan Divjak in Vienna, pursuant to Interpol wanted notices issued by Serbia, and their later release proved a total fiasco for Serbia and a discredit to its prosecution

542 ‘Ko je počeo rat?’, *Dnevni avaz*, carried by *Politika*, 7 April 2012.

543 ‘Kovač: Bošnjačka politika tera Srbe iz Sarajeva’, *Politika*, 2 April 2012.

544 ‘Datum razdora’, *Večernje novosti*, 7 April 2012.

545 ‘Kovač: Bošnjačka politika tera Srbe iz Sarajeva’, *Politika*, 2 April 2012.

especially on the international plane. Nevertheless, the Serbian Prosecutor's Office continued to insist that it had fresh evidence about alleged crimes committed in connection with the Dobrovoljačka Street. The Serbian prosecuting authorities became particularly insistent in this regard after their Bosnian opposite numbers in Sarajevo in January 2012 terminated the investigation of 19 suspects (including Ejup Ganić and Jovan Divjak) in connection with the Dobrovoljačka Street incident. The case was conducted by the international prosecutor Jude Romano. Bruno Vekarić, the Serbian Deputy War Crimes Prosecutor, said that the Serbian prosecuting authorities continued to investigate the affair and that it was now much clearer why the Prosecutor's Office of BiH had refused to sign an agreement on mutual transfer of evidence.<sup>546</sup>

The Public Security Centre in East Sarajevo submitted to the Prosecutor's Office alleged evidence about crimes committed in Dobrovoljačka Street and a complaint against Prosecutor Jude Romano. Milorad Dodik for his part said that in view of the said decision RS should not cooperate with the Court and the Prosecutor's Office of BiH regardless of the international community's efforts to preserve their authority.<sup>547</sup>

However, what provoked the most controversy was the marking of the 20th anniversary of RS on 9 January 2012 (the date is observed in RS as a public holiday). The large celebration in Banjaluka was attended by Serbian senior officials including President Boris Tadić. On that occasion Tadić was presented with an order by Milorad Dodik. Tadić said that the order meant for him a personal obligation to continue to maintain the 'special relations between Serbia and RS so that they may result in new bridges, a university, scientific cooperation, new roads and power stations.'<sup>548</sup> The then leader of the Serbian Progressive Party (SNS), Tomislav Nikolić, did not attend the celebrations because allegedly he had not received an invitation on time. He said that he had been awarded a RS order at a worse time than today and that he considered that Tadić had received the order in his name too: 'He certainly did not receive it in his own name

546 'Predmet "Dobrovoljačka" odluka nije konačna', *Politika*, 19 January 2012.

547 'Odluka koja ruši Bosnu!', *Večernje novosti*, 19 January 2012.

548 'Dodik odlikovao Tadića, Medvedev Dodika', *Danas*, 19 January 2012.

because I cannot see what contribution Tadić has made to the creation and preservation of RS. I think that there are far more deserving people than Tadić who ought to carry that order, provided the order was awarded to an individual.<sup>549</sup>

Much praise was showered on RS on the occasion, with Ivica Dačić saying that 'RS is the Piedmont of Serbdom'<sup>550</sup> and Milorad Dodik that for the Serb people in BiH RS is a 'pledge that they will live like free and dignified people.'<sup>551</sup>

The day before the commemoration of the 20th anniversary of RS a quantity of weapons was discovered at the Borik sports hall. The incident was given much publicity and portrayed as a terrorist plot to kill not only Boris Tadić and Milorad Dodik but the entire Serb political leadership. Insinuations were made against Muslim terrorists (Wahabis) with a view to involving the Serbian Ministry of the Interior (MUP) in the investigation in order to demonstrate that Serbia controls the situation in RS. Miloš Šolaja, a professor of political science in Banjaluka, believes that the affair was politically motivated, i.e. 'aimed against political relations in BiH', and that it 'made the situation in BiH and in RS itself considerably worse.'<sup>552</sup> The incident, which has never been fully clarified, at least not publicly, was given great publicity by the press in Serbia. For instance, *Kurir* wrote that about 1,000 agents of the Iranian intelligence service were active in the territory of BiH with the object of assassinating RS President Milorad Dodik in one way or another. According to *Kurir*, Dodik has been sentenced to death because he opposes the recognition of Palestine.<sup>553</sup>

Milorad Dodik implied the complicity of President Bakir Izetbegović in the assassination attempt, saying 'it is no secret that Bakir Izetbegović is continuously in touch with such groups. Our intelligence indicates that he

549 'Nikolić: Tadiću nezaslužan orden RS', *Kurir*, 11 January 2012.

550 Ibid.

551 Ibid.

552 'Slučaj Borik usmeren ka destabilizaciji RS', *Politika*, 12 January 2012.

553 'Dodik osuđen na smrt', *Kurir*, 13 January 2012.

is highly respected by radical Islamist groups and even has contacts with some groups and services in Iran.<sup>554</sup>

At bottom, the whole affair served to manifest the state and police unity of Serbia and RS, their togetherness and their joint 'vulnerability'. The police directors of RS and Serbia concluded unanimously that the discovery of the weapons in the Borik sports hall was being treated as an attempted act of terrorism. The suspect, a man named Stanisavljević, was dispatched to the detention unit of the Court of BiH because, under the terrorism law, he was the responsibility of the state Prosecutor's Office. The decision to transfer the 'Stanisavljević case' to the state court has far more serious implications: if it turns out that Stanisavljević had no terrorist designs and is simply an arms dealer, RS can easily accuse the Court of BiH of being 'anti-Serb' and return the whole affair to the political arena.

### The Jašarević case

The terrorist attack on the US embassy on 28 October 2011 put the question of religious extremism back under the political and public spotlight. The incident triggered fresh debates about religious extremism in Bosnia and its dangers for the region and Europe in particular. The thesis was relaunched that it was actually Islamic fundamentalism that destroyed Yugoslavia and that Europe failed to perceive the threat in time. At the beginning of February 2012, the European Parliament held a debate on the occasion of adopting a resolution on BiH. This dimension came into prominence during the discussion. The Netherlands MP, Bastiaan Belder, asked that the report should include a call to the Islamic Community of BiH to 'make a clearly negative statement on the growth of Wahabism'.<sup>555</sup> However, the European Parliament's Rapporteur on BiH, Doris Pack, said that there are few Wahabis in BiH, that they are isolated, and that they are recruited from poor strata of the population because the movement pays them to join it. She urged the religious heads to clearly dissociate themselves from the 'shadow' cast on the entire Islamic commu-

554 'Bakir naručuje ubistva!', *Kurir*, 14 January 2012.

555 'Srpski i evropski strah od vehabija', *Danas*, 14–15 April 2012.



nity.<sup>556</sup> However, the resolution adopted a softer formulation which calls on the authorities in BiH to 'fight against extremism, religious hatred and violence in close cooperation with the international community' and calls for 'awareness, an investigation and the elimination of extremist threats of all kinds throughout the region of the Western Balkans'.<sup>557</sup>

The Islamic Community of BiH reacted sharply to the debate, stressing that the 'statements of the EP members Doris Pack and Bastiaan Belder remind the Islamic Community of BiH and the Muslim Bosniaks of the positions, propaganda and psychological war of the Serb extremists to which they have been exposed all this time. These extremist positions, disguised as a struggle against an Islamic and Muslim threat to Europe that only they and no one else know of, are the cause of the severe suffering of, crimes against and large-scale killings of Bosniaks including the genocide.'<sup>558</sup>

### **The elections in Srebrenica**

In connection with the local elections in Srebrenica, tensions were revived between the Serbs and the Bosniaks that called to mind the events that took place in that small eastern Bosnian town in 1995. The Bosnian leaders namely asked that Srebrenica be exempt from the provisions of the Electoral Law of BiH in order that all who come from Srebrenica could cast their votes there, as they did in 2008, regardless of where they live. The demand was backed by numerous non-governmental organizations and distinguished individuals who argued that a failure to grant the demand would be an 'evident new genocide and apartheid in BiH with the acquiescence of the politicians and the international community'.<sup>559</sup>

The local elections were won by the Bosniak candidate for municipality president of Srebrenica. RS responded by launching a series of actions aimed at deleting from the electoral registers the names of all voters who are not permanently resident in Srebrenica.

556 Ibid.

557 Ibid.

558 Ibid.

559 'Bošnjački lideri najvljuju bojkot izbora zbog Srebrenice', *Politika*, 10 May 2012.

In this connection, the Civic Coalition 'March the 1st' offered legal assistance to all people from Srebrenica whose residence and other personal documents had been invalidated by the Ministry of the Interior of RS, that is, by the Police Station in Srebrenica.

The president of the Coalition, Emir Suljagić, said that the possibility of criminal proceedings being instituted against the officers in question on charges of abuse of office would be most seriously considered pursuant to the citizens' complaints.<sup>560</sup>

The Coalition said in a statement that 'such acts by the Police Station in Srebrenica and/or the District Prosecutor's Office in Bijeljina constitute a direct assault on the Dayton Peace Agreement, that is, on Annex 7 thereto, as well as on the Constitution and law of BiH which treat freedom of movement and freedom of choice of domicile as fundamental and inviolable rights and freedoms. The Coalition called on the Office of the High Representative, the Delegation of the European Commission and the Office of the EU Special Representative to exercise their authority and protect the rule of law and the equality of all before the law in RS.<sup>561</sup>

The Coalition's activists pointed out that BiH citizens living abroad were under no restrictions regarding the status of their registered permanent residences in BiH, particularly if they maintain effective relations with the country such as having property and families there, returning to the country, etc. Cases of this kind add to the frustrations of the residents of Srebrenica owing to their treatment during the last six months.<sup>562</sup>

The Coalition called on the Office of the High Representative to take a position on the matter, stop the procedure and exercise his authority to reverse every illegal invalidation of documents by the RS MUP and the Srebrenica Police Station. The Coalition said that, in case the international community took no action, it would call on people throughout RS to mobilize and block the work of the Srebrenica Police Station.<sup>563</sup>

560 Fena Agency.

561 Fena Agency, 25 December 2012.

562 Fena Agency, 4 March 2013.

563 Ibid.

The Srebrenica case may be applied to other areas in RS if the Coalition receives the backing of the international community.

## Republika Srpska's economic dependence on Serbia

Economic experts' warnings that RS is in a catastrophic situation have been borne out by data of the RS Statistical Office. Obviously, RS is not organized as an economically viable entity. RS has a very high unemployment rate. Half of young people are unemployed and are supported by their parents. As many as 70 per cent of young people wish to leave RS. The foreign-trade deficit stood at nearly one billion Bosnian marks (in the first six months of 2012). In the same period, exports fell by 4.1 per cent and imports grew by 0.7 per cent. Indebtedness continues to grow, reaching 4.2 billion Bosnian marks in 2011. Although it has all the conditions for being economically profitable, the agriculture sector is in a catastrophic situation. Milk production was down by 20 per cent already during 2011. The Statistical Office says that the livestock numbers in RS decreased by 21 per cent in the last five years.

In order to disguise their incompetence, the political elites are promoting the thesis 'Constitution first, economy second', their argument being that RS can prove that it is economically self-supporting only after it has resolved its status issue. In order to divert people's attention from the economically disastrous state of affairs, they are asserting that 'RS has never been more stable' and that 'it is still fighting for justice in BiH'. RS Prime Minister Aleksandar Džombić said that investments in RS amounted to some €1.5 billion between 2006 and 2011. He said that Serbia is the largest investor with over €770 million. Other major investors were Russia (over €250 million), Slovenia (€125 million) and Austria (about €120 million). These figures show clearly to what extent RS depends on Serbia. Džombić outlined the future potentials of the cooperation between Serbia and RS and said that it had been proposed, at a joint session of the two governments, to prepare a study on the complementariness of the economies of RS and Serbia in order to improve their economic links.<sup>564</sup>

564 'Srpska nikad stabilnija', *Večernje novosti*, 27 February 2012.

In addition, numerous economic, infrastructure, energy, educational and cultural projects are envisaged so as to make the River Drina a focus of regional integration. The largest of these projects is 'Podrinje'. Džombić said that in order to carry out this large-scale project the two governments would apply to the EU for funds. The object of the project is to link together 24 municipalities in Serbia and RS on both sides of the Drina.<sup>565</sup>

Džombić said that the cooperation in the area of energy was the most important and that the construction of the South Stream pipeline section through RS would be of crucial importance.<sup>566</sup> Milorad Dodik too stressed that the cooperation with Serbia was a priority interest and that the 'ladder of cooperation was set up together with presidents Koštunica and Tađić'. This relates above all to the privatization of Telecom, the construction of the bridge at Rača, the opening of the 'Srbija' school in Pale, a Hemo-farm production facility and a Komercijalna banka branch, cooperation in the area of health care and granting RS students the same status enjoyed by Serbian students.<sup>567</sup>

Milorad Dodik misses no opportunity to point out that independence is what RS wants and that it is waiting for the 'right moment to call an autonomy referendum'. For the present, he says, he is concerned with restoring to RS the prerogatives taken away from it and with consistently implementing the Dayton Agreement.<sup>568</sup>

The RS government signed an agreement on the construction of four hydroelectric power plants on the Drina without consulting the BiH authorities. The latter reacted immediately.

The Democratic Lawyers Association of BiH said that Milorad Dodik 'abused his official position and took over the competences of the state of Bosnia and Herzegovina'. The Association said in a statement that the 'case of the River Drina is not an entity responsibility. The Drina is the largest source of drinking water in Europe. By constructing the hydroelectric power plant one not only destroys the local environment but carries out

565 'Drina nas spaja', *Večernje novosti*, 5 October 2012.

566 Ibid.

567 'Možemo sami', *Večernje novosti*, 5 October 2012.

568 Ibid.

ethnic cleansing–genocide of the Bosniaks.’ It also warned that the projected hydroelectric plant at Paunci near Foča would submerge the arable land of the Bosniak population and may force it to emigrate to European countries. In this connection, it also criticized the German firm with which the agreement was signed.<sup>569</sup>

Montenegro for its part sent a note of protest accusing BiH of violating an international convention on environmental impact assessment in a transboundary context. Dodik replied that ‘neither Montenegro nor the Council of Ministers of BiH has any jurisdiction over that. That is the exclusive jurisdiction of the authorities of RS. A study has been prepared. Whatever we are doing, we are doing it on RS territory. We are sovereign on RS territory and no Montenegro will be able to prevent that by protest or any other notes.’<sup>570</sup>

### **The local elections in BiH**

At the local elections in BiH, Milorad Dodik met with fiasco and was even hissed down during the pre-election campaign in Trebinje and a number of other places, something that would have been unthinkable only a few years ago. Srđan Puhalo, a sociologist from Banjaluka, says that this was a sign that people were gradually losing their fear of Dodik and that some of them decided to manifest their discontent publicly. What is not known is the extent of this discontent and how many more people are willing to take the risk and speak their minds in public, he says.<sup>571</sup> Surveys conducted early in 2012 suggest that many people are dissatisfied with the economic situation, corruption and unemployment but are still afraid to name the culprit. The problem is, their discontent is manifested as silence, apathy, lethargy and withdrawal into oneself because people believe that that cannot change anything as individuals.

These elections too showed that an elementary level of political communication in BiH is lacking and that political primitiveness and arrogance

569 ‘Dodik preuzima nadležnosti države BiH’, *Vijesti.ba\_Fena*, 1 October 2012.

570 *Radio BiH*, 2 October 2012.

571 *Radio Slobodna Evropa*, 16 September 2012.

are the order of the day, particularly during pre-election campaigns. When it comes to arrogance, Dodik is certainly without peer. He is remembered for his statements about BiH such as 'Bosnia is a rotten country. It does not deserve to exist. That's clear' and 'Bosnia and Herzegovina is definitely falling apart and it will happen sooner or later. As far as I am concerned, I hope to God it dissolves as soon as possible.'

This situation is largely a reflection of the architecture imposed by the Dayton Agreement, with political elites forcing the ethnic principle to the utmost. Asim Mujkić, a professor at the Faculty of Political Sciences in Sarajevo, said: 'We live in a society which is constitutionally structured in such a manner that it does not recognize itself as such; as a result, the particular, i.e. the ethnic, has taken over the role of the general; and with a view to its further homogenization, it naturally constantly excludes those others which are not to its taste. Consequently, of course, we shall have statements of this kind which negate the state, negate peoples, which have racist undertones, which negate the crimes, etc.'<sup>572</sup>

The regular local elections in BiH were held on 7 October 2012, returning 136 municipal assemblies (78 in the Federation and 58 in RS, 135 municipal mayors, 5 mayors in RS and the Assembly of the District of Brčko. No elections took place in Mostar because there was no political agreement regarding amendments to the electoral provisions relating to the election of councillors to the city council.

In RS, the emphasis was on the need to strengthen the statehood and autonomy of 'Srpska' while the acute and grave economic problems and the population's growing impoverishment were ignored. This is particularly true of the Alliance of Independent Social Democrats (SNSD) and, above all, its leader Milorad Dodik.

In the BiH Federation, parties blamed the serious internal political situation on each other. The greatest responsibility lies with the leader of the Social Democratic Party (SDP), Zlatko Lagumdžija, who entered into coalitions with parties with different political orientations (a coalition with the SDA which broke down; a coalition with two small Croat parties against

572 'BiH posle Dodikovog nastupa: Šta to biješe politička komunikacija', Radio Slobodna Evropa, 2 October 2012.

the HDZ; a coalition with the HDZ). In consequence of this, he initiated personnel changes which resulted in turmoil and confusion particularly within the governmental institutions of the BiH Federation. By acting as it did, the SDP compromised itself and no longer offered the voters an alternative to the ethno-national parties of right-wing orientation.

In particular, the elections brought to the fore the ongoing intra-national turmoil within individual parties. This was especially visible in the Bosniak parties, particularly the SDA and the SDP. The turmoil was somewhat less pronounced parties in RS and least in the Croat body.

The elections were won by the three original ethno-national parties – the SDA, SDS and HDZ. Some analysts believe that such election results are returning BiH to the 1990s, in view of the fact that the said ethno-national political options have emerged as dominant. Nevertheless, one could not say that a reversion to the 1990s is in progress because the ethno-national parties have transformed themselves over time.

There is no doubt that the results of the municipal elections will have an impact on the results of the general elections due in two years' time. It is hard to imagine a repetition of 2010. The results of the local elections have brought about a mismatch between the newly-elected municipal authorities and the authorities at the state, entity and cantonal levels established on the basis of the results of the 2010 general elections.

### **Dodik: continual obstruction of a functional BiH**

Other than incessantly negating the existence of BiH, Dodik did his best to prevent BiH from obtaining a road map necessary for membership of NATO. In this, he has the support of Serbia and Russia. Among Dodik's many obstructions to NATO membership was his demand for the 'demilitarization of BiH', i.e. the dissolution the armed forces of BiH. Dodik cited financial reasons, saying that the BiH army (a joint institution in existence since 2006) was too expensive to maintain.

Dodik argues that RS cannot join NATO without Serbia because in that case the Drina would constitute a border. Similarly, he says that 'RS will not join the EU at all costs' because 'RS has a good friend in Russia'.<sup>573</sup>

RS has established very strong ties with the Russian Federation particularly in the areas of economy and energy. However, a closer look at these relations points to a deep political background. The president of the Academy on Geopolitical Affairs of the Russian Federation, General Leonid Ivashov, said that BiH in its present state was a temporary phenomenon and an unnatural coalition created to address the consequences of the war fought on its territory. He said that a natural alliance for RS would be with the Slav peoples of Russia, Ukraine, Belarus and Serbia. Such an alliance might be joined by Bulgaria and Macedonia and all other Slav nations, he said.<sup>574</sup> This is the reason why the West is bent on having BiH as a NATO member. While BiH is certainly of no great military-political importance, it is one of NATO's priorities in order to prevent a penetration by Russia.

Other than resisting membership of NATO, both RS and Belgrade are increasingly critical of Turkey's role in the region. In an interview with the New Serbian Political Thought portal, Professor Nenad Kecmanović said that 'in the event of BiH joining NATO, the allied Turkish army could walk into RS legally and legitimately under the joint banner'.<sup>575</sup> For this reason, Kecmanović argues, Russia's support to RS is more than invaluable, both politically and economically, because it serves to counterbalance Turkey's influence in the Federation.<sup>576</sup>

573 Dodik's speech in Srebrenica, Vijesti.ba, 24 September 2012.

574 'Ruski general "ujedinjuje" RS sa Rusijom!?', Srna, 7 November 2012.

575 <http://www.nspm.rs/sudbina-dejtonske-bih-i-republika-srpska/ne-raspada-se-samo-bih-nego-i-federacija-bih.html> .

576 Ibid.



## High Representative for BiH Valentin Inzko's report to the Security Council

In his November 2012 report to the UN Security Council, the international community's High Representative in BiH, Valentin Inzko, described the situation in BiH as more complex than the year before. The deterioration was due above all to the political crisis at the state and federation levels brought about by numerous sackings and reshuffles at government level. Inzko also pointed out that the negative rhetoric coming from RS was constantly calling into question the sovereignty and territorial integrity of BiH. Inzko said that after the BiH Council of Ministers was finally formed and the state budget adopted, a new gridlock occurred coupled with political strife and attempts to reconfigure government at state and Federation levels as well as in a number of cantons. Most worrying, however, was the rise in anti-state, secessionist rhetoric, he said.<sup>577</sup>

He asked the Security Council to pay special attention to the attacks on the territorial integrity and sovereignty of BiH and to prevent them. Inzko said that BiH was lagging behind the countries in the region on their European road and that that could no longer be tolerated.

Although Inzko's previous report was along similar lines, there was no reaction from the international community. The international community has assumed to role of an observer.

Professor Slavo Kukić considers that it is too early for the international community to assume such an attitude because its job is not yet finished: 'This analysis suggests that the High Representative and the institutions of the international community in BiH, which stand as guarantors of the Dayton Agreement and which have thereby undertaken to stabilize BiH as a state and a society, are behaving as external observers and not exercising at all their authority under the Dayton Agreement in order to check these negative trends.'<sup>578</sup>

577 'Inckov izvještaj o BiH: Najviše brine rastuća antidržavna i secesionistička retorika', Radio Slobodna Evropa, 14 November 2012.

578 Ibid.

However, it is hard to believe that the US will allow some adventurist politicians to ruin the peace project behind which it stands. The EU is the bigger problem because it still has no unanimous policy either on BiH or on Kosovo (Kosovo has not been recognized by five EU members), and this leaves the US as the prime guarantor of peace and stability in the region.

## The grip tightens on Dodik

Dodik's populism based on the thesis about RS' alleged vulnerability has obviously spent itself. His increasingly arrogant treatment of independent media and non-governmental organizations is also a sign that he is slowly nearing his political end. Voicing his dissatisfaction with reporting by the BN Television channel, the RS President in an interview with the Serb News Agency (SRNA) accused the outlet of 'playing the decadent role of MERCENARY', a reference to the fact that the channel played host the US ambassador to BiH, Patrick Moon. Dodik said that in all probability 'certain deals and arrangements were made' on that occasion.<sup>579</sup>

The attempts to discredit Dodik over corruption have so far been unsuccessful. The portal seebiz.eu on 5 November 2012 carried a communication, numbered 2094/ot, from the Chief Prosecutor's Office in Munich to the Higher Prosecutor's Office in the same city confirming that proceedings had been instituted against Hypo Group Alpe Adria bank in Banjaluka and against Milorad Dodik and Igor Dodik. They were suspected of money laundering, using their political clout to extract money and transferring money of the Hypo Group to a secret account owned by Dodik's son to be used for rendering illegal services of political protection by Dodik to the Banjaluka bank.<sup>580</sup>

Thanks to his political influence on the judiciary in RS, Dodik prevented the processing of the affair. This move by Dodik, however, enabled the German judiciary to take over jurisdiction of the case. The opening of the case number 2094/ot on 5 December 2012 meant that Dodik and his

579 'Dodikove vjetrenjače: Ugroženost maska za neuspjeh', Radio BiH, 5 January 2013.

580 <http://www.seebiz.eu/ekskluzivno-tuziteljstvo-u-mnchenu-pokrece-istragu-u-slucaju-dodik-hypo/ar-50182/>.

son became subject to an investigation by the German authorities in connection with the 'Hypo scandal'. All of a sudden, however, the case ceased being the focus of media attention and appeared to have been laid to rest for the time being.

What is more, Dodik succeeded in almost completely blocking the transfer of jurisdiction from entity level to BiH institutions. Because of the weak reaction of the international community, this is having pernicious consequences for the operation of BiH as a state and is considerably slowing its progress towards Euro-Atlantic integration. Since RS gave up holding a referendum on the BiH Court and Prosecutor's Office (2011), there have been no initiatives aimed at undermining the Dayton Agreement. Dodik, who is regarded by many as the most successful Serb politician, has Belgrade's support for his policy towards Sarajevo.

Emil Vlajki, the RS Vice-President, was among those who called for Dodik's resignation due to the exceptionally bad economic situation in RS. Vlajki said, 'Dodik's internal policy is out of step with the results at the external level. RS has found itself in a grave condition: high unemployment, domination of grey and black economy, sale of national wealth, critical situation in the health sector, the pension and disability fund, the railways, forestry, underdevelopment of the real sector, tax arrears running into billions, etc. The fraudulent privatizations have never been seriously processed while the people have been reduced to poverty by the local bullies hiding behind Dodik's authority. Of course, Dodik is not to blame for everything. A portion of that has been inherited, and his party is a long way from being compact, either organizationally or morally; it is obviously obstructing him in matters calling for vigorous action. Nevertheless, he cannot escape a good deal of command responsibility for the accumulated problems.' All the same, he believes that the 'departure of Dodik would mean the end of Republika Srpska, which would remain an empty shell, an administrative province governed from Sarajevo. Having seen what is going on in Serbia, such a sequence of events in RS would mean the defeat of Serbdom and, for a long time to come, the end of hopes for any autonomy for the Serb citizens and Serb lands on both sides of the

Drina.<sup>581</sup> Belgrade's relations with RS leader Milorad Dodik are not as cordial as they were during the term of Boris Tadić. The editor of the portal *Buka* from Banjaluka, Aleksandar Trifunović, says that 'clearly these relations are a far cry from those with Boris Tadić and DS. For one thing, the first visit of Milorad Dodik to Serbia ended in a [press] conference held in the street, in front of the residence of the Serbian President, rather than inside the building itself. It was not a joint conference either: he alone gave his perception of it. One should not be surprised at all – Milorad Dodik was openly and quite necessarily against Tomislav Nikolić during the electoral campaign and that was the consequence of his attitude. That interference resulted in a distinct chill in relations. However, RS suits Serbia politically. In my opinion, a measure of control over RS will always come before the relationship of any two political personalities. I think that this relationship will be good as long as RS suits Serbia geo-politically. Although relations between politicians or other personages can be bad, this relationship generally fully reflects the stability of the relations between those two political structures.'<sup>582</sup>

581 'Smrtno proleće Milorada Dodika', <http://www.nspm.rs/sudbina-dejtonske-bih-i-republika-srpska/samrtno-proljece.html>.

582 <http://www.slobodnaevropa.org/content/otopljavanje-odnosa-bih-srbije/24892384.html>.

## Conclusions and recommendations:

- It is necessary that Belgrade should abandon its hitherto policy towards BiH, particularly RS, and support a revision of the Dayton Agreement in order to make BiH a functional state;
- it should address every dispute in the process of succession in a constructive manner and finally give a substantial contribution to finding and identifying the missing persons;
- it should stop denying the genocide in Srebrenica and in BiH because that is what constantly obstructs the improvement of relations;
- it should abandon its strategy based on equating and relativizing the responsibility for the war in BiH and, in this regard, promote the cooperation between the two Prosecutor's Offices in accordance with the Agreement signed in January 2013;
- it should drop the indictments brought by the Military Prosecutor's Office (in 1993) and accept the reality of BiH being an independent state, without expecting that its status will change in the foreseeable future;
- it should stop spinning threats of 'Islamist fundamentalism' all the time and address the issue in a more realistic manner. To this end, it should stop pursuing the same strategy in Sandžak;
- it should promote its relations with the BiH Federation and balance its relations with RS;
- it should desist from using the Council for Serbs in the region for undermining BiH;
- it should support all initiatives aimed at promoting relations with BiH, particularly with young people.

# XI – SERBIA AND THE WORLD



## Serbia Turns Toward EU

The radically changed political scene in the aftermath of the May 2012 elections hardly affected the country's foreign policy and its dynamics. Hesitant at first, the new regime resumed the course towards EU charted by Democratic Party /DS/ despite strong resistance from the then opposition Serb Progressive Party /SNS/.

The new regime's determination for "European policy" was tested on its sore point: normalization of relations with Kosovo. EU officials had prioritized the only unsettled regional problem over Serbia's democratic transition in accordance with Copenhagen criteria. A fixed date for the beginning of accession negotiations for Serbia was actually and almost solely preconditioned by the progress made in Belgrade-Prishtina relationship.

While in opposition, SNS used to strongly criticize DS and its coalition partners for opening the "technical dialogue" with Prishtina. Once in power, it claimed, all the agreements reached would be put in the public eye – and annulled should they turn to be disadvantageous to Serbia.

However, when it actually came to power SNS overstripped its predecessor in almost no time. It not only confirmed the obligatory character of all the agreements reached but also – with EU High Representative for Foreign Affairs Catherine Ashton' mediation – raised the dialogue to the highest level involving the premiers, Ivica Dačić and Hashim Thaci. True, in December 2012 Serbia did not obtain the date for accession negotiations from the European Council. This "carrot" was postponed till June 2013 under the condition that by April 2013 Belgrade and Prishtina found a solution that would mark the end of "institutional parallelism" and the beginning of Kosovo North's reintegration into Kosovo's political system and its autonomy of sorts (like the one laid down in the Ahtisaari plan of 2007).

On April 19, in the dramatic last act of the 10-round negotiations starting in late October 2012 the two premiers initialed the agreement that actually guarantees Prishtina's sovereignty in the entire territory of Kosovo



and envisages autonomy for the Serb community in the North, in accordance with the Ahtisaari Plan. Normalization of relations with Prishtina opened the door to accession negotiations.

Thanks to key international factors', EU's and US', resoluteness not to allow Serbia to by time any more and dodge the things agreed on – all of Serbia's government have been prone to in the past ten years – new vistas were opened to Serbia and Kosovo alike. All of Serbia's governments in the past ten years have been after "freezing" the Kosovo conflict and a partition scenario when circumstances permit. Faced with economic-financial collapse (Serbia is practically at the verge of bankruptcy)<sup>583</sup>, the regime was forced to negotiate an alternative status for the Serb community in Kosovo.

On the other hand, once compelled to cooperate new leaders secured themselves the support of the international community, especially when it came to their public statements.<sup>584</sup>

It goes without saying that international players are fully aware of their present-day interlocutors' cvs, their wartime (and post-war) biographies and their "merits" for the situation Serbia has found itself in.<sup>585</sup> As it seems, they decided to maximally play on these Achilles' heels while supporting them in public in turn.

583 „The slogan 'There is no alternative to Europe' was replaced by the slogan 'Serbia cannot survive without Europe,'" says Professor Predrag Simić. *Politika*, December 28, 2012.

584 In this context, the attitude taken by Jelko Kacin, EU rapporteur for Serbia, is most indicative. Known as a consistent critic of the situation in Serbia and positions of its leaders, he was among the first applauders to the new administration.

585 Ex-president Tadić said he was sorry for his successors. "I can only imagine the manner in which crucial international players address them," he said, adding, "We had democratic legitimacy and this was what they all bore in mind over talks that were usually thorny. Representatives of the present regime do not have such legitimacy." RTV B92, March 4, 2013; Answering the question from the audience about "the criminal past" of Kosovo leader, Hashim Thaci, US Ambassador to Belgrade Michael Kirby said, "All leaders over here are criminals." *Nase Novine*, March 13, 2013.

## Disunity among State Leadership

However, Serbia's "new" foreign policy and diplomatic activity is not uniform at all levels of government. Differences are most notable between the Premier and the First Vice-Premier on the one hand, and the President on the other. While Premier Dačić and Vice-Premier Vučić are focused on the dialogue with Prishtina – for which they score well in EU and US – President Nikolić sticks to the positions of the conservative bloc and relies on Russia and other "anti-American" countries. In late February 2013 President Nikolić bestowed high decorations on the leaders of these countries, although most of them are authoritarian and coming from the countries emerging from the former Soviet Union – from Russian President Putin through heads of state of Azerbaijan, Georgia, Kazakhstan and Uzbekistan to Venezuela (posthumous decoration). He even took trouble to travel to Belarussia in order to pin a medal on its president and European "pariah," Alexander Lukashenko.<sup>586</sup> Boško Jakšić, columnist for the *Politika* daily, commented this cynically, "Dačić and Vučić are darting to and fro in Washington, Brussels and Berlin. Nikolić is active in Belarussia, Azerbaijan and Uzbekistan. While the former two are digging for a date for the beginning of accession negotiations with EU, I expect the later to dispatch the second round of thank-offerings to North Korea, Iran, Cuba and Mali."<sup>587</sup>

Nikolić's gesture "against the wind" was nothing unexpected. For instance, his public criticism of Croatian Premier Zoran Milanović while he was in visit to Belgrade was a diplomatic scandal of sorts.<sup>588</sup> By such behavior, said some commentators, Nikolić is pushing himself on the margins and "turning into a growingly heavier burden, if not an obstacle."<sup>589</sup>

586 He pinned a medal on the President of Belarussia on March 12, 2013, when Belgrade marked the 10th anniversary of the assassination of Premier Zoran Đinđić.

587 *Politika*, March 3, 2013.

588 During the two premiers' meeting in the Serbia Palace, President Nikolić held a press conference assembling mostly foreign correspondents. He called Premier Milanović's visit "insincere" and "wrong," arguing that he /Nikolić/ should have first met with his Croatian colleague Josipović. *Danas*, January 17, 2013.

589 „If Some among You See Zoran Đinđić These Days...," *Danas*, March 16–17, 2013. „Frustrated by the fact that his young proteges shoved him aside

Nikolić's address to the UN session discussing international criminal courts on April 10, 2013 only testified of the above. He repeated all the negative stereotypes about ICTY and its effects.

Yet another player – former “steroidal” foreign minister, Vuk Jeremić – contributes to this diplomatic cacophony. Having banked on Russia, Jeremić was elected the president of the UN General Assembly in September 2012 in lieu of already nominated representative of Latvia. By pleasing Russia Jeremić disturbed Serbia's relations with Baltic states. Latvia is the only EU member-state that has not yet ratified the SAA between Serbia and EU. Ambitious to resume his influence on domestic scene upon return from New York, Jeremić self-promotes his own promotion and pays no heed to the consequences of his actions on Serbia's international position. UN Secretary General Ban Ki-moon had to apologize for the ceremony marking “Serb New Year” Jeremić had organized under the auspices of UN. He also initiated the “global discussion” on ICTY effects in UN on April 10, 2013 (the date of the establishment of the quisling Independent State of Croatia in 1941). According to the correspondent for the Washington Post, US and EU are dissatisfied with Jeremić for “promoting Serb national policy” in his capacity as the President of the UN General Assembly.<sup>590</sup>

## Relations with Russia

The date for accession negotiations – the Serbian government's “top priority” since mid-2012 – questioned the country's relations with Moscow. The new regime had been expected to orient Serbia more towards the East and Russia, the more so since Tomislav Nikolić, even before formally sworn in, directed himself towards Moscow to flatter Vladimir Putin (“Only you would have won more votes than I in Serbia”).

shortly after his victory over Tadić, and confused by his advisers either enamored with Serb Nazism or with Latin American dictators, Nikolić staggers and knows not where to go,” quotes the story among other things.

590 A syndicated article in Foreign Policy, reprinted by PR Department of Bosniak Congress of North America.

Considering official Moscow's obvious self-restraint in commenting the intensified dialogue between Belgrade and Prishtina, commentators and analysts conclude that Serbia has distanced itself from Moscow for the sake of European integration. The same conclusion could be drawn from a critical remark by Jelena Guskova (usually most welcome in Serbia and Republika Srpska) of the Russian Academy of Sciences: Guskova said that Belgrade had not asked Kremlin to "be a warrant" of its agreement with Prishtina.

Finance Minister Mlađan Dinkić's statement (March 2013) that Serbia would halve the amount of the loans from Russia announced at one billion USD could also fit into the "cooling off" scenario. The fact that Serbia will apply to Russia for a 500-million-USD loan only, testifies that speculations about extremely costly Russian credits were correct (conditions under which these loans were given have never been publicized).

On the other hand, an exclusive story run by Politika – according to which Dačić and Vučić visited Moscow at the time Belgrade-Prishtina dialogue came to a standstill over future competences of the planned community of Serb municipalities in Kosovo – contradicts the speculation about Serbia's distancing itself from Kremlin. The paper claimed that the visit was "hidden from the public."<sup>591</sup>

President Nikolić explained Moscow "marginalization" in Serbia's foreign policy and diplomatic activity by the fact that Belgrade-Prishtina dialogue was conducted under the auspices of EU ("The situation would have been different had the dialogue been conducted under the auspices of UN," he said.).<sup>592</sup>

In the finals of Belgrade-Prishtina dialogue when President Nikolić telephoned Russian President Putin the "Moscow card" was pulled out of a hat again. Then, in early April, Premier Dačić paid a visit to Russia. Russian Premier Dmitry Medvedev's statement on the occasion about solving of the Kosovo problem being "Serbia's privilege" sounded more like a rebuke than support. Ivica Dačić's explanation about Russia "being very angry for having learned post festum some developments in Serbia's foreign

591 Politika, March 23, 2013.

592 TV B92, March 25, 2013.

policy” (referring to 2010 when Tadić and Catherine Ashton agreed on moving the Kosovo issue from UN to EU)<sup>593</sup> indicates that Moscow has not been kept properly posted on negotiations with Kosovo.

## European Standards Neglected

The race for a date for the beginning of accession negotiations with EU that overshadows crucial issues of the society’s democratic transformation and modernization rather associates “a pageantry of Europeanization.”<sup>594</sup>

Probably because EU bureaucrats boiled down all their demands from Serbia to normalization of relations with Prishtina, the Belgrade administration shelved all other obligations and prerequisites for EU accession. This is testified by the effects of the government’s and the parliament’s work on the adjustment of domestic legislation to EU standards. In late December 2012 the government published its report on the implementation of the National Program for EU Integration. According to the report, from July 2008 till December 31, 2012 Serbia adjusted 88 percent of its legislation, or adopted 1030 regulations out of 1172.<sup>595</sup> The great majority of these regulations were adopted at the time of the former government and parliament. For instance, in the autumn of 2012 – at the time both the new government and the parliament have already been constituted and functioning – only 48 regulations out of 94 were adopted. Then, out of 19 draft laws the government planned for the period October – December 2012, only four drafts were submitted to parliamentary consideration.<sup>596</sup>

Implementation of the so-called European laws is even more problematic. Non-governmental organizations – including the Helsinki Committee in its annual reports – have been alerting the public to the discrepancy between the legislation and practice, notably in the domain of human rights (Anti-discrimination Act, Law on Councils of National Minorities, etc.).

593 Politika, April 12, 2013.

594 Danas, February 15–16, 2013.

595 Tanjug, February 13, 2013.

596 Danas, February 15–16, 2013.

In early 2013 citizens witnessed the most dramatic case of the government's indifference to European standards. That was when they learned that a much higher level of aflatoxin (dangerous, carcinogen substance) than allowed is found in the milk produced and sold throughout Serbia. Minister of Agriculture Goran Knežević commented that the regulation on the level of aflatoxin in the milk was "passed in the past period at the time of Euro-fanaticism."<sup>597</sup> To make things worse the government simply changed the regulation allowing ten times higher level of aflatoxin in the milk (from 0.05 to 0.5 percent), renounced "Euro-fanaticism" and upheld the "argumentation" propagated by the Minister and domestic manufacturers and merchandisers. Following a hue and cry about the scandal the government – and Vice-Premier Vučić – promised to restore the "European level" of aflatoxin in the milk. To all appearances this will not be the case in foreseeable future.

When it came to power the incumbent administration was beating the big drum for a "reform" of the judiciary reform of its predecessors. EU had explicitly asked for it. However, all the government did was to annul the decisions on judges that had not been reelected in the first place and depose the President of the Supreme Cassation Court.

### **Euro-skepticism Spirals**

Citizens' attitude towards Serbia's relations with EU stands for a paradox of sorts. Namely, while the predominant political elites – in power and in opposition – have never before been so unison about the strategy for a membership of EU, citizens have never been less enthusiastic about it. According to a survey conducted in December 2012, only 41 percent of interviewees supported the country's accession to EU (in some periods after the ouster of Slobodan Milošević even more than 70 percent of citizens shared this view and, except for 2012, the percentage has never been lower than 50). The survey, commissioned by the Governmental Office for European

597 Ibid.

Integration, also showed that citizens' disposition spiraled down 8 percent in the period June – December).<sup>598</sup>

Reasons for the growing Euro-skepticism among citizens of Serbia could be many: no doubt that many of them are tired with waiting for a ticket to EU and actual membership that might take the long haul (10 years at least) and are skeptical of a better life in near future. Besides, there is the crisis within EU moving from one country to another – Italy, Spain, Greece, Cyprus, etc., and there is the announced referendum on EU membership in one of the most powerful member-states, Great Britain. Last but not least, domestic media have been spinning stories about constantly new preconditions to Serbia – a major argument by politicians for long. Commenting the fall in Euro-enthusiasm in Serbia, Maja Bobić, secretary general of the European Movement, said, "It is discouraging that we – and I mean politicians in the first place – haven't better explained to citizens that their idea of a modern and prosperous Serbia was a European Serbia."<sup>599</sup> Analyzing the findings of the above-mentioned survey, Head of the Office for European Integration Milan Pajević said that one third of citizens of Serbia (31 percent) opposed accession to EU, while 19 percent of them would vote "no" at a referendum on membership.<sup>600</sup>

To all appearances, the assumption that the intensified dialogue with Prishtina – the process leading towards recognition of Kosovo's realities – is among the reasons why Euro-skepticism is on the rise is wrong. Namely, another public opinion poll, the one conducted by Ipsos Strategic Marketing, shows that even 63 percent of citizens consider Kosovo an independent country and 61 percent take that Premier Ivica Dačić successfully negotiates with his counterpart, Hashim Thaci.<sup>601</sup>

The same could be concluded from the fact that political parties holding that EU "appropriates" Kosovo from Serbia and that all negotiations with Brussels "demanding recognition of Kosovo's independence" are less and less popular. While the ratings of the ruling SNS are on the upward

598 Ibid.

599 Danas, January 30, 2013.

600 Politika, February 1, 2013.

601 Politika, March 5, 2013.

curve and those of SPS and United Regions stagnate, extreme anti-European parties such as Kostunica's DSS have not profited from the votes "lost" to DS.

While some experts in public opinion polls argue that responses by interviewees often depend on the manner in which questions are formulated, the fact remains that not a single reliable survey on the issue has been conducted in Serbia so far. Coming accession negotiations must have "activated" the Serbian society's traditional resistance to modernization. What challenges Serbia are not only two diametrically opposed tendencies – for and against Europe – but also its actual capacities for transformation and readiness to pursue along this course.

### **New Foreign Minister**

As of the second half of 2012 a new foreign minister, Ivan Mrkić, has been in charge of diplomatic activity. Unlike his predecessor (Vuk Jeremić), Mrkić is almost "invisible."<sup>602</sup> He rarely addresses the press. Although blocking of recognition of Kosovo's independence is also among his priorities, he acts more discreetly than Jeremić.

A professional diplomat himself, he advocates re-professionalization of the Foreign Ministry, especially when it comes to ambassadors. The issue should be regulated under a new legislation on foreign affairs (envisaging, say, that at least 60 percent of ambassadors shall come from the ranks of professionals).

Only once, with his circular letter to Serbia's diplomatic-consular missions he raised the dust. He rebuked heads of missions for having "less motive and incentive" since the change of the regime in Belgrade. He reminded them that "the task of diplomacy worldwide" was to "affirm key decision-makers" no matter of the political option in power.<sup>603</sup>

602 „I am not a politician. I am here to serve the state and this Ministry. Throughout my career I've been endeavoring to speak on behalf of Serbia," he said commenting on his and Jeremić's different approaches to diplomacy. NIN, October 11, 2012.

603 Danas, November 14, 2012.



Out of a number of ambassadors recalled since his appointment, many had already served their terms.

Over his first year in office, the new Foreign Minister took steps to improve relations with neighboring countries, especially with Croatia. He established continual cooperation with Croatian Foreign Minister Vesna Pusić.

## European Council

In March 2012 Serbia obtained EU candidacy. For months following the May elections Euro-integration processes stalled. It was only near the end of 2012 that Serbia moved on – but at its meeting in December 2012 EU Council of Ministers did not consider this progress good enough to fix a date for the beginning of accession negotiations with Serbia.

True, the Belgrade-Prishtina negotiations at the level of prime ministers has been launched in the meantime resulting in major steps forward: Belgrade stopped to boycott regional meetings with Kosovo's participation; integrated border management was established at the most problematic border crossing stations, in Jarinje and Brnjak. This is why official Belgrade hoped for a more favorable progress report in April 2013, if not in December 2012, that would ensure it the date for the beginning of accession negotiations in June 2013.<sup>604</sup>

After lengthy discussion in early December 2012 foreign ministers of EU member-states decided to assess in spring 2013 whether Serbia had fulfilled the conditions for the beginning of accession negotiations. They precisely defined what was expected from Serbia in the next six months:

- To ensure the functionality of a single institutional and administrative setup within Kosovo;
- To continue to implement in good faith all agreements reached;
- To fully respect the provisions of the Energy Community Treaty;
- To find solutions for telecommunications;

604 „Had we not accepted it (integrated border management) we would be speaking now about 2014 or 2015,” Premier Dačić told the Tanjug News Agency; Politika, December 11, 2012.

- To ensure irreversible progress towards delivering structures in northern Kosovo, which meet the security and justice needs of the local population in a transparent and cooperative manner;
- To work together with Kosovo in order to ensure a transparent flow of money in support of the Kosovo Serb community;
- To ensure that EULEX is able to implement fully its mandate in the north;

## Germany

Reporting on the December 2012 ministerial discussion on Serbia in Brussels, the *Politika* daily quoted a diplomatic source claiming these were “Germany’s stands from A to Z” and that Germany remained “a hard-liner.”<sup>605</sup> The quote only confirms that thesis about “Germany that used to be a second fiddle in the Balkans now leads the entire orchestra,” as observer of Balkan developments, journalist Tim Judah, put it.<sup>606</sup>

Serbia’s ex-president, Boris Tadić, was faced with Germany’s position during Chancellor Angela Merkel’s visit in August 2011. The Chancellor made no bones about what Serbia had to do in Kosovo if it was genuinely after EU prospects. The point of the message she put across was full recognition of Kosovo’s territorial integrity, implying dismissal of Serb parallel institutions in the North.

The new regime was faced with Germany’s position from the very start. As the most powerful EU member-state – explicitly sided by the Netherlands and Great Britain in the case of Serbia – Germany has a final say about Serbia’s progress on its way towards EU; in other words, whether or not it deserved to be given a date for accession negotiations at the EU summit meeting in June 2013. “Everything happens in Brussels, but decisions are made in Berlin,” as Vice-Premier for European Integration Suzana Grubješić put it.<sup>607</sup>

605 *Politika*, December 13, 2012.

606 *The Economist*, reprinted by *Politika*, March 4, 2013.

607 *Danas*, February 22, 2013.

First Vice-Premier Aleksandar Vučić is fully aware of Germany's crucial role. Moreover, as by informal casting, Premier Dačić is the one who communicates with Brussels, Vučić communicates with Berlin. (In a TV show, boasting about a new language he learned each year, Vučić announced he would take a course in German in 2013.).

In February 2013, a large parliamentary delegation, headed by Vučić and Grubješić, paid a visit to Berlin. Though emphasizing that "Germans want to see Serbia in EU," their German hosts kept insisting on the pre-conditions formulated back in August 2011. Addressing the press after the visit Vučić said that "tightrope walking" awaited Serbia should it want to obtain the date for accession negotiations.<sup>608</sup> German parliamentarians in visit to Serbia in March 2013 and the delegation leader, Andreas Schockenhoff of the CDU-CSU caucus, confirmed their country's resoluteness in the matter: they reiterated the stands their hosts had been presented with in September 2012. They actually came to see what progress has been made since.

Only should Serbia meet the "seven-point demand" could Germany "justify its yes to the beginning of accession negotiations with Serbia." The focus of the agenda is on "an obvious will for a legally bounding normalization of relations with Kosovo" Serbia should demonstrate. "Both sides should be in the position to demonstrate such a will before the beginning of the negotiations," commented the *Politika* daily.<sup>609</sup>

Germany's demands include dismissal of parallel institutions in Kosovo, reform of the judiciary and the struggle against corruption, regional reconciliation (freed from historical reinterpretations as the one about the Srebrenica genocide) and detection and prosecution of persons responsible of having torched German Embassy in Belgrade in 2008.

608 *Politika*, February 23, 2013. German Foreign Minister Guido Westerwelle asked Vučić on the occasion to get more involved in the resolution of the Kosovo issue as thus demonstrate his support to Premier Dačić. Though stating he intended not to „hide behind nice things and let others tackle the bad ones," Vučić said that Dačić was „quite enough" for the dialogue with Prishtina.

609 *Politika*, March 20, 2013.

During his visit to Belgrade Schockenhoff pointed to three positive developments he called “historically significant:” the dialogue between Dačić and Dačić, President Nikolić’s meeting with President of Kosovo Atifete Jahjaga and the article Dačić penned for the NIN weekly on the occasion of the 10th anniversary of Zoran Đinđić’s assassination (among other things, Dačić wrote, “Ten years of lies that Kosovo belongs to Serbia, the Constitution even put in black and white, are of no avail today.”).<sup>610</sup>

Germany has been Serbia’s most reliable partner ever since the ouster of Slobodan Milošević. Apart from the 1.4-billion-Euro grant Serbia got from Germany in 2000, 250 German companies with total 20,000 employees are operating in Serbia – and have invested 1.5 million Euros so far. Serbia is on the 16th place on the list of Germany’s foreign trade partners (out of 150 countries): the fact is interesting in itself considering Croatia’s 49th and Montenegro’s 73rd place on the list.

Despite of all, the conservative bloc has been consistently fueling the fire of resentment and negative stereotypes about Germany. It has intensified this “anti-propaganda” since 2011 – actually since Angela Merkel’s clear-cut message. Its rhetoric rather associates the one of 1990s alluding to Germany as the “Fourth Reich.” The media under its control have been insisting on Germany’s “brutality” to economically staggering countries like Greece, Spain or Cyprus.

People most agile in the anti-German campaign come from the conservative intellectual circle, close to Kostunica’s Democratic Party of Serbia (Vladeta Janković, Dušan Bataković, etc.).<sup>611</sup> According to them, Germany’s policy for the Balkans has been the same in 1914, 1991 and 1999. Referring to this “debris of history,” political analyst Miodrag Radojević says, “German planes have bombarded us in two world wars and then again in 1999. Germany has provoked ex-Yugoslavia’s disintegration by being the first to recognize Slovenia and Croatia. Even the visit by Chancellor Merkel will be remembered by her ultimatum to Serbia unless it recognized Kosovo.”<sup>612</sup> And historian Predrag Marković argues, “Germany has not made

610 Ibid.

611 Emisija „Stav Srbije“, Televizija Prva, 31. mart 2013.

612 „Između Srbije i Nemačke talog istorije“, Politika, 15. april 2013.

a single gesture of sympathy for Serbia.” He calls Germany’s support to countries in the region “humiliating” – he explains it ironically, “We are helping you but you are nevertheless angry with us for having disintegrated your state.”<sup>613</sup> For German journalists, statements as such “revive the specters of 1990s” in the relations between Serbia and Germany.<sup>614</sup>

## United States

Philip Reeker, us high foreign service officer, was in Brussels throughout the Belgrade-Prishtina talks. The Department of State’s “silence presence” testifies of the major role Washington had, as a “background player,” had in the finals of the settlement of the Kosovo issue: Germany and us equally press up Serbia to recognize the new reality in the region.

The same as their European counterparts, us officials publicly support the new administration in Belgrade. This is especially the case when it comes to the government that, as Philip Reeker puts it, “demonstrated the capability of understanding best prospects for all citizens of Serbia.”<sup>615</sup> He particularly praises Premier Dačić whose leadership and whose ability to “establish working relations with Premier Thaci was worthy of admiration.”<sup>616</sup>

Indicatively, throughout 2012 and in early 2013 Washington-Belgrade high level talks were by far more frequent than in final years of Boris Tadić and “his” government’s era. In October 2013 Secretary of State Hillary Clinton (together with Catherine Ashton) paid a visit to Belgrade, this being practically her last diplomatic mission. In December 2012 Vice-Premier Vučić visited Washington and, among others, met with Secretary of Defense Leon Panetta (no defense minister of Serbia before him had such a high-level meeting). On the occasion of the National Prayer Breakfast 2013 Premier Dačić had a brief meeting with the newly appointed Secretary of State John Kerry. Then, at the enthronement ceremony of new Pope

613 Isto.

614 Isto.

615 „Vođstvo Dačića vredno divljenja”, Filip Riker, za Danas 30–31. mart 2013.

616 Isto.

Francis I on March 18, 2013 President Nikolić met talked to us Vice-President Joseph Biden.

Judging by concurring statements by us officials, us want not only to see the Kosovo problem settled but also Serbia on unbending course to Europe. During his visit to Washington Aleksandar Vučić gave one of his “most European” interviews, saying, “Accession to EU is our main objective and the only way to improve the living standards of our citizens and join a wider democratic circle. We may be critical about some EU decision but this is a criticism of one’s own family...”<sup>617</sup>

During her farewell visit to Belgrade, Hillary Clinton not only emphasized that “Kosovo is an independent state” and that “borders in Europe will not change” but also said, “America understands constitutional and political restrictions due to which Belgrade authorities wish not to recognize Kosovo.” However, she added, “Many things can be accomplished if Serbia and Kosovo work together in mutual interest.”<sup>618</sup> She also promised US support to Serbia’s accession to EU.

President Nikolić spoke highly of his meeting with Vice-President Biden, taking pride in the fact that the meeting lasted longer than envisaged by protocol. “The information Washington was getting did not correspond to the actual state of affairs in Belgrade-Prishtina relations,” commented Nikolić.<sup>619</sup> Neither than or later did he detail what it was Washington had been “kept in the dark” about.

## Turkey

Preoccupied with problems in its Middle East neighborhood (Syria, Israel, Iran) throughout 2012, Turkey left its influence on the Balkans to a “soft power” – TV series that are most popular in Serbia and other countries in the region.

Ankara followed the change of the regime in Belgrade attentively and carefully. Namely, during Boris Tadić presidency Ankara and Belgrade

<sup>617</sup> Politika, December 7, 2012.

<sup>618</sup> Danas, October 31, 2012.

<sup>619</sup> Politika, March 19, 2013.

established close communication, especially within the trilateral one, including Sarajevo. Besides, Turkey had been involved in the attempted normalization within the Islamic community in Serbia.

Nikolić's election as president and the government formed on that account questioned the continuation of the policy of appeasement and cooperation between the two countries. This was the more so since influential domestic Islamologists (led by Darko Tanasković) had been warning against Turkey's "foreign policy strategy" that was, as they put it, neo-Ottoman in the context of the Balkans. Quoting other authorities they have been arguing against Turkey's membership of EU.<sup>620</sup> They had been fueling Islamophobia and fear of a "natural alliance" of Turkey, Bosnia-Herzegovina and Kosovo. Some had been even claiming that the plan for Belgrade-Prishtina normalization had not been developed in Brussels or Washington but in – Ankara.<sup>621</sup>

It turned out, however, that the new regime was rather pragmatic when it came to Turkey – looking for its investments in Serbia in the first place. In February 2013 Tomislav Nikolić and a large delegation of Serbia's businessmen visited Ankara and Istanbul. They were warmly welcomed by Turkey's President Abdullah Ghul. After a meeting that took place behind closed doors, Nikolić and Ghul told a joint press conference that the time had come for "Serbia and Turkey to cooperate to the last breath" and announced Turkey's "investment boom" in Serbia (President Ghul).<sup>622</sup>

According to some estimates, Turkey – the biggest economic power in the region – has invested less than 100 million Euros in Serbia. At the same time it invested 9.5 billion in Rumania, some 4.5 billion in Bulgaria and as much as 1.1 billion in Kosovo. The relatively modest economic cooperation between the two countries amounts to some 200 million Euros

620 In the book of collected interviews with Darko Tanasković titled "Anatomy of Thought" Tanasković, former Ambassador to Turkey and Vatican, claims that Cardinal Ratzinger – before elected Pope Benedict XVI – told him that some European politicians' advocacy for Turkey's membership of EU was an absurdity, almost a "political and historical aberration." Allegedly, Ratzinger also said that Europe could remain Europe only should it safeguard its spiritual-cultural, Christian identity. Danas, March 2–3, 2013.

621 Svedok, April 16, 2013.

622 Politika, February 5, 2013.

per year. Major investments of Turkish businessmen in construction of roads, airports and an industrial zone at the Pester Plateau (especially investments in the Sandžak region) have been announced for years now.

Turkish Ambassador to Belgrade Mehemet Kemal Bosai has also announced a “new chapter” in bilateral economic relations. Referring to Turkey’s investment philosophy of “being in the right place at the right time,” he said, “Serbia is the right place and now is the right time.”<sup>623</sup> According to him, Turkish investors are most interested in infrastructure (Corridor 10 and Corridor 11, airport in Kraljevo, and energy plants) and transfer of technology.

As for the political aspect of Ghul-Nikolić meeting, the two presidents agreed to renew trilateral meetings to include Bosnia-Herzegovina and announced the first such meeting for May 2013. However, the agreements made at the time were seriously questioned later on when Nikolić addressed the UN General Assembly session on ICTY. What he said on the occasion embittered members of the Bosnian Presidency, Bakir Izetbegović and Željko Komšić.

## **Anti-European Bloc**

Though fed on Serbian society’s traditional skepticism toward modernity, pluralism, democracy and human rights, the anti-European bloc practically lost its key political ally in 2012. Having come to power, SNS and its leaders, Tomislav Nikolić and Aleksandar Vučić, had to face the disastrous economic situation of the country and – in fear of total collapse – managed to “skip over their own shadow.” Commenting on it, the London-based Economist wrote that Serbia’s new leaders were behaving differently than everyone had expected them before they came to power.<sup>624</sup>

When it proclaimed that Serbia would pursue the course toward EU, SNS formally split with the anti-European bloc leaving DSS as the only parliamentary opposition to this policy. Kostunica, DSS leader, advocating for the end of the movement towards EU is supported by influential

623 Politika, April 15, 2013.

624 Politika, December 20, 2012.



intellectual and media circles, non-parliamentary parties (Serb Radical Party and Dveri), right-wing organizations and groups and their mentor – Serb Orthodox Church /SPC/. All of them taken together, however, are not powerful enough as a movement capable of enforcing the end of Belgrade-Prishtina dialogue and Serbia's U-turn to the East and Russia instead of Europe.

President Nikolić's disputable statements and gestures often act like tonic to this part of Serbia's sociopolitical scene. In final analysis, however, they generate confusion rather than identify him anew as a political leader capable of opening other vistas (other than European) to Serbia. For instance, in October 2012 Nikolić told the *Večernje Novosti* daily, "If faced with a choice between Europe and Kosovo, Serbia will give up the European course."<sup>625</sup>

On the other hand, when in December 2012 Serbia accepted the integrated border management in Kosovo – the act the conservative bloc considers de facto recognition of Kosovo's independence – Nikolić put across quite a different message. Also, under the pressure from "realities" and two other key players, Vučić and Dačić, Nikolić waived some major stands from the Platform on Kosovo he had penned.

In the eyes of nationalists and "patriots" he was thus disqualified as a national leader. Commenting on the new regime of border management, Boško Obradović of Dveri said, "The people no longer trust their former leader and would go on protest no more if urged by him."<sup>626</sup> "People's trust in a true opposition has to be restored...And their trust could be restored only by a united patriotic front, initiated by DSS, SRS and Dveri, and then promptly joined by many patriotic organizations, diaspora and intellectuals, as well as SPS and SNS voters opposing Serbia's membership of EU at any cost," he added.<sup>627</sup>

The anti-European bloc was frustrated throughout the talks between Belgrade and Prishtina. This was evident in its strong rhetoric and

625 *Politika*, October 17, 2012.

626 *Politika*, December 17, 2012.

627 *Ibid.*

defamatory remarks to the new regime, labeling its leaders “traitors” and “capitulatants” to ultimatums by Brussels, Berlin and Washington.

The bloc’s strategic goal is to have Serbia back out from European integration and establish closer ties with Russia. Its criticism of the new regime – the same as the former one – for claiming that “there is no alternative to Europe” was now backed by economic argumentation. Experts from the Center for Liberal-Democratic Studies (chaired by law professor Boris Begović) advocates Serbia’s membership of European Economic Area /EEA/. They argue that economic advantages of the membership of EEA are the same as of EU membership but the former is not preconditioned by politics. However, what they sweep under the carpet are the facts that EEA has not admitted a new member since 1991 and that some EU member-states in its membership would not exactly like to see Serbia in their ranks.

The bloc was greatly relieved when Belgrade said ‘no’ to EU in early April 2013 – it felt triumphant. Convinced that Belgrade-Prishtina talks would come to an end (“Our NO sounds more and more convincing and self-assured,” wrote Milorad Vučelić, editor of the *Pecat* magazine), they were looking forward to the same scenario for Serbia’s course towards EU. And yet, only ten days later premiers Dačić and Thaci initialed the agreement.

The bloc’s rhetoric radicalized. Leader of DSS Vojislav Kostunica said the regime had given its consent to the abolishment of the state of Serbia in Kosovo, put Serb people at the mercy of Albanian separatists and trade off the territory of Kosovo for a worthless date for the beginning of accession negotiations with EU. “This regime is a statecide as it destroyed Serb governmental institutions in Kosovo,” he said.<sup>628</sup>

Serbs in Kosovo North were also dissatisfied, announcing they would reject the agreement and get self-organized. Given that all relevant parties – in power and in opposition alike – welcomed the agreement, the grudge of the anti-European elites and their followers was kept under the control.

628 *Politika*, 20. april 2013.

## Conclusions

Despite its many limitations, Serbia's government pursued the course toward EU. European prospects would be irrevocable should Serbia obtain a date for accession negotiations with EU in June 2013.

In this context, the government should

- Work on the implementation of everything agreed on in Brussels;
- Focus on the implementation of European values and standards in other areas, especially in the administration;
- Speed up reforms, notably the "reform of the reformed" judiciary;
- Contribute to a change in the public discourse about EU and European values;
- Work towards moral renewal of the society with particular focus on the education system;
- Endeavor to renew relations of mutual trust in the region, considerably disturbed during its first year in power;
- Adjust foreign policy to the course towards EU.

## Russian interests in Serbia

Serbia's dioptra often blows up Russia's interest in it. Moscow's last foreign policy document touches on Serbia only twice. It mentions it once when stating that together with Armenia, Uzbekistan, Iran, Cuba and Syria, Serbia is among the countries "the Russian Federation has supported steadily" and, therefore, expects from them "concrete economic compensation, including privileged import, investment, transit, etc. regimes in accordance to /each country's/ international isolation." It refers to Serbia for the second time when suggesting, "Cooperation with Serbia in the domain of thermal energy should be activated, primarily in the realization of the South Stream construction project and implementation of the Military-Technical Agreement."<sup>629</sup>

And yet, one should not underestimate the significance Moscow attaches to its "Serbia-wise position" in the Balkans. Skeptical about EU's integration capacity in the long run and hoping to see EU's core /around Berlin/ crystallize differently, Russia has been cooperating with the countries of "old Europe" and in parallel focusing on the "problematic rest," Europe's periphery: the Balkans. It tries its best to be present where it should be present – in this periphery – when the expected EU enlargement begins. So it endeavors to keep its political, and even more economic, standing in Serbia, the country customarily confused about its identity and thorn between the tradition and the modernity.

Incapable of coping with modern times, Serbia has been a knotty partner to the West and Moscow alike. There have been ups and downs in Kremlin's "success chart" in Belgrade. Russia has dragged on the financial support Serbia needed badly. Instead of "yet another loan" all Serbia's governments hoped to get easily from Russia, they got "long-term" visions.

According to some observers in the West, "Serbia is the main goal of Russia's policy for the Western Balkans" considering Moscow's strategy for

hindering democratic transformation in the Balkans and in East Europe.<sup>630</sup> By keeping Serbia away from EU and NATO can safeguard the pivot of its influence in the region with reliance on the unsettled Kosovo issue.

## Russia and Kosovo

Kosovo has been the crucial link in the chain of Serbia's cooperation with Moscow and its plan to undermine and, if possible, prevent its independence. As for Russia, a UNSC member-state, tarrying resolution of the Kosovo problem and turning it into yet another "frozen conflict" – like Pridnestrovie or Karabakh – would ensure its "Balkan role" in the longer run. The commentary the Voice of Russia aired on the occasion of the 20th anniversary of Republika Srpska – this broadcaster sees as capable of coordinating the process of unification of Serb ethnicity – testifies of the potential "field of action" for Russia in this region:

"...It /Republika Srpska/ is concerned with Serbs in Kosovo, maintains close relations with Serbia and helps it /Serbia/ to pull through...The International Institute of Middle East and Balkan Studies in Ljubljana takes that the Banjaluka-Belgrade-Moscow triangle that will secure safe action to Serbs has already been established."<sup>631</sup>

Commenting on the significance of Republika Srpska, the Voice of Russia continues, "This Serb victory in Bosnia-Herzegovina is worthy of respect given Serb losses elsewhere – in Croatia, Kosovo and Montenegro. They have strengthened their statehood in Bosnia-Herzegovina only. Today's Serbia is in a deplorable state due to the policies of former governments: it has lost national compass and feeling of patriotism, it has false goals, it is economically devastated and it has an impotent army that behaves like a servant rather than a master in its own home. Today, only Republika Srpska respects its own people and has become a pivot of Serbhood in the Balkans...Republika Srpska is no longer concerned with its survival only but makes plans for a wider platform: it tries to find answers

630 [http://www.jamestown.org/programs/edm/single/?tx\\_ttnews%5Btt\\_news%5D=39920&cash=b22a66e254427ded96233bfc56e6243a](http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=39920&cash=b22a66e254427ded96233bfc56e6243a).

631 [http://serbian.ruvr.ru/2012\\_09\\_28/republika-srpska-kao-faktor-stabilnosti-na-balkanu/](http://serbian.ruvr.ru/2012_09_28/republika-srpska-kao-faktor-stabilnosti-na-balkanu/).

to the problems plaguing all Serbs, from Kosovo, through Montenegro to Croatia; it plans joint actions for protection of Serbs in the Balkans; it invites all Serbs in the region to unite in a common policy and for a common goal. Republika Srpska is ready to help Serbia to become stronger and more independent...Milorad Dodik works for the protection of the Serb people regardless of the countries of their domicile."<sup>632</sup>

Moscow and Belgrade established close cooperation on the issue of Kosovo. In 2004 and at the request of Vojislav Kostunica cabinet Russia promised to help Serbia in UN in its campaign against recognition of Kosovo independence. Russia's advocacy for Serbia's cause implied harmonized foreign policy steps by the two parties. However, in 2010, during Boris Tadić's presidency, Belgrade eschewed harmonization when it withdrew its draft Kosovo resolution – emphasizing that “unilateral secession cannot be an acceptable method for the resolution of territorial disputes” – in UN General Assembly.

Moscow was taken aback. Its relations with the government in Belgrade, formed around the “pro-European” Democratic Party, became chilly. According to the Voice of Russia, Boris Tadić was the most responsible for such an unexpected turn. “Not a single person in Serbia is unaware of all the things Boris Tadić is to blame. Gentle and warmhearted to the eye, he was a resolute decision-maker and brought Serbia to the verge of destruction, to actual dissolution (Kosovo, Vojvodina, South Serbia),” quoted the commentary of the Voice of Russia.<sup>633</sup>

However, the blow struck against official relations did not disturb the relations between Russia and the “mainstream Serbia” represented by nationally oriented political groupings. This “mainstream Serbia” worships Putin and despises “traitors” among Belgrade authorities. Even President Tomislav Nikolić admitted how things stand by saying to Putin, “I wouldn't have won the election only if I had Vladimir Putin running for Serbia's presidency.”<sup>634</sup>

632 [http://serbian.ruvr.ru/2012\\_09\\_28/republika-srpska-kao-faktor-stabilnosti-na-balkanu/](http://serbian.ruvr.ru/2012_09_28/republika-srpska-kao-faktor-stabilnosti-na-balkanu/).

633 [http://serbian.ruvr.ru/2012\\_12\\_22/Promene-na-političkoj-sceni-Srbije/](http://serbian.ruvr.ru/2012_12_22/Promene-na-političkoj-sceni-Srbije/).

634 <http://www.kremlin.ru/news/15447> .

Alexander Putin – Russian ambassador advocating Russia’s cause with missionary fervor but also with sternness of a delegated apparatchik – spared no effort to save “close, brotherly relations between two Eastern Orthodox nations” when Democratic Party tried to channel Serbia towards the West. He was a diplomat who never withheld his criticism of the government he was accredited with. He admonished Belgrade relentlessly as if he thought the greater part of Serbia understood him better than its own government. He was called “Serb Ambassador to Serbia.”<sup>635</sup>

In 2009, commenting on the criticism of the Serbia-Russia agreement on the sale of NIS (Oil Industry of Serbia) that benefited Russia, Konuzin told the press that some members of the Serbian government “opposed the development of Russia-Serbia relations.” The Ambassador’s high-toned question, “Are there any Serbs here?” posed to the participants in the panel discussion on security issues in the heart of Belgrade probably raised even more controversy. Konuzin was annoyed by the debate focusing on global security and Russia’s pretension in the Balkans rather than on barricades at Brnjak and Jarinje border crossing stations in Kosovo North.

Before leaving Belgrade (2012) Konuzin said, “I am leaving you closely tied to Russia.” This is how he summed up his activities in Belgrade – he was satisfied because the Russia-Serbia “train of closeness” was back on track.<sup>636</sup>

Democratic Party, a driving force of the pro-West policy, lost the elections. Its leader, Boris Tadić, was defeated by Tomislav Nikolić, leader of Serb Progressive Party /SNS/, in the presidential race. The newly elected President Nikolić and his party are deeply inclined to Russia. The Socialists that used to be in coalition with the Democrats joined Progressists after the elections. Moscow was working and mediating behind the scenes. Having visited Moscow, Ivica Dačić, leader of Socialist Party of Serbia /SPS/, decided to break up with Tadić and make a coalition with SNS. He had also paid a visit to Moscow before his party formed the government with DS in

635 [http://serbian.ruvr.ru/2012\\_09\\_17/Aleksandra-Konuzina-za-pocasnog-građanina-Srbije/](http://serbian.ruvr.ru/2012_09_17/Aleksandra-Konuzina-za-pocasnog-građanina-Srbije/).

636 *Večernje novosti*, September 15, 2012.

2008 and denied Russia's influence afterwards. But this time he made no bones about Moscow's insistence on a coalition with the Progressists.<sup>637</sup>

Moscow had many reasons to put across the message Konuzin gave voice to – Serbs, you are back on the right course and must be careful now. “I would like to wish Serbs to resume trust in their own power; to be inspired by the heroes of their history, to get united and build a new Serbia, to look after every inch of the territory they have inherited from their ancestors...Russia will always be your closest friend,” said Konuzin.<sup>638</sup>

Asked about his overt “sympathy” for SNS and SPS, and the chances for the new government to pursue “the policy that will bring Serbia even closer to Russia,” Konuzin explained that he had cherished relations with all the parties friendly to Russia. “And such parties make up a great majority over here,” he added. Commenting on the newly formed government, Konuzin said, “Judging by what officials of the ruling coalition are saying and the steps the Serb leadership is taking now, our two countries will really become closer to each other and enter a qualitatively new era of bilateral relations.” He confirmed Russia's interests in the Balkans, explaining this by the “dictate of geography and history.”<sup>639</sup>

## **New regime and Russia**

First steps taken by the new regime in Belgrade testified that the “Russian course” was restored. In five months of his presidency, Nikolić traveled to see Putin twice, before and after Putin's inauguration. “I am proud that I will be presiding over Serbia in a manner that benefits the interests of Serbia and Russia,” Nikolić told Putin during their first meeting in May 2012, shortly after his election. In Moscow the two of them attended the congress of United Russia, a sister party of SNS. Russophilia of the Serbian President is nothing new. But at the photos with Putin Nikolić seemed to be deeply moved. “I thank Russia for its support to Serbia, especially when it comes to the safeguard of its sovereignty in Kosovo and Metohija. I am

637 Danas, September 15–16, 2012.

638 “I Cannot Be More Serb than You,” *Vreme*, September 13, 2012.

639 *Ibid.*



confident that the cooperation between Serbia and Russia would spiral in no time. I would like you to know that Serbia is Russia's partner in the Balkans...Serbia loves you. And you deserved this love by the manner you rule Russia," Tomislav Nikolić said to Putin.<sup>640</sup>

Nikolić did not deny Belgrade's former pro-European policy; on the contrary, he told Putin, "Serbia is on its way towards EU. That's a long way to go, and its final destination is uncertain." His resolute denial of any political bargain over Kosovo could have been finally music to Moscow's ears. Nikolić said that to his knowledge EU did not precondition Serbia's accession with recognition of Kosovo. "Should it /precondition/, we would not accept even at the cost of terminating all negotiations," he said. Referring to NATO he said, "A parliamentary resolution obliges Serbia to military neutrality, so Serbia will not join NATO." "This is what I openly promised to citizens of Serbia over the election campaign, and I won the election," he emphasized.<sup>641</sup>

On the same occasion Vladimir Putin admitted that he was also thinking about Kosovo. "In our view, a UN decision must be carried out, which means the Resolution 1244."<sup>642</sup> As he put it, Russia considers Serbia not only its traditional but also a major partner in the Balkans. "We consider Serbs our spiritual brothers, and that makes the foundation of our bilateral relations, today and tomorrow. Welcome," said Putin.<sup>643</sup>

In an interview with Russian "Regnum" news agency Nikolić said that Serbia should join EU but not at any cost. "Nothing should be accepted at any cost. The territory of Kosovo and Metohija is the cost we shall never pay," he said. Asked about the priorities of Serb-Russian cooperation, Nikolić replied, "Economic relations are top priorities." He also said that Serbia could be a "bridge over" EU-Russia cooperation and that Russia could build hydroelectric power plants in Serbia and cooperate with Serbia in the domain of gas production. For its part, as he put it, Serbia can supply Russia with "almost all types of products." Asked about

640 <http://www.kremlin.ru/news/15447>.

641 <http://www.kremlin.ru/news/15447>

642 Ibid.

643 Ibid.

his opinion of Euro-Asian union and Serbia's possible cooperation with it, Nikolić said that Belgrade should first "get better informed about the principles on which this alliance rests." However, he added, "Serbia must join all economic alliance worldwide, which suit it, especially the alliances formed with Russia's participation." "But Serbia will not join any military alliance."<sup>644</sup>

Not everyone in Russia seemed convinced by Serbia's shift towards Russia manifested over this visit. The Voice of Russia reported that participants in the round table assembling Russian and other experts in Russia-Serbia relations debated "whether Belgrade steers towards Russia."<sup>645</sup> The participants were not exactly impressed by Nikolić's visit. Over the past years Serbia's strategy followed one course only: the course to Brussels and the West, although it was transmitting sos to the East, to Russia in the first place, whenever it came to Kosovo, concluded the participants.<sup>646</sup>

"All in all, Serbia was heading towards the West but turning to Russia whenever in dire straits. That's not a candid policy and such a policy did no good to Serbia. The time has come for changes. According to all analyses, Russia played a major role in Serbia's post-election period, and for the first time crushed the West's monopolistic influence on forming of ruling coalitions in Serbia. This is evident in intensive communication between Belgrade and Moscow over past weeks – from humanitarian aid, through security issues and strategic partnership in Serbia's energetics, to political issues. So, we already witness changes but these changes will not be dramatic – and probably need not be. It is better to steer Serbia's strategic boat slowly but surely, towards stronger and more intensive cooperation with the Russian Federation," remarked a participant.<sup>647</sup>

Addressing the round table Jelena Ponomaryova, expert in Balkanology, said, "Are political relations between Serbia and Russia compatible with Serbia's membership of EU? Hardly so. I wouldn't say Serbia has changed and really transformed its course. This is all more about a minor

644 <http://www.regnum.ru/news/polit/1535250.html#ixž1vuvRmNIJ>.

645 [http://serbian.ruvr.ru/2012\\_09\\_01/Kud-plovi-srpski-brod-prvi-deo/](http://serbian.ruvr.ru/2012_09_01/Kud-plovi-srpski-brod-prvi-deo/)

646 Ibid.

647 Ibid.

correction. European clerks are now dictating Serbia's agenda. After his inauguration President Nikolić met with European Commissionaire for Enlargement Fule and the two discussed what it was Serbia should do to be treated favorably by EU. And over his meeting with Ashton Nikolić explicitly said that Serbia had no future other than EU...And there is yet another factor we need to take into consideration: former US ambassador to Serbia, William Montgomery, was the main political adviser to Nikolić during the election campaign. Moreover, Americans played an active role in the process of formation of the Serbian cabinet. In early July Philip Gordon, US deputy secretary of state for Europe and Euro-Asia, paid a visit to Belgrade and met with all key players at Serbia's political scene. All this indicates that the West has been lobbying for itself in the region. In my view, Russia should have been more active in Serbia before its government was formed – serious agreements are usually made before people are actually appointed.”<sup>648</sup>

She concluded, nevertheless, that Serbia has been and still is Russia's major historical ally. In this context, neither can Serbia distance itself from Russia nor the other way round. “I think that Serbia tries to have a poly-vector policy and that the Russian vector is among the main ones. Belgrade will do its best to develop good relations with Russia. But given that good is a rather slippery term, we need to see actual acts.”<sup>649</sup>

The Serbia-Russia summit in May (2012) took place before Putin was inaugurated the president for the third time. Nevertheless, Nikolić and Putin discussed the avenues for a better cooperation between the two countries, especially economic. Putin said that there were many tasks to be accomplished in this area, the tasks that were not simple, and added, “I hope the cooperation between Serbia and Russia would facilitate not only what each of our two country has to do but also the solution to the problems facing the leadership of Serbia.” He also said he looked forward to forming of Serbia's new government. And, as he put it, he was satisfied with the growth of the trade of goods and services, and the level of

648 Ibid.

649 Ibid.

“Russia’s overall investment in Serbia’s economy, totaling one billion and 400 million us dollars.”<sup>650</sup>

“All in all, that’s far from being a bad indicator,” concluded Putin, adding, “Two years ago we offered Serbia a 200-million-dollar loan and are now ready to pay the second, 800-million-dollar installment. This is the loan for infrastructural projects. We are ready to support their implementation. We are waiting for concrete proposals from our partners in Serbia, the proposals that will be technically and economically sustainable. Please, dear Mr. President, give impetus to the work of the newly established administrative structures.”<sup>651</sup>

Nikolić promised that Serbia would submit good project proposals and thus realize the Russian loan that had been discussed for several years. “As we prepared for the elections we developed many project proposals for joint investment with Russia,” said Nikolić, underpinning that Russians and Serbs were brotherly nations. “States and nations are usually tied by economic interests. But ties between Serbia and Russia exceed by far economic interests. A better and a safer life for Russians means a better and a safer life for Serbs,” he said.<sup>652</sup>

On this occasion Putin invited Nikolić to pay him an official visit after his inauguration ceremony – “at any time that suits Nikolić.” Nikolić will always be “welcome in Russia.” “Russia’s leadership and general public are aware of his attitude towards Russia and appreciate it,”<sup>653</sup> said the Russian leader. For his part, Nikolić promised that the new government would be “tasked with the establishment of a close cooperation with the government of Russia without delay.”<sup>654</sup>

The two presidents met for the second time in Sochi, in September 2012. They summarized the outcomes of their agreements, the actual effects of which, as they put it, would be visible only in early 2013.

650 <http://www.kremlin.ru/news/15447>

651 Ibid.

652 Ibid.

653 Ibid.

654 Ibid.

## Effectuation of the “Russian policy”

The SNS-SPS coalition government and Premier Ivica Dačić on the one hand, and their Russian counterparts on the other, focused on mending bilateral relations, the Democrats’ cabinet had impaired. Relations with Moscow were restored among governmental priorities. Belgrade stuck to the development of a polycentric cooperation – probably contrary to the expectations of Russian Balkanology strategists – and Tomislav Nikolić said in Rome in the autumn of 2012, “I’ve always wanted Serbia to be a bridge between the East and the West. Not using the advantages of such a good position would be wrong. We want Serbia to continue its course towards Europe, but it would do it no harm to simultaneously develop economic cooperation with the countries outside EU.”<sup>655</sup>

The general public in Serbia was pleased with the news about resumption of the South Stream project. Newspaper headlines were euphoric – “A Big Russian Company Interested in Buying the Smederevo Steelworks and the Agreement Is at Hand, Said Ivica Dačić,”<sup>656</sup> “A Higher Quota for Steel Products Export to Russia Is an Option,”<sup>657</sup> or “Serbian and Russian Governments Sign a Gas Agreement.” There were also headlines such as “The Russian Billion Is at Hand,” “Loans to Be Taken from Creditors Offering Best Conditions – Russia and China, Best Creditors so far,”<sup>658</sup> “One Billion to Serbia – 300 Million This Year and 700 Million in 2013,”<sup>659</sup> etc.

“In the previous period we have probably treated Russian investors differently. But now we are ready to offer them whatever they want, from agriculture to energetics, and under the same conditions as to other investors,” said a commentary run in the *Politika* daily. Papers went even more euphoric over the announced Serbia-Russia cooperation in the production of light armored vehicles and heavy artillery, running banners such

655 Beta, October 8, 2012.

656 Večernje Novosti, September 27, 2012.

657 Blic, October 1, 2012.

658 Večernje Novosti, October 20, 2012.

659 Večernje Novosti, October 27, 2012.

as “Building Tanks with Bachuska!”<sup>660</sup> “Serbia and Russia to Construct Armored Vehicles for Africa too!”<sup>661</sup> or “Bachuska Brings Good News.”<sup>662</sup>

Public opinion polls confirmed Russia’s absolute prestige among citizens of Serbia. The “top list of friendly states” did not change when compared with 2011 – Russia topped the list, followed by Greece and China.<sup>663</sup>

General Leonid Ivashov, demobilized officer in charge of moral-political education in the Cold War era and close friend of Belgrade-seated nationalistic media, paid yet another visit to Serbia. “My advice to Serbs is not to rush to EU,” he said. “My advice is that you should first carefully examine the case of Greece that used to be more prosperous before joining EU...Serbs must decide for themselves whether they are ready to trade the place that is sacred to them. For, trading Kosovo would be the same as if we, Russians, decided to bargain our miracle icon of the Virgin Mary. Global constellation is changing. The Kosovo problem should be frozen, therefore, and all negotiations on its recognition ended immediately... Russia is getting stronger and stronger, while the entire world is coming together to confront the aggressive ideas of us and NATO,” he said.<sup>664</sup>

All this indicates that Kosovo is the bedrock of the Russia-Serbia policy (apart from the profit Russia made on Serbia’s energetics and other domains of economy). Moscow wanted to test Belgrade’s tenacity in preventing international recognition of Kosovo’s independence. The visit Dmitry Rogozin paid to Belgrade in November 2012 should be perceived in this context.

Rogozin is a vice-premier of Russia in charge of military industry. His visit was formally focused on the military cooperation. However, there was a reason more for his visit. “Russia got a reliable and serious partner in Serbia’s new authorities. We stand by you, Putin stands by you, and what we need is a strong Serbia standing for its interests. We have money to invest in your country and are willing to. And I believe we will not have

660 Večernje Novosti, December 2, 2012.

661 Blic, November 29, 2012.

662 Kurir, November 29, 2012.

663 Danas, October 18, 2012.

664 Pecat, 242/2012.

a 'marriage' of convenience but shall marry for love," said Rogozin.<sup>665</sup> "I expect Serbia to become a stronger state once our agreements are implemented, and so much stronger that everyone would have to think twice before using arms against it," he emphasized.<sup>666</sup>

The talks with Rogozin explored the avenues for production of military equipment in the territory of Serbia. The two parties agreed that in some segments Serbia was capacitated for the production of arms and military machinery for competitive markets. Serbia's First Vice-Premier Vučić said that a new plant would be constructed in Velika Plana by the end of the year and would be producing, together with Russia, armed transporters and self-propelled artillery "Nora" for the Army of Serbia and for export to Kenya and Bangladesh.

Rogozin said the People's Assembly of Serbia would soon decide to send its delegation to the parliamentary assembly of the Collective Security Treaty Organization /ODKB/ that would accord Serbia a permanent observer status. The Treaty assembles most of ex-Soviet republics, published the Russian Word.<sup>667</sup> The Russian Word, the governmental mouthpiece, elaborated on what Rogozin had in mind by referring to Kosovo:

"If what Rogozin meant to put across were just such 'advices' that would have been a geopolitical sensation to say the least. But there was no sensation at all. What the Russian Vice-Premier actually had in mind was, 'If recognition of Kosovo conditions your accession to EU, you should think twice about that condition. This is a brazen condition, but it is upon you to accept it or not. As for Russia, it will support any decision you make...The advice to Serbia to 'think twice' is a subtle message rather than an appeal to Serbia to give up Kosovo...His /Rogozin's/ statements were not populist, meant to please some people in Serbia. In an interview with RTS he clearly messaged, 'Let me put it strait – we are close friends but Russia is not your lawyer. All we advocate for is justice and the truth, and the truth is that Kosovo is an integral part of Serbia. In this, we are standing for the international law...As it seems Rogozin let the Serbian public and authorities

665 Večernje Novosti, November 29, 2012.

666 Ibid.

667 [http://ruskarec.ru/articles/2012/12/13/razmisljanje\\_o\\_onomu\\_uslovu\\_18743.html](http://ruskarec.ru/articles/2012/12/13/razmisljanje_o_onomu_uslovu_18743.html)).

know that Russia could not exert pressure on Serbia and channel its domestic and foreign policy. Moscow will be forced to orient its activities towards the decisions made by the Serb leadership, whatever they are. By this he underpinned what Sergey Lavrov said four years ago, 'Russian cannot be more Serbs and Serbs themselves.' Russia made yet another signal to the Serb leadership that obviously tries to keep a foot in both camps: it wants Serbia to become an EU member-state without having to recognize Kosovo's independence. Be it as it may, the Serbian government will have to make up its mind. No expert could predict the decision it would make. It could be said, therefore, that the Russian Vice-Premier's statement was the right one and corresponds to geopolitical realities."<sup>668</sup>

The article motivated interpretations by analysts in Belgrade. Professor Predrag Simić observed that Rogozin had made no bones about what Serbia could expect from Russia. "It means that it can expect the South Stream and a credit, but cannot expect Nicolai the Second to return from the grave and go to war against the West just to save Serbia. The Russia of today would never do such a thing. Expectations over here are rather unrealistic," said Simić, adding, "The Russian Vice-Premier was quite precise, clear and fair in letting Serbian politicians know what their realistic expectations from Russia could be."<sup>669</sup>

Historian Dragan Petrović of the Institute of International Relations wrote, "For the past four years and a half – ever since the fall of Kostunica's second cabinet – Russia has been facing the official Belgrade's tactics in the fundamental issue of Kosovo and Metohija... This is why Rogozin had to put across a clear-cut message on the matter." According to Petrović, Russia had expected the new government to make a "political breakthrough" and discontinue the policy of the former cabinet but its expectation were in vain.<sup>670</sup> Predrag Simić also takes that Moscow believes Serbia has an alternative to EU, given that Russia works on the establishment of Euro-Asian Union.

668 Ibid.

669 *Politika*, November 30, 2012.

670 Ibid.



It remains unclear to what extent did Russia contribute to Serbia's negative answer at the close of the eight round of negotiations with Prishtina. Namely, in the past months Belgrade seemed not to consult Moscow about the talks with Prishtina. However, in the days preceding the decision Tomislav Nikolić phoned President Putin, and only a day after Serbia turned down the "Brussels paper" Premier Ivo Dačić paid a visit to Russia. Russian Premier Dmitry Medvedev's statement on the occasion – "Solving of the Kosovo problem is Serbia's privilege" – did not answer the dilemma. Ivo Dačić's explanation about Russia "being very angry for having learned post festum some developments in Serbia's foreign policy" (referring to 2010 when Tadić and Catherine Ashton agreed on moving the Kosovo issue from UN to EU)<sup>671</sup> indicates that Moscow learned about the finale of the eight round when everything was over.

What Moscow messaged to the Serbian public was its obvious dissatisfaction with political effects of the "Russian turnabout" in Serbia's policy. Russia is quite realistic about how things stand between Serbia, Russia and Russia's rivals in the West. It did not give up the cooperation with Serbia, on the contrary. It did not give up its ambitions in the long run as well. But it protected itself from possible surprises in 2013.

## Conclusion

The Serbian government needs to define state and national interests and, in this context, relations between Serbia and Russia. Russia plays an important role in Serbia's overall political, economic and cultural ties with other countries, but this role should in no way place Serbia in a back seat when it comes to Russia's interests, to obstructing NATO enlargement in the Western Balkans in the first place. This would disadvantage Serbia's position in the region and contribute to international distrust in Serbia's intentions.

Russia's should play a responsible role considering its strong presence in the Balkans, especially in Serbia, Republika Srpska, Montenegro and other neighboring countries. The West should not bypass Russia as its partner in the Balkans. This would only fuel Russia's frustration and backfire on the region.

<sup>671</sup> Politika, April 12, 2013.