

STATEMENT OF SONJA BISERKO

1. Introduction

1. I have been asked by the Croatian legal team to provide a statement which will bear light on the Serbian national program which was the main trigger for the war in the former Yugoslavia.

2. I am the founder and President of the Helsinki Committee for Human Rights in Belgrade.

2. Defining the Problem in Historical Perspective

3. Development of Serb people and their state during the past two centuries has been marked by a conflict between patriarchy and modernity which has slowed and made the cultural integration of Serbs and creation of a "complete state" more difficult.¹ The clash between patriarchy and modernity marked the end of the 20th century, largely because emancipation was always perceived as a loss of identity. The foregoing resulted in a revival of a "greater Serbia" concept which drew its strength from the patriarchal, collectivist model of state and society and ethnic-religious understanding of nation. That concept drew additional strength from the reliance on tradition of the medieval Serb empire.

4. In the judgement of Serb nationalists, the historical climax presented the greater-Serbian state idea and its advocates with a singular opportunity to capitalize on the break-up of Yugoslavia and redraw the borders according to a national programme nearly two centuries old². The Serb elite based its ambitions on several very important premises: the

¹That term was coined by Zoran Djindjic. Emblematic of that idea is his study "Yugoslavia as an Unfinished State," and Nenad Dimitrijevic's essay "Serbia as an Unfinished State."

² A new Serbia state, removed to southwest, while leaving a part of Kosovo behind; makes the sum and substance of the so-called national program. The following quote probably best illustrates the idea, "This is the time of territorial-ethnic reshuffle of the entire Balkan region, the time of forced adjustment we shall have to accept as a fact of life. Epochal changes make it necessary for the Serbian people to congregate in the territory it can live, it can cover by its civilization and wherefrom it will be enemy to no one. Even this disaster brings forth something useful – ethnic appeasement of the region. The Serbian people unifies and homogenizes; it rounds up its living space that gets ethnic borders. A change as such implies establishment of a new nation state in the territory only aggressors may call into question. In other words, we are forced to create a state suited to us and to our power." (Dobrica Cosic, "Chasing the Wind.")

international environment or vacuum which emerged as a result of the collapse of communism, Serbian supremacy over the Yugoslav People's Army, the Kosovo myth³, which mobilized Serbs, and perceptions of Russia as Serbia's natural ally.

5. The Serb national programme was not unique in the Balkans. Balkan nations that have lived on the periphery of two large empires for centuries were also nourishing national aspirations – and had nation states as their goals. The nineteenth and the beginning of the twentieth centuries saw their wars of liberation and their efforts to build modern states of their own. The creation of Yugoslavia in 1918 laid the foundation for the realization of the Serb national program. But, at the same time, the new Yugoslav state embodied objectively disparate national interests and common south-Slav aspirations. Even as the new state was being built, the proponents of unitarianism and federalism clashed. Their conflict inevitably raised questions about the survival of the Yugoslav state. The Serbs, who wanted to become the leading nation in Yugoslavia and the Balkans, had always been strong. They believed that they ought to be given a vanguard role in the Balkan Entente, the collective defence agreement designed to discourage the constant territorial claims of various European countries.

6. The adoption of the 1974 Yugoslavian Constitution was preceded by extensive public debate throughout the country. At the time, there was already dissatisfaction in Serbia with the direction in which the changes were drifting. Serbian elites looked upon the confederation of Yugoslavia as a plot to completely break-up the Serb people and argued that Serbia's boundaries at the time were 'neither national nor historical borders' and that, for that matter, the 'boundaries between all republics were administrative, rather than political'

7. The Serbs' largely traumatic and frustrating experience with the 1974 Constitution exerted considerable influence on their later behaviour during the disintegration of

³The Battle of Kosovo took place in 1389, and marked the beginning of the 5-century Ottoman supremacy. However, Serbs have been glorifying this heavy defeat ever since. The defeat has been turned into martyrdom, while Kosovo itself proclaimed "the soul of the Serbian nation." Accordingly, without Kosovo, Serbs will be wiped out as a nation. This is why "the Kosovo myth" implies continuity with the medieval Serbian state.

Yugoslavia. Most Serbs believe that the Constitution destroyed the unity of Serbia, brought about scores of problems for it and led to the break-up of Yugoslavia. Most Serbs are deeply convinced that the constitutional transformation of the republics into states rendered a satisfactory solution to the Serb national question even more remote. Having decided that the 1974 Constitution marked the beginning of the end of Yugoslavia as they saw it (i.e. as an extended Serbia), Serbian community and opinion leaders set about reviving the Kosovo myth. This myth served to rally and cohere Serbs politically, just as it did at the beginning of the nineteenth century.

3. Serbs Mobilized Over the National Programme

8. The Albanian demonstrations in Kosovo in 1981 were used as a pretext for raising the Serb national question and fomenting Serb nationalist sentiments. The YPA pushed its way onto the political stage and virtually occupied Kosovo.

9. The struggle for Josip Broz Tito's inheritance in 1980 started amid a deep crisis⁴, for which the political and intellectual elite and establishments had no answers. The country's general unpreparedness for change was largely exacerbated by Yugoslavia's *sui generis* position during the preceding fifty years, a position based on its geo-strategic location and the bipolar division of the world during the Soviet Union-United States Cold War. This position gave Yugoslavia special treatment and a special role on the international political stage that was far greater than its real importance. The Serbs, whose unwillingness to address the open issues and their resistance to change resulted in national homogenization: any attempt to refashion Yugoslavia under new circumstances was perceived as a scheme to deprive them of a state of their own. Serbs' ethnic identity, the then leadership has utilized under the slogan 'Firstly, the state - secondly, democracy' blocked democratization and prevented the necessary pluralization of interests. The Serb elite, led by Slobodan Milosevic, reverted to its national programme,

⁴Yugoslavian statesman who led the resistance to Nazi occupation during World War II, established independence from the U.S.S.R. (1948), and as president (1953-1980) pursued the policy of "socialism with human face," while stressing non-alignment in foreign affairs. By the strength of his personal authority and political insight he managed to adjust differing interests of ex-Yugoslav republics and maintain the federation. After his death, differences growingly came to light.

which had been in preparation at an informal level since the early 1970s and was articulated with the publication in 1986 of the Academy for Science and Art (SANU) Memorandum.

10. In trying to influence the outcome of the Yugoslav crisis through the Memorandum, the Academy was anxious that it should reach those whose purview was the solution of current problems. The Memorandum was at once pro-Yugoslavia and anti-Yugoslavia in that it suggested a transformation of the country through its re-centralization. The authors of Memorandum argued that the Serb people could not look to the future serenely amid so much uncertainty. For this reason, the Memorandum's authors stated, all the nations in Yugoslavia needed an opportunity to state their aspirations and intentions. Restated, this meant Serbia could make its own choice and define its national interest.⁵ In essence, the Memorandum merely copied down the parameters of the Serb national programme from the end of the nineteenth century and the beginning of the twentieth, calling for 'the liberation and unification of the entire Serb people and the establishment of a Serb national and state community on the whole Serb territory.'

11. The mass support Milošević won turned quickly into a national movement in Serbia. Drawing on the energy of that movement, Milošević established his authoritarian rule, which enabled him to raise the Serb question in Croatia and Bosnia-Herzegovina and present it as a state question which could only be solved by establishing a Serb state in these republics precisely in keeping with the position promoted by Dobrica Ćosić, Serbia's most popular writer, and his circle.⁶ Key concerns were the impitment of the Serb people, the exhaustion of the Yugoslav framework, the need to amend the 1974 Constitution, and the resulting unequal position of Serbia vis-a-vis the other republics.

⁵ *Memorandum SANU (The SANU Memorandum), Odgovori i kritike (Replies and criticism)*, Kosta Mihajlović, Vasilije Kresić, SANU, Belgrade, 1995.

⁶ Though self-proclaimed dissident, Dobrica Ćosić has always been under the wing of people in power — from Josip Broz Tito and Milošević to present-day "democratic" leaders. He is both actual and intellectual architect of Serbian nationalism that only keeps changing its clothes. His popularity and influence are mostly based on the thesis threading all his writings, "Serbs are winners in wartime, but losers in peacetime."

4. The Propaganda War

12. Revival of Serbian nationalism in the 1970s, in response to the trend of decentralisation of Yugoslavia, was based on the idea that Serbs were "the backbone of Yugoslavia and the Balkans." Such a conviction stemmed from fabricated myths, which held that Serbs had liberated all other Yugoslav peoples, hence their right to primacy, and that Serbs possess state qualities far superior to those characterizing other peoples. The Serbian Orthodox Church, Serbian Academy of Arts and Sciences, Association of Writers of Serbia, and Belgrade University contributed to awakening of national energy. Simplified truths about centuries-long sacrifices made by the Serb people mobilised the entire Serb populus in Yugoslavia. The media's contribution to the ensuing course of events was also substantive. They became the principal war-generating and peoples-harassment mechanism in Yugoslavia in the pre-war period. By recalling the World War II genocide of Serbs in Croatia and suffering of Serbs under Turks and hyping the terrorist-like characteristics of the Albanian people, the elite and media plunged Serbians into a state of frenzy, in which no rational reasoning was possible.

13. The Serb national question was raised using the following arguments: confederalisation of Yugoslavia was an attempt to destroy the Serb nation, while borders of Serbia were "neither national nor historical borders." It was a signal to the Serbs to fight for their "severely jeopardised national identity, and make that aim the main prerequisite of their future survival." The revival of the Kosovo myth served to mobilise Serbs and eventually help bring about anti-bureaucratic revolution, which was in fact a crusade against Yugoslavia.

14. The well-thought-out portrayal of the 'enemy', i.e. one's neighbours of yesterday, as inhuman laid the groundwork for their destruction. The Croats were referred to exclusively as Ustashi and the Muslims were derogatorily referred to as 'balijs' (Serbs converted to Islam). Greater-Serbian advocates pointed out that 'Muslims are genetically defective people who converted to Islam, so now, of course, that gene is simply condensing from generation to generation. They are getting worse and worse, express themselves in simple terms, and dictate such a way of thinking and behaving.

This is already implanted in their genes.⁷ Prominent leaders and intellectuals propagated war and ethnic cleansing in all their public utterances as a legitimate means of achieving justifiable objectives. Biljana Plavsic is remembered for the following statement: 'I'd rather we completely cleansed east Bosnia of Muslims. Speaking of cleansing, I wouldn't like anybody to take this literally as meaning ethnic cleansing. However, they have imputed to us this quite natural phenomenon as ethnic cleansing and termed it a war crime.'⁸ Plavsic counted on the great numerical preponderance of Serbs and was convinced that the Bosnian war must be won by them because 'there are twelve million of us, so even if six million are killed, the remaining six million will live decently.' Cosic put forward a similar thesis back in 1990 when he said: 'Eighty thousand Serb casualties would be an acceptable price to pay for the realization of the national objectives.'

15. In order to mobilize Serbs throughout Yugoslavia, every method was used including the recollection of Second World War crimes against Serbs, the revival of myths created at the time of Turkish occupation, and lies. The Serbs' supremacy, 'statehood' and ability to organize their state was continually pointed out.

16. Mindful of the changes in the international environment, especially the collapse of Communism, Serbian propagandists made much of the fact that Serbia had always been anti-Communist. They cited the 'collapse of the Communist regime and Communism' in support of their new thesis that the 'AVNOJ boundaries have lost all foundation in history and possess no regularity under international law'.⁹ They argued that the collapse of the social order created by the Communist Party meant the 'collapse of its historical-political determinant, i.e. the AVNOJ boundaries'. As one of the main architects of the Serbian programme, Cosic also argued that the 'Serb people cannot accept a confederation of the present republics because their boundaries are illegitimate both in a historical sense and under international law, for they were drawn to conform to the

⁷ Biljana Plavsic (one of three main Bosnian leaders indicted for war crimes), *Svet*, 6 Septembar 1993.

⁸ *Ibid.*

⁹ Acronym for the Anti-fascist Committee for Yugoslavia's National Liberation. At its historic session in the town of Jajce (Bosnia-Herzegovina) in 1943 the AVNOJ decided that the future Yugoslavia would be a federation and outlined the borders between Yugoslav republics.

political objectives and criteria of the Communist Party and according to the Brioni Constitution¹⁰.

5. The Milosevic Advent

17. The idea of re-centralizing Yugoslavia gained increasing support in Serbia in the political vacuum left after Tito's death. Milosevic strengthened his standing with dogmatic members of the party by accusing reformers of 'washing their hands of Socialism'. His advice to them was to 'get out of the League of Communists and its forums.'

18. Milosevic's visit to Kosovo in April 1987 made him aware of the potency of nationalism and marked a turning point in the treatment of the Kosovo problem. Having won by his defence of Titoism the support of the military leadership, which strove to preserve the state intact, Milosevic proceeded to reshuffle all editorial staffs, especially those of the daily *Politika*, the weekly *NIN* (Serbia's two principal newspaper houses) and state-run television, sacking seventy-two editors. The new editorial teams became part of Milosevic's inner political team. They played a key role in starting the war and enlisting the support of the popular masses. Milosevic could not have grown into the national leader he was if the people, dissatisfied and eager to change the petrified leadership personified by Ivan Stambolic, president of Serbia from 1986-87, had not been in the right mood. The people were obviously ready for a new leader and saw Milosevic, on the strength of his utterances in and about Kosovo, as the man fit to rule.

19. Milosevic based his policy on populism. His meteoric rise to power had not been lost on the intellectuals, so they went over to his side in the second half of 1988. The national programme of Cosic and his group finally came into the open once a political leader had at long last been found to espouse it. Power was in the hands of Milosevic, but the future of Serbia was charted in the home of Cosic, who was hailed by Serbs as the architect of the programme. In spite of their moral and political differences, the two worked in

¹⁰ Cosic interview in *Politika*, 21 January

harness: Cosic pursued his nationalist goals and Milosevic, the pragmatic leader, pursued his political interests. It was this commonness of purpose that held them together.¹¹

6. Collapse of Yugoslavia

20. The period preceding the outbreak of fighting was characterized by three phases: attempts to preserve the old system; the crystallization of two concepts for resolving the crisis, and war. In the first phase, shortly after Tito's death, members of the political and intellectual establishment strove to preserve their positions without making much effort to resolve the crisis by systemic reform, for any bold move threatened to alter the correlation of forces and upset the balance established in Tito's day. The second phase was marked by the 1986-87 rise of Milosevic, the first politician to step forward with a proposal for overcoming the Yugoslav crisis by reinforcing federal institutions and central government with Serbia playing a dominant role. This was diametrically opposite to the view that had meanwhile evolved in Slovenia, which saw Yugoslavia's future only through substantial decentralization and greater roles for the republics. At that time, Croatia did not declare itself, but during 1989 it joined Slovenia in its demands. The appointment of Ante Markovic as federal prime minister was the last attempt to find a solution to the Yugoslavian problem. His programme advocated economic reform in hopes of initiating political change, an expectation that had already been proven illusory during the 1970s.

21. The Eighth Session of the Serbian Central Committee (September 1987) marked the turning point in efforts to resolve the Yugoslav crisis and brought about a rift within Serbia's political establishment. The installation of Milosevic and the political execution of Stambolic gave victory to the nationalist political orientation leading to the break-up of Yugoslavia. Following the Eighth Session party coup, Milosevic engineered the largest purge of the Party (much more sweeping than the ones following the Cominform resolution in 1948 or the removal of the liberals in 1972) with the object of consolidating Serbians' power. The purge was not merely about intraparty conflict; it was important for the disposition of forces for the upcoming showdown in Yugoslavia. The Eighth Session

¹¹ Slavoljub Djukic, *Izmedju slave i anateme* (Between the glory and the anathema).

was the key event in dissolution of Yugoslavia. The so-called antibureaucratic revolution managed to homogenize both the then Serbian Communist Party and the nation. It brought down institutions and initiated deregulation with the full support of the army. During July 1988 Milosevic toppled the Vojvodina leadership in the so-called 'yoghurt revolution'¹² and proceeded to centralize Serbia under the slogan 'One people, one state, one court of law'.

22. The annexation of Montenegro followed in January 1989 after the fall of the republic's leadership. Under the pretext of a 'replenishment of cadres', Milosevic's cronies and errand boys were installed in federal posts. The purging of Vojvodina's, Kosovo's and Montenegrin's representatives gave Serbia a controlling majority in the federal leadership. With his unification of Serbia, Milosevic simultaneously prepared a campaign against Slovenia and Croatia.

23. The scenario for unmaking Yugoslavia was worked out in detail in advance. Because events followed each other with great speed, other republics were unable to react. Following the isolation of Slovenia, the Belgrade scenario focused increasingly on Croatia, which for the most part failed to react to Belgrade's provocations. It was only after a long period of vacillation that Croatia decided to resist, so a confrontation between Serbia and Croatia started. There was an eruption of Serb nationalism, which Belgrade manipulated and skillfully doled out through the media, and the Serb population was used to organize rallies in Croatia.

24. After the dissolution of the League of Communists of Yugoslavia at its XIII Congress in January 1990 Milosevic announced to his collaborators that 'Serbia has to prepare itself to live without Yugoslavia.' The adoption of the new Constitution of the Republic of Serbia in September 1990 marked the end of the first phase of preparations to destroy Yugoslavia. This Constitution usurped two paramount federal functions: national defense and foreign relations (Articles 72/1 and 72/3). It deprived autonomous provinces of their constitutional functions (Articles 108-112) and excluded Serbia from the legal system of

¹² The Vojvodina leaders who tried to address the rally were pelted with yoghurt cartons.

the Socialist Federal Republic of Yugoslavia (Article 135). It was the first secessionist document, especially as it is quoted in Article 135, which states that Serbia will enforce federal legislation only if it is not 'contrary to its interests'. In fact, this article practically nullified all Serbian obligations towards the rest of the country. On the other hand, Serbia continued to claim all the rights allotted to it by the federal legislation and federal Constitution, the most important of which was preserving its representatives (three including provinces) in the SFRY Presidency. Even Milosevic in one of his speeches on Radio Television of Serbia (15 March 1991) declared 'Yugoslavia does not exist any more.' This Constitution helped Milosevic to stay safe in Serbia 'which was not in war' and had nothing to do with the evolving 'tragedy.'

25. Having failed to export his 'anti-bureaucratic revolution' to other republics, or to occupy Yugoslavia in one fell swoop, Milosevic went ahead with implementing his plan with the help of his supporters, namely other parties which had previously set out Serbia's war aims in their programmes, in which the frontiers of the future state coincided with those of Moljevic's 'Homogeneous Serbia.' These parties were the Serbian Renewal Movement (SPO) led by Vuk Draskovic¹³, the Serbian Radical Party (SRS) of Vojislav Seselj,¹⁴ and the Serb National Renewal (SNO) party of Mirko Jovic. All these parties effectively promoted the Chetnik movement and drew on its traditions.¹⁵

¹³ The SPO programme looked upon the Serb entity as independent of the other republics; implied that Yugoslavia was entirely Serbia's creation, and declared that 'neither the territories which, on 1 December 1918, the day Yugoslavia was created, were part of the Kingdom of Serbia, nor the parts in which Serbs were in the majority before the Ustasha genocide, may secede from present-day Yugoslavia or be confederated at the expense of the Serb people - these territories are the inalienable historical and ethnic property of the Serb people.' As to Croatia, the programme was explicit: 'Croatia within its present borders cannot be confederated before an autonomous province of Serb Krajina is established in Baranja, parts of Slavonia, Kordun, Lika, Banija, and northern Dalmatia, and before autonomy is guaranteed to Istria and Dubrovnik.' Should Croatia nevertheless secede from Yugoslavia, 'the autonomous province of Serb Krajina would be incorporated into the Serb state.'

¹⁴ The Programmatic Declaration places special emphasis on Kosovo, urging the 'suppression of the Albanian separatist rebellion by all means' and the taking of such essential measures as: preventing any form of Kosovo-Metohija politico-territorial autonomy, expelling alleged 360,000 Albanian immigrants, preventing extension of state grants to national minorities, declaring a state of war and imposing military rule, dissolving the local organs of civil government financed from the state budget, closing down or conserving all local factories and production facilities, abolishing all welfare payments to Albanians, especially those conducive to excessive birth rate' and a host of others.

¹⁵ When the WW II broke out, Chetniks initially stood for "the Yugoslav Royal Army in homeland," led by Gen. Draza Mihajlovic. However, rather than fighting against the German army (they more often than

7. Planning and Preparations of War

26. Preparations for war took a long time and were carried out at several levels including the media, institutions, schools, universities, churches, the army and informal discussion groups gathered in coffee bars and homes. From the inception and formulation of the project to its implementation, various people were assigned various tasks. The role of chief warmonger was entrusted to Vojislav Seselj, one of the most diligent operatives and Milosevic's alter ego for the preceding ten years. He was the one to apply violence to the extent his master deemed necessary at any given moment. At the same time, his gross manner and thuggery made Milosevic seem decent and acceptable in comparison.

27. Disintegration of Yugoslavia cannot be understood without previous knowledge of the important role of the YPA in the former. YPA grew more powerful and influential in the Yugoslav society in the 1980s, which clearly indicated that its key role in future developments was inevitable. In view of the continuing militarisation in Yugoslav society, it was only logical for the army to consider a *coup d'etat*. The Army and Serbian leaders were in full agreement that Serbs were an integrating factor in Yugoslavia, because they were most populous and also most widely dispersed throughout the country; furthermore, they contributed to both Yugoslavias. The then prime movers also suggested that Serbian national awareness ought to be acknowledged as a counter balance to other nationalisms not based on statehood, but that position was viewed with great mistrust by other republics.

28. Hegemonic centralism of Serb policy coincided with the centralist position of the Army. That position was a source of inspiration for all future YPA-taken actions. It was also the cause of the YPA's downfall, because in the process the YPA relinquished its founding principles. Actions which ultimately brought about the historical and moral downfall of the YPA were the boycott of the federal parliament, subjugation and de-commissioning of the Territorial Defence Units, siding with the Serb government during wars in Slovenia, Croatia and Bosnia-Herzegovina, and mobilization of volunteers to

not collaborated with), Chetniks turned into a strong nationalistic movement aspiring to create a "Greater Serbia."

replenish swiftly-diminishing army ranks and file. In 1990, when the YPA *de facto* became the Serb army, General Kadijevic described the war objectives in the following fashion: "the YPA shall defend the Serbs and define borders of future Yugoslavia."

8. International Response to Yugoslav Crisis

29. With YPA on its side, Serbia became superior over other Yugoslav nations and was able to quickly achieve its military goals in Croatia and Bosnia. Because of Yugoslavia's military superiority, the international community became involved in the Yugoslav crisis. From the beginning, international intervenors tried to mediate a peaceful resolution to the war. In 1991 the international community's response to Yugoslav wars was to convene The Hague Conference, which was mediated by the European Community. The aim was to discuss the future of Yugoslavia. The Conference was the last attempt to preserve the Yugoslav framework and find a solution that would satisfy two fundamentally opposed concepts of the future arrangement of Yugoslavia, namely a confederation and a federal system featuring a loose federation and a strong central government respectively.

30. On September 3 the Conference passed a Declaration on Yugoslavia which laid down the principles which were to 'ensure the satisfaction of the opposing aspirations of the Yugoslav peoples in a peaceful way'. Underlying principles were that there would be no alteration of boundaries with the use of force, that the rights of all in Yugoslavia would be protected, and that all legitimate interests and legitimate aspirations would be fully respected.

31. At the first meeting of the Hague Conference, Milosevic employed the well-known strategy of the Serb nationalists, the implementation of which was already in progress on the ground: he requested equal respect for the right to self-determination of every Yugoslav people and guarantees that they could all exercise that will to self-determination. He supported this position by arguing that Yugoslavia was a community of equal Yugoslav peoples, not republics. He also argued that any right to secede would lead to the eventual delimitation of new international frontiers of Yugoslavia because the internal administrative boundaries did not have the character of international frontiers. At

the same time, he raised the problem of the partition of assets, human rights, etc. Serbia experienced the Hague Conference as an ultimatum to herself, the 'abolition of a state by dint of some sort of freakish political engineering coupled with a flagrant violation of international law'. After rejecting The Hague offer, primarily because of the military supremacy, Milosevic continued to create new problems by occupying Croatia (25% of its territory) and Bosnia (75% of its territory) while international community struggled to contain the resulting humanitarian disaster.

9. Present Situation in Serbia

32. However, international presence in the region and dynamics in Serbia itself (the October 2000 removal of Milosevic, the March 2003 assassination of Prime Minister Zoran Djindjic, and the massive victory of the Radicals in the December 2003 early parliamentary election) clearly indicate that Serbia is only now coming to grips with its own reality. Milosevic's legacy is difficult to deal with, including acknowledging its recent criminal past, which makes Serbia a *sui generis* case in the post-communist world.

33. The current situation in Serbia may serve as a new key for understanding the disintegration of Yugoslavia. The early 1990's dominant thesis about "the civil war" and "accountability of secession-minded republics" now requires a *fresh look* or re-appraisal. Lack of ability of the Serb elite to define and mainstream modern Serbia¹⁶ and place it in a contemporary international context were key reasons for the disintegration of the Yugoslav federation. It is further illustrated by the fact that Montenegro and Kosovo have become independent in the meantime as well. On the domestic scene this is best reflected in the prevailing stand on Vojvodina autonomy, regionalization and minorities as exemplified by the continuous tensions in Sanjak and South of Serbia. Total misunderstanding of contemporary processes and trends jeopardizes Serbia proper and makes it prone to further fragmentation.

¹⁶ According to President of the Constitutional Court of Serbia, Slobodan Vucetic "after December 2003 elections Serbia cannot be a regional state, for it lacks the experience of regionalism".

34. Even after Milosevic, the vacuum of authority caused by disputes over basic constitutional structures remain a continuing source of instability in Serbia, as well as the region as a whole. With the basic situation still unresolved in each of the entities or states in the region, little progress can be made in addressing the broader institutional problems in the region.

10. Acknowledging and Reconciling the Past

35. Acknowledging the past is the biggest and most painful problem in Serbian society. Serbian elites did not renounce the Serbian national program and its aspirations of territorial expansion, though recent messages from the international community indicate that such illusions have no prospects (Recent Agreement between Belgrade and Pishine). However, Serbian leaders still keep nourishing these illusions vis a vis Bosnia. Only international community can put an end to these aspirations.

36. In the last ten years, Serbia has made no effort to enter into dialogue with any of the parties to the conflict with the object of achieving reconciliation. For one thing, there can be no reconciliation with Croatia while a number of questions remain unsolved. These questions involve, among other issues, the Serbs silence about the fate of 1,500 missing Croats. As regards relations between Belgrade and Bosnia, the state of affairs is even more uncertain and complex. To begin with, the Dayton Accords essentially cement the defeat of the victim, namely the Muslims. Dayton was framed according to the situation on the ground, not according to the principles of justice. In other words, the Accords themselves have not created any preconditions for a process of reconciliation.

37. No attempt has been made to fathom the deeper roots of Serb nationalism, which throughout the twentieth century threatened the survival of the former Yugoslavia and finally was the principal cause of her break-up. Instead of making a clean break with the remnants of Milosevic's regime, new leaders perpetuate the same policy by other means. They are awaiting different international circumstances and even a redrawing of the Balkan map. According to Cosic, that would create a war for ethnic states. Citizens have

nothing to lament, for history has created an ethnic state. Admittedly, Cosic has not defined its boundaries yet.

38. I have described the historical, political and cultural context of the Serbian National Programme and its role during the war between 1991 and 1995. My firm view is that the Serbian national programme was crucial for the tragic collapse of Yugoslavia. Accordingly, I believe that it is important to bear light on the Serb aspirations to Yugoslavia since its foundation. By understanding the nature of the Yugoslav wars it could also be helpful to Serbia to face its own responsibilities and thus open avenues to normalization of its relation with its neighbours.

39. I conclude my report by confirming that I understand my duties to the court and that the contents of this report are based on my own knowledge and expertise and are true to the best of my knowledge and belief.

Signed:

Srdjan Pavlovic

Dated:

Belgrade, 13 July 2013