

## **X FACTOR SERBIA**

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### **SECURITY AND POLITICAL THREATS TO SUSTAINABLE AGREEMENT WITH KOSOVO COMING FROM SERBIA AND THE WESTERN INTERNATIONAL COMMUNITY**



**REPORT OF THE CENTER FOR EURO-ATLANTIC STUDIES**

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## EXECUTIVE SUMMARY

*It is better that Tomislav Nikolić, Aleksandar Vučić, Ivica Dačić, Aleksandar Vulin should be humiliated rather than the people they lead. When one attends the same rostrum with the man who represents a country which we do not recognize to exist and the man under investigation in connection with the yellow house and human organ trafficking – and right now we demand from the Security Council to speed up that investigation and finally obtain some results - we attend the same rostrum as he – and yes, that’s a humiliation. But it is better that this humiliation be suffered by Tomislav Nikolić and Vučić and Dačić and Vulin, and all the Vulins of this world, than by the people they represent at this historical moment. So yes, yes it is, it is.*

Aleksandar Vulin, the director of the Government of Serbia Office for Kosovo and Metohija, March 24, 2013



Ivica Dačić, Prime Minister of Serbia

March 2006



Aleksandar Vučić, Deputy Prime Minister of Serbia

May 2007

The Centre for Euro-Atlantic Studies (CEAS) from Belgrade hopes that Belgrade and Prishtina will reach an agreement on long-term sustainable solution to their relations, which will accelerate the process of normalization of mutual relations and European integration of both parties. The beginning of Serbia's negotiations with the EU with the opening of particular Chapters is particularly important in terms of improving the situation in the security sector, given that Chapters 23 and 24, which are assumed to be opened early in the negotiation process, broadly speaking concern the security sector. CEAS recommends that in the case of Serbia, Chapter 31 – Foreign Security and Defense Policy and parts of Chapter 34 – Political Criteria – should be opened as soon as possible, precisely in order to timely raise all the issues regarding obligations in terms of reform of the security sector expected by the European Commission (EC) and other EU bodies.

Catch 22 is that CEAS is convinced that failures in the security system, both institutional and personal, are among the main obstacles for establishment of a comprehensive and sustainable solution to relations between Belgrade and Prishtina.

Except some important organizational measures, such as the removal of civilian intelligence service from the area of jurisdiction of the Ministry of Interior (MUP) by setting up the Security Information Agency (BIA) with all the deficiencies of the law regulating its work, the removal of the Military Security Service (VBA) and the Military Intelligence Service (VOA) from the area of jurisdiction of the General Staff of the Army of Serbia and their placement under the jurisdiction of the Ministry of Defense or the passing of the Law which regulates their work in greater detail, the professionalization of the Army and new Standing Orders of the National Parliament of Republic of Serbia which somewhat strengthened the work of two recently established parliamentary committees for defense, security and the oversight over the

intelligence services, the security system in Serbia has not been reformed, either normatively or personally.

There are still constitutional incompatibilities, which are conducive to abuses, as well as inept legal solutions which result in areas of jurisdiction defined too broadly and/or their overlapping. The absence of political will is obvious to fully apply the existing legislation and Constitutional mechanisms of democratic control over the security system, let alone to harmonize and advance these in accordance with practices in stable democratic societies.

There is still inexcusably large number of persons who have been deeply compromised during the conflicts in the 1990s, especially during the conflict in Kosovo in 1998/1999, working in the security system in Serbia, occupying both leadership and other positions. There are a large number of violent deaths of soldiers and civilians for which the Army of Serbia is accused and which for years remain insufficiently investigated<sup>1</sup>. The system<sup>2</sup> is increasingly hit by affairs for which there are many indications that they are settlements between the various parts of the system itself. These, increasingly, erupt precisely at the moment when Serbia steps towards normalization of its relations with Kosovo.

The aim of this report is to point out to possible, primarily security and political obstacles to implementation of the agreement that will possibly be reached between Belgrade and Prishtina, especially in case the agreement is reached a result of pressure and the desire to score a result rather than as a result of well-thought-out strategy containing an elaborate implementation and oversight plan.

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<sup>1</sup> Peacefare, CEAS report (2009) Political, Media-Related and Legal Analysis of the Case of RTS, Topčider and Leskovac

<http://www.peacefare.net/wp-content/uploads/2011/02/CEAS-Report-Political-Media-Related-and-Legal-Analysis-of-the-Five-Cases1.pdf>

<sup>2</sup> For the purposes of this report, CEAS considers the security system of the Republic of Serbia to encompass the Ministry of Interior, Ministry of Defense, and the security-intelligence agencies

We maintain that the same causes may lead to Serbia, in case and agreement is not reached relatively fast, losing its present, at least formal and/or exhorted commitment to a continued joint search for long-term and sustainable solution of relations with Kosovo, under the auspices of the European Union, guaranteeing European perspective for both Serbia and Kosovo. This would have ambiguously bad consequences for Serbia.

The report will also list some decisions and tendencies of the Western international community which contribute to confusion of the Serbian public and, in CEAS opinion, do not contribute to the creation of a sustainable agreement. Here we primarily refer to the quite unfounded belief that the current Government is strongly committed to Serbia's efforts to reach an agreement, and that it therefore enjoys the institutional and political strength to implement the eventual agreement on the ground, especially in the north of Kosovo.

Figuratively speaking, the competition for the X Factor – Serbia, is not over yet. The strength, desire and “that something special – the X Factor” to lead Serbia, for one reason or another, towards the political East or the political West have differently grouped, and not necessarily mutually ideologically linked fractions in the Serbian society and state institutions.

CEAS considers as counterproductive the high willingness of the Western international community to forget or forgive the relationship which the current ruling set in power in Serbia had with the recent war crimes nature of the Milošević regime and their role in the past; although nothing substantial, even in the fight against corruption, has been achieved yet. This greatly complicates the already weak process of implementing transitional justice in Serbia and the rest of the Western Balkans, as well as its long term sustainable stabilization and democratization.

CEAS reiterates that consistent implementation of transitional justice, and primarily war crimes trials before national courts and The Hague Tribunal, is exactly the best and sometimes the only mechanism for creating the essential conditions for reforms of the security system. It is exactly this system, unreformed and criminalized, which is often the main obstacle to stabilization and democratization in post-conflict countries.

Among else, CEAS recommends that the Western international community involves itself more intensively in the support and implementation of continued security system reform in Serbia, which would contribute to the enhancement of opportunities for achieving and implementing sustainable normalization with Kosovo. CEAS suggests slightly less opportunism in the Western international community's approach as well, in their evaluation of events in Serbia today. The current dose of opportunism, along with the sketchy arguments why Kosovo must become independent from Serbia, introduces additional confusion into Serbian society, hard hit by the economic crisis and transition.

CEAS highlights, as extremely important, that already now would be a good time to pay attention to the existence of parasecurity units of the Serbian Government in Kosovo (Emergency Response units), which have a command structure, logistics, goals and else. If these are not covered by the talks, with all doubts about them removed in time, there is a serious threat of one party saying "that means they must be transformed" and the other "that means that during negotiations no one had any objections and therefore they stay", at a later date.

CEAS calls upon the Western international community to try to do everything from their side in order not to slow down the process of Serbian European integration, including supporting the Kosovo side to make certain legislative changes in order to achieve sustainable

solutions, because Serbia does not have the inner strength to complete the process of democratic consolidation on its own.

Slowing down this process would lead to an additional decline in public support for European integration in Serbia and strengthening of anti-Western undemocratic options in Serbia. It should not be forgotten that, one way or another, generations of Serbian citizens, members of civil society and political parties worked hard, often in very dangerous conditions, for Serbia's formal European path and its integration, and therefore confrontation with the recent past and erection of transitional justice in the past twenty years. One gets the impression that in case of absence of an agreement, or its dysfunction in practice, due to the intention of the Western international community to put an end to the question of Kosovo's status, in the absence of an adequate „Plan B“, exactly these groups will be the biggest losers. In this case, it is very likely that the winners of the X Factor Serbia competition will be performers who will carry out the *Putinization* of Serbia.

### **SHORT REVIEW OF THE STATE OF AFFAIRS IN THE SECURITY SYSTEM IN SERBIA SINCE 2012 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS**

Despite the obvious fact that it is desperately needed to reform the security sector, the continuation of reform of the security sector has practically not been mentioned even once by political participants in the election campaign for 2012 presidential and parliamentary elections, while media have not considered this topic the one they should question their guests, the participants of the election campaign, about. The results of elections have brought changes to the distribution of political power. Tomislav Nikolić, the president of

the Serbian Progress Party, beat at the presidential elections the previous President of Serbia and the Democratic Party, Boris Tadić. The new ruling majority in the Serbian Parliament was formed by the Serbian Progress Party, the Socialist Party of Serbia, the United Regions of Serbia and some other smaller parties. The parties presently forming the parliamentary majority have not mentioned reform of the security sector as one of the priorities either during the election campaigns or as one of the priorities of the work of the new Serbian Government.

After the parliamentary majority was formed in the Parliament of Serbia, a series of very problematic laws and decisions regarding the security sector have been enacted, which contract the democratic practice and degrade the previously attained standards of democratic control over the security sector. The amendments to the Law on the Basic Structure of Republic of Serbia Security Services have been made without broader expert or professional discussion. The draft law envisages that the Secretary of the National Security Council should from now on be appointed by the President of Serbia, rather than that the post should automatically be occupied by the President's Chief of Cabinet, as had previously been the case, whereby the powers of the President of Serbia have been increased, although they should exclusively be regulated by the Constitution of Serbia. The Defense Minister Aleksandar Vučić has been appointed Coordinator of the Work of All Intelligence Services, whereby the autonomy of the work of the civilian intelligence agency BIA was degraded. Experts whom CEAS contacted also point out to the fact that Aleksandar Vučić, the Defense Minister, greatly expanded the limits of what is commonly considered as "coordination of the security services" which primarily refers to the processing of current cases so that these do not overlap and therefore in order for information on them to be adequately exchanged.

A good democratic practice which existed in Serbia that the president of the parliamentary committee for the oversight over the

security services should come from the ranks of the opposition has been abandoned and presidents of both parliamentary committees in charge of defense, security and the oversight over the intelligence and security services now come from the ranks of the newly formed parliamentary majority.

The leaderships of the Security Information Agency BIA and the National Bank of Serbia were dismissed from their posts almost simultaneously. Even though terms in office of the Director of BIA as well as the Governor of the Serbian National Bank last five years rather than four, a year longer than the Government's term in office, precisely in order to safeguard independence of the work of these two institutions, the new Government has continued the negative tendency began by former President of Serbia who "shortened his term in office" having resigned a year before his term in office was due to end. The post of the Governor of the National Bank of Serbia is occupied by a senior official of the Serbian Progress Party, Jorgovanka Tabaković, who "froze" her position and membership in the Serbian Progress Party. The post of the Director of the Security Information Agency BIA, without any explanation why the previous director Saša Vukadinović, during whose term in office Hague fugitives from justice Ratko Mladić and Radovan Karadžić were arrested, should be replaced, is now occupied by Nebojša Rodić, a person compromised by participation in the electoral fraud in 1996.

The official lack of interest and silence which existed in the pre-election period and the speed with which legislative amendments regarding the security sector were made after the new parliamentary majority was formed, clearly confirm that reform itself is not the aim, but rather an intention to assume control over the sector and overturn the previous achievements by removing them from the purview of competent institutions, placing the security sector more tightly under the political party oversight and patronage.

The new authorities in Serbia, even though they have displayed an obvious readiness and strength to dismiss people in the security sector who are not to their liking, have not made a single personnel change among the top ranks of the General Staff or among the leadership of the Military Security Agency, even though they are occupied by people with deeply compromised professional careers. Moreover, the Chief of the General Staff, Ljubiša Diković, during whose term in office in Kosovo many war crimes in the zone of his command responsibility<sup>3</sup> were allegedly committed, has been promoted, as well as his closest associates.<sup>4</sup>

The European Union officials have expressed a concern that amendments to the Law on the National Bank of Serbia would limit independence of the central bank, emphasizing in particular that Serbia is a candidate for membership in the European Union, as well as that independence of institutions is one of the basic principles in the EU; however, they have not publicly commented inapt legislative and political decisions by the new authorities regarding the security system. This tendency of tacit ignoring by EU officials of increasingly large problems in the security sector continued even when it became clear that some parts of the Ministry of Interior there exist fractions which operate outside the formal chain of command, on top of which is the Minister of Interior and Serbian Prime Minister, Ivica Dačić. CEAS sources believe that there are people working in the Ministry of Interior who do not respect the formal chain of subordination and who, most likely, operate based on orders from BIA and/or and the Cabinet of the Defense Minister, Aleksandar Vučić, which is why the Government of Serbia, among other, has for

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<sup>3</sup> Humanitarian Law Fund (2012) The Dossier of Diković Ljubiša

<http://www.hlc-rdc.org/wp-content/uploads/2012/01/Januar-23-2012-Dikovic-Ljubisa-Dosije.pdf>

<sup>4</sup> B92, 13.2.2013. Nikolić promoted Diković

[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)

months not been able to appoint the new general director (general operative) of the police<sup>5</sup>.

Great party wrangling over actual control over the police was evident in the Ministry of the Interior during the former Government's mandate as well, which led to a situation in which the recently re-elected Police Director Milorad Veljović, was then Acting Police Director as there was no consensus over his re-election or dismissal. The same party wrangling instead of institutional strengthening of the police resulted with Niš and Novi Sad, both large Serbian cities, not having a Chief of Police for three years. Niš had its Chief of Police named only in March 2013. Crime levels in both cities increased during this period. There are serious indications that in Niš and Vranje, increased numbers of unresolved serious incidents directly involve members of the police as well.

In late 2012 the Serbian President Tomislav Nikolić and the First Deputy Prime Minister of Serbia Aleksandar Vučić launched an enormous affair of alleged unauthorized monitoring of listings of their telephone conversations by the Criminal Police<sup>6</sup>. They themselves later ended the affair entirely, even though it never had a clear epilogue. It remains unclear whether it was in fact the criminal police, and who was it exactly, that acted unlawfully, and if so, whether someone was punished for it, or whether the affair was eventually halted because it eventually traced illegal activities of the two of them.

The Law on the Basic Structure of Republic of Serbia Military Security Services was again amended in winter 2013 after a series of political scandals which culminated in disclosure of the fact that the police crime investigation unit has been tracking electronic

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<sup>5</sup> Despite the fact that Vučić. Although the Defence Minister, coordinates teams for the fight against corruption, composed of representatives of the Ministry of Interior

<sup>6</sup> CEAS (November 2012) Foreword by Jelena Milić, CEAS Director, for The New Century quarterly „In a snake's nest“

<http://ceas-serbia.org/root/tromesechnik/New-Century-No-2-Jelena-Milic.pdf>

communications of the President of Serbia and the Defense Minister as a result of huge normative omissions in the security sector and political abuse of those omissions, primarily in terms of the right to track and the manner of tracking electronic communication, regarding which the Constitutional Court has declared certain provisions of the Criminal Code unconstitutional. The Commissioner for Information of Public Importance and Personal Data Protection and the Ombudsman have been pointing to the problematic nature of these provisions for more than a year, submitting a request for the review of constitutionality of certain provisions of the Criminal Code.

Despite the aforementioned, a comprehensive solution containing 14 essential points<sup>7</sup> that will improve the state of affairs in the field of the oversight over tracking electronic communications, presented by the Commissioner and the Ombudsman in summer 2012, has never been taken into serious consideration both either the ruling majority or the opposition.

The international organization Transparency International, in its report published in January 2013, categorized Serbia as belonging to group D+ as a country with high risk of corruption in the security sector, along with countries such as Ukraine, Bosnia and Herzegovina, Kenya and Mexico.<sup>8</sup>

The state officials who supposedly lead the alleged fight against corruption, even amidst its comprehensive conducting, do not even mention corruption in the security system in Serbia.

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<sup>7</sup> CEAS: 14 Proposals by Šabić and Janković for the Law on Personal Data Protection

[http://ceas-serbia.org/root/images/14\\_Recommendations\\_by\\_%C5%A0abi%C4%87\\_and\\_Jankovi%C4%87\\_for\\_the\\_Law\\_on\\_Personal\\_Data\\_Protection.pdf](http://ceas-serbia.org/root/images/14_Recommendations_by_%C5%A0abi%C4%87_and_Jankovi%C4%87_for_the_Law_on_Personal_Data_Protection.pdf)

<sup>8</sup> Transparency International UK (2013) Government Defense Anti-Corruption Index 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)

Professor Miroslav Hadžić, PhD, has published a paper “The Whirlpool of Corruption in the Security Sector,”<sup>9</sup> drawing attention to the fact that high corruption in the security sector is an introduction into political abuse of coercive state apparatuses, as well as its direct consequence. According to Hadžić, “in the hallways of political and other corruption, especially in post-conflict and post-authoritarian systems such as the one in Serbia, there is perennial danger of criminalization of politics and politicization of crime.”

The Prime and Interior Minister of Serbia, Ivica Dačić, the chief negotiator in Brussels, is under investigation for suspicious meetings with a Rodoljub Radulović, indicted for drug smuggling, currently a fugitive from justice<sup>10</sup>. This scandal was revealed by... daily newspapers *Informer*<sup>11</sup>, which are considered to be directly controlled by the Serbian Progress Party and the Security Information Agency BIA. The Interior Ministry State Secretary Vladimir Božović, appointed to the post by the Serbian Progress Party, has recently said that investigation proceeded “*very intensively regardless of the name, the surname, the post and the position and no-one will be protected from the investigation.*”<sup>12</sup> During this affair, the name of Branko Lazarević, former Chief of Staff and closest associate of former and current Minister of Interior Ivica Dačić, who in 2010 switched to the Ministry of Foreign Affairs (MFA), was mentioned again increasingly. Apparently, Dačić broke off cooperation with Lazarević because of his alleged past friendships with certain people who have come into conflict with the law, whilst Lazarević’s transition to MFA was organized in order to cover up for unpleasant indications<sup>13</sup>. The Prosecution for

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<sup>9</sup> Hadžić, Miroslav (2013) The Whirlpools of Corruption in the Security Sector

[http://ceas-serbia.org/root/images/Miroslav\\_Hadzic\\_Vrtlozi\\_korupcije.pdf](http://ceas-serbia.org/root/images/Miroslav_Hadzic_Vrtlozi_korupcije.pdf)

<sup>10</sup> Blic online, 3.3.2013. Preliminary hearing at the Special Court without Miša Banana

<http://www.blic.rs/Vesti/Hronika/370414/Pripremano-rociste-u-Specijalnom-sudu-bez-Mise-Banane>

<sup>11</sup> Channel 9, 4.2.2013. How much is Dačić involved in the Šarić Affair?

<http://www.kanal9tv.com/2013/02/04/koliko-je-dacic-umesan-u-aferu-saric/>

<sup>12</sup> RTV, 27.3.2013. Božović: Shedding Light on the Contact between Dačić and Radulović

[http://www.rtv.rs/sr\\_lat/politika/bozovic-rasvetljavanje-kontakata-dacica-i-radulovica\\_380891.html](http://www.rtv.rs/sr_lat/politika/bozovic-rasvetljavanje-kontakata-dacica-i-radulovica_380891.html)

<sup>13</sup> Press online, 9.11.2012. Dačić’s Office Head leaves post, dismissals in MUP?!

Organized Crime announced in February 2013 the initiation of a preliminary investigation against Branko Lazarević, as well as against at least five senior managers of the Serbian Ministry of Interior, who had contact with Rodoljub Radulović, member of the drug-lord Darko Šarić's criminal group<sup>14</sup>.

The credibility of the Interior Minister, as well as the entire Ministry of Internal Affairs, has been additionally challenged with possible investigation against members of the Gendarmerie against which there are allegations, coming from parts of the Interior Ministry itself, and again, through the daily newspapers Informer, that its members were involved in illegal doings, primarily in southern Serbia<sup>15</sup>. Intriguingly, during this affair, the online portal Pravda, close to parts of the SNS, published a series of articles criticizing the work of the police officers who accused the members of the Gendarmerie and defending its commander<sup>16</sup>. Otherwise, the commander of the Gendarmerie, Bratislav Dikić, already well-known to the broader public for his extreme authoritarianism and self-will voiced himself via his Facebook profile, with rather problematic statement, which none of the officials had courage to condemn<sup>17</sup>.

The State Secretary at the Ministry of Interior Vladimir Božović stated in late March 2013 that the preliminary results of the investigation of abuses in the Gendarmerie can be expected soon.

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<http://www.pressonline.rs/info/politika/139838/otisao-dacicev-sef-kabineta-smene-u-mup.html>

<sup>14</sup> RTS, 6.2.2013. Novosti: Pretrial proceedings against Lazarević

<http://www.rts.rs/page/stories/sr/story/9/Politika/1261108/Novosti%3A+Pretkrivični+postupak+protiv+Lazarevića.html>

<sup>15</sup> RTS, 12.3.2013. The Dikić Case, Allegations and Denials

<http://www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/1283040/Slu%C4%8Daj+Diki%C4%87,+optu%C5%BE+be+i+demanti.html>

<sup>16</sup> Pravda, 16.3.2013. EXCLUSIVE: Who set up the Gendarmerie Commander?

<http://ceas-serbia.org/root/index.php/sr/home-sr/93-preuzeto/934-ekskluzivno-ko-je-smestio-komandantu-zandarmerije>

Pravda, 17.3.2013. OFFICIAL NOTES: How Dikić was declared a criminal

<http://ceas-serbia.org/root/index.php/sr/home-sr/93-preuzeto/935-sluzbene-beleske-kako-je-dikic-proglasen-kriminalcem>

<sup>17</sup> Blic online, 10.3.2013. The Gendarmerie Commander Wrote on Facebook

<http://www.blic.rs/Vesti/Hronika/371558/Komandant-Zandarmerije-se-oglasio-na-Fejsbuku>

Shortly before the publication of this report, the Informer launched yet another affair in which it is claimed that the police leadership is requesting the dismissal of the Special Prosecutor for Organized Crime Miljko Radislavljević.

There is far less information about the situation in the Defense Ministry, partly because Aleksandar Vučić, due to the numerous posts he occupies, seems to pay the least attention to his post of the Defense Minister. However there is a tendency of strengthening bilateral cooperation with Russia, in order to “restore a balance” that was disrupted during the previous government.<sup>18</sup> According to the information available to CEAS, the Defense Ministry is in very unenviable financial position. Two series of promotion and retirement decisions regarding senior and high military officials indicate that there is a tendency of strengthening the position of the Chief of General Staff Ljubiša Diković, who was deeply compromised during the conflict in Kosovo, and the staff loyal to him.

This Government has not displayed any intention to shed more light on the circumstances which helped Ratko Mladić and Radovan Karadžić successfully evade justice for so long, although there are many indications that they were assisted by renegade parts of the security system, primarily the Army of Serbia. Unfortunately, the Western international community practically pays no official attention any more to this issue.

Serbia is still the only country in South East Europe which does not have an adequate legal framework regulating the private security sector, which is presently estimated to employ between 25,000 and 60,000 people and to possess around 47,000 number of weapons, making an annual income of about 180 million Euros, of which only a fraction is subjected to the system of taxes.<sup>19</sup> This statistics is even

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<sup>18</sup> Blic online, 10.12.2012. Entering the Russian military alliance a poke in the face for the EU

<http://www.blic.rs/Vesti/Politika/357239/Ulazak-u-ruski-vojni-savez-prst-u-oko-EU>

<sup>19</sup> Blic online, 9.1.2012. private security sector possesses 47,000 number of weapons

<http://www.blic.rs/Vesti/Hronika/300451/U-sektoru-privatnog-obezbedjenja-47000-komada-oruzja>

more shocking when it is considered that the Ministry of Internal Affairs officially employs 35,000 policemen, while the Army of Serbia employs 28,000 military persons.

## **2013 – THE YEAR OF RAISING EMERGENCY RESPONSE IN SERBIA**

In November 2012 members of the emergency response units in four municipalities in northern Kosovo held a demonstrational exercise of rescuing people in emergency situations in the northern part of Kosovska Mitrovica. The exercise was organized by the Serbian Government's Office for Kosovo and Metohija, with the Mayor of Kosovska Mitrovica, Krstimir Pantić, who is also Commander of the Emergency Response in the Emergency Situations headquarters, stating on that occasion: "emergency response is established in accordance with the Geneva Convention". Article 61 of this Convention specifically defines the purposes in which emergency response can be used, whilst Article 65 even allows the possibility for members of the emergency response to carry small arms for maintaining order or for self-defense. This peaceful organization is to be available to all citizens, regardless of the religious affiliation<sup>20</sup>.

CEAS considers it rather interesting that the course of the mentioned exercise was followed by members of the Kosovo police, but also by some members of KFOR.

In early January the Head of the Emergency Situation Sector of the Ministry of Interior Predrag Marić announced that after 25 years, the year 2013 will be the year of raising emergency response in

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<sup>20</sup> Blic online, 18.11.2012. Emergency Response exercise held in Mitrovica  
<http://www.blic.rs/Vesti/Politika/353660/Odrzana-vezba-Civilne-zastite-u-Mitrovici>

Serbia. Marić expressed his satisfaction with the 10 million Dinar budget, allocated for the organization in 2013, which will allow the purchase of new fire engines and the stars of raising emergency response in Serbia<sup>21</sup>.

Only a few days later, a serious incident took place during Aleksandar Vulin's visit to Gračanica<sup>22</sup>. The Kosovo police told him they must escort him from Kosovo, because Vulin, according to the Tanjug news agency, wanted to visit a police station in Gračanica, where a number of Serbs were detained. The Kosovo Minister of Interior, Bajram Rexhepi, stated on that occasion that the reason for the arrest of nine people was that these persons reportedly wore marks of Emergency Response. Those arrested, who were said to have accompanied the Kosovo and Metohija Office Director, Aleksandar Vulin, were held at the police station for questioning, where some of them suffered violence by members of the Kosovo police. Reasonable noise was raised in the Serbian media around the mentioned violence, but after that it was never reported whether the Kosovo offenders were punished.

Commander of the Emergency Response headquarters in Kosovska Mitrovica, Krstimir Pantić, sharply reacted in February 2013, to allegations put forward by KFOR Commander Volker Halbauer, on the legitimacy, legal status, activities and carrying weapons of Emergency Response units, and his threats that KFOR will react decisively in case members of the Emergency Response become a threat to the freedom of movement, safe and peaceful environment.

“The legitimacy of this organization is undeniable and no one, including international security forces, can, or has the right to, challenge the legitimacy and legal status or restrict the work of the mentioned organization. It is possible to provide the functioning of

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<sup>21</sup> RTV, 3.1.2013. Emergency response again after 25 years

[http://www.rtv.rs/sr\\_lat/drustvo/posle-25-godina-ponovo-civilna-zastita\\_361923.html](http://www.rtv.rs/sr_lat/drustvo/posle-25-godina-ponovo-civilna-zastita_361923.html)

<sup>22</sup> Telegraf, 7.1.2013. SCANDAL IN KOSOVO: Detention for 9 Serbs from Aleksandar Vulin's escort?

<http://www.telegraf.rs/vesti/484157-skandal-na-kosovu-uhapseno-9-srba-iz-pratnje-aleksandra-vulina>

Emergency Response even in occupied territories, and the occupying forces must ensure operations of members of the mentioned organization, in order to provide timely support and assistance to the local population. (...) The Čović-Haekkerup Agreement envisages the possibility of establishment and functioning of Emergency Response in Kosovo and Metohija, and that members of Emergency Response units are no threat to anyone, as their action is provided for when the property and security of the local population is compromised, in accordance with the Geneva Convention, and regardless of their ethnicity, or religion. We expect, and look forward to, cooperation with international security forces as we share a common goal, which is the erection of a peaceful and safe environment for all people in Kosovo and Metohija. (...) Unfortunately, KFOR was not successful in its missions so far, and members of the Emergency Response will be pleased to assist and support the members of KFOR, in order to prevent ethnic cleansing of Serbs and other non-Albanians taking place ever again. (...) Based on UN SC Resolution 1244 only international forces are entitled to bear arms, and expect from the KFOR Commander to, accordingly, disband and disarm members of the so-called Kosovo security forces, which are an open threat to peace and security in the province. (...) The Emergency Response units will demonstrate the capabilities, skills, qualifications and firm intention of the organization to serve the citizens and to protect them. (...) I call upon the KFOR Commander to, after more than six months as he took office, visit the local self-government in the north of the province and attend the exercises of Emergency Response members, in order to be personally persuaded that they do not pose as a threat to anyone”<sup>23</sup>.

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<sup>23</sup> Telegraf, 01.02.2013. Pantić: KFOR cannot dispute the legitimacy of the Emergency Response  
<http://www.telegraf.rs/vesti/politika/525015-pantic-kfor-ne-moze-da-ospori-legitimitet-civilne-zastite>

CEAS reiterates that according to the existing Law on Emergency Situations, Emergency Response members do not have the right to bear arms<sup>24</sup>.

In late March 2013, Bratislav Rančić, Head of the Emergency Response in the Department for Emergency Situations of the Serbian Ministry of Interior, announced that the first training of specialized emergency response units is to commence in mid-May and that calls for this will be forwarded through the Ministry of Defense. This will, it is believed, practically begin the process of restoring this service in Serbia<sup>25</sup>.

In an interview for the daily newspapers Politika, Bratislav Rančić highlights that “Those who served military service without firearms, that is, as ‘civil service’, as it was popularly referred to at the time, will be called for training first. During their military service they already had adequate training and were classified in reserves of Emergency Response. I do not want to be misunderstood; this is no mobilization or military exercise, but training for humanitarian tasks in case of need. This service, which was under the Ministry of Defense’s jurisdiction until a few years ago, was transferred into the jurisdiction of Serbia’s Ministry of Interior during the great reform of the system for emergency situations.

Now, the time has come for the training of emergency response units, which could, if necessary, be employed as additional support to professional firefight-rescue units. We are now training specialized emergency response units. The training of 1.400 members of emergency response is planned for this year, and at the end of this process, specialized emergency response units should amount to more than 11.000 members across Serbia. There exist units of emergency response for general purpose, but the

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<sup>24</sup> Law on Emergency Situations of the Republic of Serbia

<http://www.mup.gov.rs/cms/resursi.nsf/Zakon%20o%20vanrednim%20situacijama-lat.pdf>

<sup>25</sup> Politika, 27.3.2013. Emergency Response reservists training begins

<http://www.politika.rs/rubrike/Drustvo/Pocinje-obuka-rezervista-civilne-zastite.lt.html>

organization of these is within the jurisdiction of local self-governments. A Rulebook on uniform and rank marks, specialties and identity cards of members of Emergency Response was adopted recently. After many years, Emergency Response will be recognizable by modern uniforms.

At the start of the year, a Rulebook on training, curricula, programs and standards of teaching and teaching aids for the training of Emergency Response members has been adopted, creating the preconditions for the start of the training.

The first to be trained will be the specialized units for fire protection in Kruševac and Valjevo. Emergency Response reservists from these cities will pass a five-day training, in the period of May 13-17, and then trainings will take place across Serbia, two units every week.

When it comes to specialized emergency response units units, the training of 27 units for fire protection is planned, that is, training in all regional Directorates of the Sector for Emergency Situations of the Ministry of Interior. Nine units for rescue from ruins will be trained as well, in Užice, Šabac, Kikinda, Zaječar, Vranje, Novi Pazar, Pirot, Valjevo and Sremska Mitrovica. Belgrade and Sombor will have units for rescue on water, whilst Čačak and Prokuplje will have units for will have first aid units. Training of units for rescue in inhospitable terrain is envisioned as well, in Valjevo, whilst units for radiological-chemical-biological protection are to be placed in Kruševac.

Establishment of an active Emergency Response force is planned. Around 500 people will be engaged in these units. This would be a contract-based commitment. Members of these units should receive a permanent monthly salary, with an obligation to respond to calls for engagement across of Serbia if necessary. The best members of

specialized units will be enrolled in these units, whose training will start, naturally, in case they want it“<sup>26</sup>.

On the other side, according to information available to CEAS, there are around 500 members of the Emergency Response units operating in northern Kosovo, controlled by a Serbian Government official, Krstimir Pantić.

Section 3.1 in Annex III of the Ahtisaari Plan, which defines the jurisdiction of municipalities mentions in point g. “local emergency response”, which CEAS sees as most likely relating to the functions of emergency response units.

CEAS believes that already now would be a good time to pay attention to the existence of parasecurity units of the Serbian Government in Kosovo, which have a command structure, logistics, goals and else. If these are not covered by the talks, with all doubts about them removed in time, there is a serious threat of one party saying “that means they must be transformed” and the other “that means that during negotiations no one had any objections and therefore they stay”, at a later date.

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<sup>26</sup> Politika, 27.3.2013Emergency Response reservists training begins  
<http://www.politika.rs/rubrike/Drustvo/Pocinje-obuka-rezervista-civilne-zastite.lt.html>

## TENDENCIES IN MEDIA REPORTING ON THE SITUATION IN NORTHERN KOSOVO

The media in Serbia which are under majority influence of the ruling authorities report on the security situation in northern Kosovo and Kosovo as a whole in a very problematic way.

Although CEAS sources claim that most incidents in northern Kosovo, numbering over 30 in the past two months alone, are not ethnically motivated, are a consequence of intimidation of Serbs and others, primarily the staff working in the Government of Kosovo Office in Northern Mitrovica, by other Serbs or are impossible to trace (throwing a stone so that no-one has seen the perpetrator), the Serbian media report on them as ethnically motivated attacks committed by Kosovo Albanians. Even when investigations unquestionably prove otherwise, Serbian media almost as a rule omit to report those corrections.

Moreover, media in Serbia neglect to report on the very dangerous tendency that growing number of incidents in Northern Mitrovica are caused not by Molotov cocktails which are relatively easy to acquire on one's own, but by bombs and shells as well as plastic explosives. CEAS sources especially point out the tendency to remove designations from explosive devices used in the incidents, which suggest a work by professionals rather than a spontaneous rebellion by citizens of the North, as often reported in Serbia.

The so-called self-organized groups of young rebels from Northern Mitrovica, mobilized through Facebook groups, mutually communicate with satellite phones, just like "*spontaneously organized homophobes*" who attacked the participants of the Pride Parade in Belgrade in 2011. And similarly, these perpetrators of violence possess unusually precise information about the position and movement of their targets.

CEAS has also noticed a tendency to evade in main newscasts and main media reports on decisions made by leaders of four municipalities in northern Kosovo as well as assemblies of these municipalities. This suggests that the Government of Serbia either does not want or is not capable of influencing the events in northern Kosovo, which was one of the main expectations by the Western international community that it would be able to do so.

**During the writing of this analysis (1 April 2013), border crossing Jarinje was blocked by vehicles. The blockade was organized by the leaders from the North who receive their salary from the budget of the Republic of Serbia!**

CEAS reiterates that burning and blockade of border crossings in summer 2011 was logistically enabled by trucks and men employed in public enterprises of the Government of Serbia and that people on the barricades stood under an obligation to show up there, the obligation which the municipalities imposed on them.<sup>27</sup>

In statements of officials, Serbs south of the river Ibar, especially those who have integrated into Kosovo institutions, are still mentioned as a necessity, as when winners of beauty contests declare their commitment to world peace. The successes of their local communities are practically never reported in Serbian media or the fact that the number of incidents in this part of Kosovo, inhabited by Serbs, is far less than the one in northern Kosovo. There is a possibility that this difference is a result of activities of institutions, however, this would raise the question of activities of institutions of Serbia in northern Kosovo, and therefore it is not reported on.

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<sup>27</sup> CEAS Public Statement, 29.11.2011. Regarding the Situation in Northern Kosovo – Lifting the Working Obligation is a Moral Obligation of Serbia as a State  
<http://ceas-serbia.org/root/index.php/sr/saopstenja/120-povodom-situacije-na-severu-kosova-ukidanje-radne-obaveze-je-moralna-obaveza-drzave-srbije>

The fact that Kosovo has become a full member of the Regional Cooperation Council<sup>28</sup> has hardly been noticed by anyone in Serbia.

The fourteenth anniversary of NATO bombing of Serbia was used as an occasion for another falsification of the past. No mainstream media in Serbia dared to mention crimes against Kosovo Albanians which preceded the NATO intervention or crimes of the Serbian forces in Kosovo during the NATO intervention even though, for example, it was precisely the time when the Humanitarian Law Fund published a very moving Dossier on the 549<sup>th</sup> motorized brigade of the Army of Yugoslavia and its crimes at the territory of municipalities of Prizren, Đakovica, Orahovac and Suva Reka from March 24, to June 10, 1999 under the command of General Božidar Delić who was an official of the Serbian Progress Party but later renewed his membership in the Serbian Radical Party.<sup>29</sup>

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<sup>28</sup> e-Novine, 28.2.2013. Kosovo Full Member of the Regional Cooperation Council

<http://www.e-novine.com/region/region-kosovo/79884-Kosovo-punopravni-uesnik-Regionalnog-saveta-saradnju.html>

<sup>29</sup> Humanitarian Law Fund (2013) Dossier: The 549<sup>th</sup> Motorized Brigade of the Army of Yugoslavia

[http://ceas-serbia.org/root/images/FHP - Dosije 549 motorizovana brigada Vojske Jugoslavije.pdf](http://ceas-serbia.org/root/images/FHP_-_Dosije_549_motorizovana_brigada_Vojske_Jugoslavije.pdf)

## PROBLEMATIC STATEMENTS BY REPUBLIC OF SERBIA OFFICIALS

The situation in which the Serbian “*leadership*” finds itself is by no means enviable, which may somewhat serve as an excuse for muddled, cryptic messages by officials about the conducting of “*negotiations*,” and other measures which serve to attenuate possible negative public reaction, primarily reaction by Serbs in northern Kosovo.

Ivica Dačić, Prime Minister of Serbia, has recently said: "Our friends are too far away to make plans with them about entering other unions in conditions when Serbia is surrounded by the EU and NATO and when there is no friend in that part of the world. We want an agreement and a compromise, but to achieve that there has to be at least a minimum if not a maximum of fairness for all sides."<sup>30</sup>

The utterly inappropriate comparison by Marko Djurić, foreign policy advisor of the Serbian President Tomislav Nikolić, of the current situation with those before the Rambouillet talks and Dayton speaks either of the elementary ignorance of recent past or serves for unnecessary and dangerous intimidation of the Serbian public, or serves as justification for other reasons for which an agreement with Prishtina might fail due to an irrational Serbian attitude.

CEAS reminds that in 2013 in the Western Balkans region there are no armed conflicts, there are no accusations of excessive use of force by units of the security system, and that therefore, in comparison to the nineties, there is a much stronger presence of international military and police forces with consensus of the states-territories in which they are located.

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<sup>30</sup> Blic online, 24.3.2013. Dačić: Our Friends Are Too Far Away to Make Plans with Them about a Union  
<http://www.blic.rs/Vesti/Politika/373716/Dacic-Nasi-prijatelji-su-daleko-da-bismo-sa-njima-pravili-planove-o-uniji>

The greatest victim of such statements is public support for continuation of European integration of Serbia. Although aware of the decline of support to a record low of 41%<sup>31</sup>, government representatives do not refrain from criticizing European values. The EU should think whether such officials, regardless of the complicated situation, truly have an intention to lead Serbia towards the EU and whether, in the end, they will have the public support to do so. Therefore the so-called efforts and readiness to reach a compromise with Prishtina, allegedly due to the significance which obtaining the date for the start of negotiations with the EU is supposed to have, should be taken with a grain of salt.

CEAS maintains that only in the past month, Serbian officials have given a series of absolutely unacceptable statements or statements which bring into question their commitment to normalization of relations with Prishtina. Foreign officials, who monitor the process, as well as diplomats accredited in Serbia, are prone to excessively praise any media-savvy gesture (taking a photograph together, shaking hands...) but at the same time refrain from condemning those who fail to abate public tensions or contribute to true normalization of relations.

We believe that the following statements should have been confronted with convictions from both the domestic and foreign international public. Otherwise, if we bury our head in the sand for everything and ascribe everything to the need to keep stability at the internal level and obtain support for the work of government officials, rather than a sustainable agreement with Prishtina, we will build a house of cards.

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<sup>31</sup> Danas, 28.1.2013. Support for Serbian EU accession at a record low  
[http://www.danas.rs/danasrs/politika/nikada\\_manja\\_podrska\\_ulasku\\_srbije\\_u\\_eu.56.html?news\\_id=254980](http://www.danas.rs/danasrs/politika/nikada_manja_podrska_ulasku_srbije_u_eu.56.html?news_id=254980)

**Aleksandar Vulin**<sup>32</sup>, the **Government Office for Kosovo and Metohija Director**, founder of the Movement of Socialists, which in 2010 entered a coalition with the Serbian Progressive Party (SNS), New Serbia and the “Power of Serbia” movement, on occasion of the handshake shared by the Serbian President Tomislav Nikolić and Kosovo Prime Minister Hashim Thaci at the Vatican, stated that “it is better that Tomislav Nikolić, Aleksandar Vučić, Ivica Dačić, Aleksandar Vulin be humiliated, than the people which they lead. When placed on the same stand with a man who represents a state which we believe does not exist, and a man around whom the investigation into the yellow house and organ trafficking is focused, and we are, here and now, asking at the Security Council to expedite the investigation and finally find something out, only to be on the same stand – yes, it is a disgrace. But it is better that Tomislav Nikolić and Vučić and Dačić and Vulin and all the Vulins of this world to suffer this humiliation, than for the people which they represent to suffer from it, at this historical moment. So yes, yes it is, that’s right”<sup>33</sup>.

**Mirko Krilić**, the **Government Office for Kosovo and Metohija Assistant Director**, SNS staff, stated on the occasion of signing of the Charter on the recent twinning of 19 municipalities and cities from Republic of Srpska and 25 municipalities from Kosovo and Metohija, in an initiative organized by the Government Office for Kosovo and Metohija that “With this twinning with RS municipalities, as well as earlier municipalities in central Serbia, an unstoppable process of addition of Serbs is being conducted”.

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<sup>32</sup> Istinomer, Aleksandar Vulin’s Biography

<http://istinomer.rs/akter/aleksandar-vulin/>

Glas javnosti, 8.8.2000. Aleksandar Vulin’s Biography

<http://arhiva.glas-javnosti.rs/arhiva/2000/08/09/srpski/P00080817.shtml>

<sup>33</sup> B92, 24.2.2013. Vulin: We do not want Ahtisaari’s Plan

[http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=03&dd=24&nav\\_category=11&nav\\_id=698279](http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=03&dd=24&nav_category=11&nav_id=698279)

*“This Serbian addition of ours...because we are vulnerable, to give hope and to stop fear. We add ourselves because Kosovo is Serbia, because Kosovo is Serbian.”<sup>34</sup>”*

**CEAS remark:** Twinning is a common practice, but for ethnically diverse municipalities, within the borders of one state or regionally.

**Krstimir Pantić<sup>35</sup>, allegedly still SNS staff, Government Office for Kosovo and Metohija Deputy Director**

“If pressures on the Government and the Serbs in Kosovo continue, developments that will not benefit anyone, neither the Serbian Government, nor the international community, is possible. Following the declaration of the northern Kosovo and Metohija Assembly, the four municipal councilors would probably ask the Hague International Tribunal the same question, as in the case of the unilateral declaration of independence of Kosovo by the Albanians, and that is – whether an informal group of people has the right to declare their own Assembly and autonomy on part of the territory. I do not see how the International Court of Justice at The Hague could reach a different decision to that when Prishtina was at stake”<sup>36</sup>.

**CEAS remark:** Mayors and local self-government officials in the aforementioned four municipalities in northern Kosovo are financed by the Government of Serbia!

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<sup>34</sup> Blic online, 22.3.2013. Twinning of municipalities in Kosovo and and Metohija and Republic of Srpska

<http://www.blic.rs/Vesti/Drustvo/373585/Bratimljenje-opstina-Kosova-i-Metohije-i-Republike-Srpske>

<sup>35</sup> Former President of the Assembly of Municipalities (northern) Kosovska Mitrovica, elected in October 2010, replacing the local government in power until then, made up of representatives of the „democratic bloc“ Novi Magazin, 25.10.2011. Who are the leaders of the Serbs?

<http://www.novimagazin.rs/vesti/ko-su-lideri-srba>

<sup>36</sup> RTS, 31.3.2013. Pantić: Possible address to the court at the Hague?!

<http://www.rts.rs/page/stories/sr/story/9/Politika/1295664/Panti%C4%87%3A+Mogu%C4%87e+obra%C4%87anje+sudu+u+Hagu.html?email=yes>

**Jadranka Joksimović<sup>37</sup>, Serbian Progress Party, the president of the parliamentary committee for the oversight over intelligence services**

The president of the parliamentary committee for the control of security services Jadranka Joksimović said that she did not believe that in the case of an agreement in the dialogue between Belgrade and Prishtina was not reached; the security situation would deteriorate, but that she could not say that it was impossible... “Our security services regularly monitor the situation in the field, are ready to react in the case of hopefully inexistent bad scenario. The security services are in a state of readiness, but I expect that negotiations should prevent conflicts and that in this regard, the international community would insist that the argument of violence was not used” Joksimović concluded.<sup>38</sup>

**CEAS remark:** If this refers to possible violence in northern Kosovo, Serbia which cites UNSC Resolution 1244 under the same Resolution does not have the right to deploy members of security forces in Kosovo. Interestingly, Joksimović does not entertain the possibility of riots in the case the agreement is reached.

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<sup>37</sup> Member of the Central Committee of the Serbian Progressive Party, president of the Committee for the control of the security services, former member of the Serbian Radical Party

<sup>38</sup> Blic online, 31.3.2013. Joksimović: Serbian Security Services Prepared to Reach in the Case of Violence in Kosovo <http://www.blic.rs/Vesti/Politika/374964/Joksimovic-Srpske-sluzbe-bezbednosti-spremne-da-reaguju-u-slucaju-nasilja-na-Kosovu>

## THE ALLEGED FIGHT AGAINST CORRUPTION

Simultaneously with the alleged search for sustainable solution to relations with Prishtina, an alleged fight against corruption is carried out in Serbia as well<sup>39</sup>. When the Government led by late Prime Minister Zoran Đinđić identified organized crime and its collusion with the state as a huge stumbling block to further democratization of Serbia, its first move was to literally and legally build institutions required for the systematic fight against it. This, presently, is not the case at all.

In 2012 Serbia launched the allegedly decisive fight against corruption under the leadership of the Defense Minister, who coordinates the work of task forces made up of members of the Interior Ministry – which is telling in its own right – at the moment when there was a general consensus that reform of the judiciary has not been carried properly. CEAS reiterates that the alleged fight against corruption was launched in circumstances in which the security system remains full of faults, the existence of which, unfortunately, no-one even tries to deny, although they have been ignored for such a long time.

The notorious criminal offense “the abuse of official position,”<sup>40</sup> a remnant of totalitarian system which serves for squaring accounts with political opponents and economic competition along the lines “you are guilty but we just have yet to see what to charge you with” is still in effect, although some cosmetic changes were introduced, deemed to serve as sufficient for the EU at the present stage.

According to information available to CEAS, the EU has never said that all 24 privatizations have indeed been illegally carried out,

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<sup>39</sup> In Serbia, the phrase „fight against corruption“ usually refers to the fight against other forms of financial machinations and crime as well

<sup>40</sup> The Law Amending the Criminal Code

<http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/2012/4108-12.pdf>

although re-examination is expected for various reasons and often because of the complaints to the European Commission and other EU institutions and member states lodged by private companies that had been included in rather non-transparent and legally superficially regulated process especially in the period of sanctions enforced upon Serbia during the Milošević regime, - truly criminally carried out. However, precisely this impression is created in the Serbian public through statements by public officials, primarily Aleksandar Vučić, who completely unfoundedly became the symbol of the fight against corruption, and media controlled by the new authorities. It is supposedly only a matter of time when the turn will come for each of them to be investigated. Accidentally, the turn for privatizations in which SNS' coalition partner in the present government - the Socialist Party of Serbia was included – has not yet come.

At the same time, the “hero” of the fight against corruption, as he is described by most the Western international community officials, Aleksandar Vučić, has failed to utter a single word about systemic sources of corruption in the security system, from intolerably high non-transparency of the public procurement process to numerous other things. The Government he is effectively heading has not adopted laws that would amend the management of public enterprises which are a huge source of corruption in an adequate way. Serbia is still the only country in the region which does not have the final budgetary audit<sup>41</sup>.

The reports by the State Audit Institution about the scope of identified breaches of procedure in the work of public enterprises and the legally envisaged penal measures, the amending of which no-one has officially announced, are in gross contradiction.

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<sup>41</sup> B92, 9.12.2011. The Government hides the final bill again  
[http://www.b92.net/biz/vesti/srbija.php?yyyy=2011&mm=12&dd=09&nav\\_id=564316](http://www.b92.net/biz/vesti/srbija.php?yyyy=2011&mm=12&dd=09&nav_id=564316)

If the fight against corruption launched by this Government had been sincere even to the slightest degree, as well as its desire to normalize relations with Prishtina and fulfill the obligation towards the EU to enable unhindered work of EULEX to establish the rule of law in the entire territory of Kosovo, the Government of Serbia would, for a start, close the Agency for Business Registers in northern Kosovo, which was opened during the term in office of the Government led by Vojislav Koštunica. The work of companies the setting up of which requires nothing but the stamp of this Government of Serbia Agency, unlike the work of other economic subjects at the territory of Serbia proper, is not possible to fully control. This enables existence of a large number of phantom companies or companies which are bankrupt, but which purchase tax-free merchandize on the administrative crossing between Kosovo and Serbia. The real owners of merchandize are thus able to sell their goods in both Kosovo and Serbia at the price free from taxes. It is estimated that damage to the Serbian budget which results from this equals at least 30-50 million Euros, through various tax evasions.

The Agreement on Integrated Border Management, whose implementation the four municipalities in northern Kosovo are very intensely opposed to, could allow much greater exchange of information on goods crossing between Kosovo and Serbia. If this happens, the space for manipulation of Serbian and Kosovo tax systems will be significantly narrowed.

The Serbian Government, allegedly in the midst of the fights against corruption, takes no visible steps to shut down the so-called “alternative routes” between Serbia and Kosovo, although such practice is in direct conflict with the regulations that same Government adopted<sup>42</sup>, which define the places where crossing the

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<sup>42</sup> Administrative border crossing is allowed only at three crossings in the area of the so-called northern Kosovo, and these are Jarinje, Vučja Lokva/Odojević and Tabalije  
<http://www.glassrbije.org/%C4%8Dlanak/uredba-vlade-srbije-o-kontroli-prelaska-administrativne-linije>

line is allowed. Crossing the line outside of the prescribed places is allowed “only with the competent authority’s permission” and in case of force majeure. Non-application of the regulation made controls of what and who really crosses that line become almost impossible. This raises the question whether the “competent authority” issued such an approval after all.

### **COUNTERPRODUCTIVE BEHAVIOR OF THE WESTERN INTERNATIONAL COMMUNITY AND X FACTOR RUSSIA**

CEAS understands the current need of the Western international community to formalize relations between Kosovo and Serbia in a way which will enable both sides to have a European future. On the other hand, CEAS maintains that for normalization of relations between Kosovo and Serbia, and primarily for sustainable agreement between the two sides, it is necessary to adopt much more comprehensive and different approach from the present one which does not guarantee sustainability and largely takes its toll in deterioration of previously achieved democratic procedures and practices in Serbia.

CEAS expresses disappointment and concern about the fact that arguments about the significance of reaching of an agreement between Belgrade and Prishtina, furnished by the Western international community due to change of geopolitical tendencies and disagreements within the EU itself, have completely abandoned initial interpretation of the nature of conflict in Kosovo in 1998-1999 and the scope of crimes committed by the Serbian security forces before NATO intervention, the reasons for NATO intervention as well as the fact that UNSC Resolution 1244 has a limited expiry date.

Instead, the pressure was made on Serbia to take part in “the dialogue” in which it has to make 99% of concessions. This causes confusion in the Serbian public, primarily among the young, to whom the war criminals are the main role models, along with footballers and show business starlets<sup>43</sup>, contributing to the fall of support to European integration of Serbia.

Confusion is caused, and CEAS estimates that the consequences of this confusion are yet to have a negative impact on Serbia, by some senior officials from the Western international community exaggerating the achievements of the ongoing alleged fight against corruption in Serbia, in an attempt to, probably, contribute to the internal strengthening of the oppositions position in which they have placed unfoundedly great hopes that it will sincerely contribute to the normalization of relations with Kosovo, and therefore that there is institutional and political strength for this.

The Western international community completely neglects, in its celebration of the efforts of current Serbian officials in normalizing relations with Prishtina, mostly just rhetorical, not only their past and relationship with the Serbian and regional recent past, but also the fact that they were the greatest opposition to any kind of progress in relations with Prishtina during the last Government’s mandate. The real reasons for their official change of rhetoric on the need for normalization of relations with Kosovo are still not very clear. CEAS doubts in their sincerity as well. This sudden change, which is inconsistent with the pre-election rhetoric of SNS and SPS, can likely contribute to resistance to a possible sustainable solution for the normalization of relations with Kosovo rising within both parties.

When it comes to SNS, instead of deeper ideological divisions within the party, which is still formed by switching a large number of

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<sup>43</sup> B92, 25.3.2013. Graduates like Legija and Karleuša  
[http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=03&dd=25&nav\\_category=206&nav\\_id=698578](http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=03&dd=25&nav_category=206&nav_id=698578)

members of the Serbian Radical Party, people ideologically and commercially close to Russia, which is the case with the SNS coalition partner, party of the fugitive tycoon Bogoljub Karić, the Western circles and media primarily insist on the potential conflict and differences between the former and current Party President Tomislav Nikolić and Aleksandar Vučić. According to CEAS sources, the issue of who Krstimir Pantić, whom SNS apparently fruitlessly, if this was even done sincerely, attempted to remove from activities in northern Kosovo, is currently loyal to remains open.

The balance of powers, commercial interest conflicts, increased allegations of involvement in corruption affairs and criminal privatization, followed by unclear relations of some high state officials such as Dušan Bajatović and Parliamentary Committee on Defense and Security President, who is at the same time head of Srbijagas, and Supervisory Board Member of Jugorosgaz, which deal with Russia, gives reasons for seeing the situations in SPS unstable.

Recently, tensions between coalition partners over treatment to the Serbian obligations related to the realization of the South Stream project are apparent, escalating after accusations put forward by Aleksey Miller, Director of the Russian energy giant Gazprom<sup>44</sup>. Miller allegedly stated, during recent talks at the Serbian Government headquarters, that “individuals are trying to obstructs” the gas deal between Russia and Serbia and the building of the “South Stream”, to which the First Deputy Prime Minister Aleksandar Vučić replied that such individuals will be thrown out of the Government and the SNS.

Both parties are in different ways associated with Russia, whose officials in the past gave a string of statements, not always consistent and diplomatic, on the negotiations with Prishtina and Serbian European integration. Recently, a trend of more intensive

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<sup>44</sup> Novi Magazin, 31.3.2013. Who is obstructing the South Stream?  
<http://www.novimagazin.rs/vesti/ko-opstruise-juzni-tok>

suggestions coming from Russian officials that the negotiations between Belgrade and Prishtina should be returned under the auspices of the United Nations (UN) has been spotted<sup>45</sup>. It should not be forgotten that part of the personnel in the Serbian Government belongs to the “Russian School”. Even those retired from that generation are still very active through the work in think tanks and other organizations with which the MoD closely cooperates, which is not the case when it comes to cooperation with civil society organizations that do not have that background.

Generally, X Factor Russia, from the role of the so-called international humanitarian center in Niš, and further on, followed by the level of its influence on political events in Serbia, is not even nearly systematically and analytically processed to the extent CEAS sees necessary, as well as in order to sustain the agreement in Prishtina if it occurs.

It appears that in spite of everything mentioned, which are well known facts, the Western international community still places unreasonably high hopes that the current representatives of Serbian authorities will be able to and/or have the political will to, if an agreement with Prishtina is formally reached, starts implementing it in practice.

Also, except for light warnings of EU technocrats that there is still more to do regarding the integration of Roma and fight against discrimination, the fact that the trend which separates Serbs, arbitrarily, into patriots and traitors, promoted by ideologues of blood and soil, is becoming legitimized again is being neglected. This is not initiated only in the extremist margins, which are by the way louder and freer in spreading hate speech and threats to various social groups in favor of Serbia turning towards the political West,

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<sup>45</sup> Press, 2.4.2013. Čepurin: The question of Kosovo should be solved through UN structures, not through the EU and USA

<http://pressonline.rs/info/politika/267895/cepurin-pitanje-kosova-treba-resavati-preko-struktura-un-a-ne-preko-eu-i-sad.html>

using social networking and their official media. The trend is, unfortunately, legitimized through mainstream media, which are, one way or another, controlled by the current Government. In them, legitimate interlocutors on current events are increasingly promoters of ideas such as Dragomir Andjelković, columnist for the Pečat weekly, whose articles are regularly promoted by the Pravda online portal, media close to at least one fraction of the SNS. After the establishment of the new Government, Andjelković supported drafting of lists of unsuitable people, initiated by a Ministry of Culture official, criticizing his incompleteness adding that “the anti-Serbian cultural-NGO-media fifth column is more dangerous than any natural elements and that it high time to put an end to it”.

If forced to accept some sort of an agreement, Serbian leaders will still be able, through the media they control and the finances they possess, to protect themselves from destructive influences of anti-Western extremists groups which are increasingly agile. Unfortunately, more honest pro-EU options, such as the Liberal Democratic Party (LDP) and parts of the civil sector which still believe in transitional justice, will not be able to do the same. A question is posed whether it makes sense to grant the date for the start of entry negotiations to a country which, for the sake of obtaining that date, has become fully Putinized!

The process of facing the recent war-criminal past has completely died down in Serbia, with tacit agreement of the Western international community and we are afraid that it will remain even so if the present incumbents come to “*an agreement*” with Prishtina. As we have already pointed out, the Humanitarian Law Fund has warned about an increasing tendency in Serbia to reduce the number of war crime trials before domestic courts. Unfortunately, the number of crimes committed by the security forces of Serbia and its state-legal predecessors is hugely disproportionate to the number of final judgments for those crimes. The remaining suspects are here among us, in the police, the Army, private security

companies, intelligence and security services, queuing for a bus... Some of them will perhaps be integrated into the Kosovo police if pressures are exerted to reach an agreement although detailed implementation plans and reasonable implementation deadlines are not in place. Some of them, within institutions or individually, might violently oppose the possible agreement. Some have perhaps been intimidating and blackmailing Serbs from Kosovo for years, primarily those in the north, not to integrate into Kosovo institutions.

Unfortunately, increasingly frequent and well-grounded unbiased complaints are made about politicization of the work of the Serbian War Crimes Prosecution. The case of brothers Bitici and recent decision by the Appellate Court confirming the judgment to clear policemen Sreten Popović and Miloš Stojanović from allegations to have assisted the murder of US citizens brothers Bitici in Petrovo Selo in 1999 is an illustrative example of the Prosecution's bad work as well as of the selectivity and double standards of both the Serbian and the US side.<sup>46</sup>

Unlike the President of Kosovo who has appointed her legal advisor as a personal envoy to regional expert group RECOM,<sup>47</sup> the initiative for RECOM has completely died down in Serbia. Oliver Antić, advisor to the Serbian President Tomislav Nikolić, who is an avowed critic of the very concept and existence of The Hague Tribunal, according to the information available to CEAS, is in charge of shaping the position of Serbia on April 10, 2013 during the discussion on the work of UN *ad hoc* courts scheduled by UN General Assembly President Vuk Jeremić. The President of Serbia, Tomislav NIKOLIĆ, also gave unacceptable statements about the genocide in Serbia<sup>48</sup>.

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<sup>46</sup> e-Novine, 28.3.2013. The State Hides Killers of Americans

<http://www.e-novine.com/mobile/srbija/srbija-tema/81579-Pravosue-krije-dravne-egzekutore.html>

<sup>47</sup> Humanitarian Law Fund (2013) The President of Kosovo Appoints Personal Envoy for RECOM

<http://www.zarekom.org/vesti/Predsednica-Kosova-imenovala-licnog-izaslanika-za-REKOM.sr.html>

<sup>48</sup> B92, 9.10.2012. Nikolić: There was no genocide

[http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=10&dd=09&nav\\_category=11&nav\\_id=650009](http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=10&dd=09&nav_category=11&nav_id=650009)

CEAS reiterates that the mechanism of transitional justice, primarily the obligation to cooperate with the Hague Tribunal, has been the only legally available mechanism, in addition to retiring, for dismissing the staff in the security sector in a country which has opted for non-violent method of regime change, implying an agreement with parts of the deeply compromised and criminalized security system.

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Vesti online, 8.6.2012. Nikolić: Srebrenica is a heavy crime, not genocide

<http://www.vesti-online.com/Vesti/Srbija/230768/Nikolic-Srebrenica-tezak-zlocin-ne-genocid>

Danas, 4.6.2012. Brussels criticizes Nikolić

[http://www.danas.rs/danasrs/politika/brisel\\_kritikuje\\_nikolica.56.html?news\\_id=241598](http://www.danas.rs/danasrs/politika/brisel_kritikuje_nikolica.56.html?news_id=241598)

## CONCLUSION AND RECOMMENDATIONS

CEAS hopes that Belgrade and Prishtina will soon reach an agreement on a long term sustainable solution in relations which will accelerate the normalization of mutual relations and European integration of both sides.

However, we believe that, based on all the above, there are serious obstacles for its eventual adoption and implementation in Serbia.

Figuratively speaking, the competition for the X Factor – Serbia, is not over yet. The strength, desire and “that something special – the X Factor” to lead Serbia, for one reason or another, towards the political East or the political West have differently grouped, and not necessarily mutually ideologically linked fractions in the Serbian society but also the state institutions.

CEAS expresses its concern that the Western international community, although aware of the majority of the mentioned problems and challenges which Serbia is faced with today or which it additionally creates, somewhat unwisely invested significant political credibility by demonstrating support to the current Serbian Government, hoping it has a genuine desire, political and institutional strength to accept and assist the implementation of sustainable agreement.

The price for such great support for the Government, which is yet to fulfill the majority of expectations and given promises, is already too high for continuing the process of Serbian democratization. We fear that Serbia might, at best, obtain a date to start negotiations whilst at the same time seriously Putinized. This is a dead end from which both, the EU, which will still need at least Serbia's role in

normalizing its relations with Kosovo, and Serbia, will find it hard to get out of.

The imposition of political will by compromised leaders on both sides in order to reach such a solution, laundering of biographies which brings confusion into the entire region that has not yet substantially faced with all events which took place during the nineties armed conflicts, probable blackmail to discredit the democratic process as long as such people are supported and remain in power, giving up on the commitment for continuing the process of transitional justice for the sake of achieving short term solutions, cannot give a long term sustainable and positive result of stabilization and democratization of the region, in which the Western international community already invested a lot of time, large financial resources and political credibility.

CEAS maintains that consistent implementation of transitional justice, and primarily war crimes trials before national courts and The Hague Tribunal, is exactly the best and sometimes the only mechanism for creating the essential conditions for reforms of the security system. It is exactly this system, unreformed and criminalized, which is often the main obstacle to stabilization and democratization in post-conflict countries.

CEAS recommends that the Western international community:

- Mentions its initial interpretation of the nature of the conflict in Kosovo in 98-99 more often, along with the scope of crimes committed by the Serbian security forces in Kosovo before and during the NATO intervention, the reasons for NATO's

intervention and the fact that the UN Security Council Resolution 1244 has a limited, though not defined lifetime;

- Intensifies its interest and support for continued implementation of transitional justice in the entire region of the Western Balkans;
- Pays more attention to the state of the security system in Serbia and becomes more intensely involved in the support and realization of continued security system reform in Serbia, contributing to the enhancement of opportunities for achieving sustainable implementation and normalization of relations with Kosovo;
- Acts more objectively in assessing the results of the current fight against corruption, thus highlighting the need for strengthening the institutions of the system and introducing legal measures which would better prevent cases of corruption, including those related to the north of Kosovo;
- Acts with slightly less opportunism in public evaluations of events in Serbia today. The current dose introduces additional confusion into Serbian society, hard hit by the economic crisis and transition, and makes the work of the real democratic pro-EU orientated powers harder;

- Pay attention to the existence of parasecurity units of the Serbian Government in Kosovo (Emergency Response units), which have a command structure, logistics, goals and else. If these are not covered by the talks, with all doubts about them removed in time, there is a serious threat of one party saying “that means they must be transformed” and the other “that means that during negotiations no one had any objections and therefore they stay”, at a later date;
- Tries to do everything from its side in order not to slow down the process of Serbian European integration, including supporting the Kosovo side to make certain legislative changes in order to achieve a sustainable agreement between Belgrade and Prishtina. This should be under the condition that Belgrade shows a clear commitment to disband the so-called parallel security and judicial structures in northern Kosovo as soon as possible, calls upon the Serbs in Kosovo to participate in all future elections in Kosovo which will be implemented according to Kosovo laws, and accepts all other obligations defined ahead with the purpose of carrying out a peaceful transition in the north of Kosovo. Slowing down of the process of Serbian European integration would lead to an additional decline in public support for it, and the strengthening of anti-Western, undemocratic options in Serbia. It should not be forgotten that, one way or another, generations of Serbian citizens, members of civil society and political parties worked hard, often in very precarious conditions, for Serbia’s formal European path and its integration, and therefore confrontation with the recent past and erection of transitional justice in the

past twenty years. One gets the impression that in case of absence of an agreement, or its dysfunction in practice, due to the intention of the Western international community to put an end to the question of Kosovo's status, in the absence of an adequate „Plan B“, exactly these groups will be the biggest losers. In this case, it is very likely that the winners of the X Factor Serbia competition will be performers who will carry out the *Putinization* of Serbia extremely well.

## **ABOUT THE CENTER FOR EURO-ATLANTIC STUDIES**

The Center for Euro-Atlantic Studies – CEAS is an independent, atheist, socially oriented left liberal think-tank organization, founded in 2007 in Belgrade. With its high quality research work CEAS generates precise analysis in the field of foreign, security and defense policy of the Republic of Serbia. Simultaneously, CEAS publicly promotes innovative, applicable recommendations and creates practical policy whose aims are:

- Strengthening of the socially oriented, left liberal democracy in Serbia\*
- Adopting the principle of precedence of individual over collective rights, without disregard for the rights which individuals can only achieve through collective action
- Development of the concept of transitional justice and the establishment of mechanisms for its enforcement in the Western Balkans region, exchange of positive experiences, emphasizing the importance of mechanisms of transitional justice for a successful security sector reform in post-conflict societies in transition towards democracy;
- Acceleration of the processes of Serbian EU integration and strengthening of its capacities for confronting global challenges through collective international action.
- Strengthening cooperation with NATO and advocacy for Serbian Atlantic integration
- Strengthening a secular state principle and promoting an atheistic understanding of the world,

- Contributing to the erection and preservation of a more open, safe, prosperous and cooperative international order, founded on the principles of smart globalization and equitable sustainable development and the international norm of *'Responsibility to Protect'*

CEAS fulfills the mentioned activities through various projects assorted in four permanent programs:

- Advocacy for Serbian Euro-Atlantic Integration
- Security Sector Reform in Serbia
- Transitional justice
- Liberalism, Globalization, International Relations and Human Rights

CEAS is an active member of the REKOM coalition which gathers more than 1,800 civil society organizations, individuals from all the countries stemming from the break-up of former SFRY. Among them are also missing persons' parental and family societies, veterans, news reporters, representatives of minority ethnic communities, organizations for the protection of human rights, etc. The REKOM coalition suggests that governments (or states) establish REKOM, an independent, inter-state Regional Commission for the Establishment of Facts on all the victims of war crimes and other heavy human rights violations undertaken on the territory of the former SFRY in the period 1991-2001.

During 2012 CEAS became an associate member of Policy Association for an Open Society – PASOS, the international association of expert non-governmental organizations (think-tanks) from Europe and Central Asia which supports the erection and functioning of an open society, especially in relation to issues of

political and economic transition, democratization and human rights, opening up of the economy and good public governance, sustainable development and international cooperation. PASOS now has 40 full and 10 associate members, amongst which is the prestigious European Council on Foreign Relations from London - ECFR, and, until now, only the Belgrade Center for Security Policy - BCBP, from the non-governmental sector in Serbia.

During the same year, the Center for Euro-Atlantic Studies became the first civil society organization from the region of South-Eastern Europe to join the International Coalition for the Responsibility to Protect – ICRtoP as a full member. The coalition brings together non-governmental organizations from all over the world to collectively strengthen normative consensus for the doctrine of Responsibility to Protect (RtoP), with the aim of better understanding the norm, pushing for strengthened capacities of the international community to prevent and halt genocide, war crimes, ethnic cleansing and crimes against humanity and mobilize the non-governmental sector to push for action to save lives in RtoP country-specific situations. Among the prominent members of the Coalition are organization such as the Human Rights Watch - HRW and the International Crisis Group – ICG.

*\*Social liberalism claims that society needs to protect freedoms and equal opportunities for all citizens and encourage mutual cooperation between government and market institutions through a liberal system. In the process of evolution, it agrees that some limitations placed upon economic affairs are needed, such as anti-monopoly laws in the fight against economic monopoly, regulatory bodies or legislation concerning minimum pay. Social liberals believe that governments can (or must) cater for the comfort, health protection*

*and education through revenue gained from taxes, so to enable the best use of the populations' talent. Furthermore, liberal-socialism fights against extreme forms of capitalism and communism. It also vows for calmer anti-clericalism and religious freedom.*



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