** United Nations Office in Belgrade**

**Daily Media Highlights**

**Wednesday, 12 March 2014**

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**LOCAL PRESS**

**Nikolic: Annex of the Brussels agreement necessary (*RTS*)**

Serbian President Tomislav **Nikolic** has stated that a new annex of the Brussels agreement is necessary over Pristina’s announcement on the formation of an army. He pointed out that he indicated four months ago the issue of the formation of the so-called Kosovo army to the EU. “They responded that at issue are defense forces and I asked who they were defending from. I also said that, if such forces are created, this should also be done in the north. After the model of the agreement on the police, there would be no agreement on the composition that responds to the population,” wondered Nikolic. He said that a new annex of the Brussels agreement was necessary, stressing this would be the topic of further talks and that the essence is for the Serbs to have their own army, if Pristina is already forming its own. He also underlines that there are clear guarantees that the so-called Kosovo army, that will be formed within two or three years, will never set foot in northern Kosovo. Nikolic added that Serbia will not recognize independence of Kosovo and that it is preparing to regulate by law this essential autonomy of Kosovo and Metohija, which it is obliged by the Constitution, and permitted by international law according to UNSCR 1244. “The EU has its own conditions and we are either ready to fulfill them or we are not. Europe doesn’t want us if it would set that last condition that concerns state territory,” the Serbian President told the ***Radio Television of Serbia*** (RTS) broadcast “Questionnaire”. As regards the Brussels agreement, Nikolic assessed that many things had been defined and that the judiciary is on the agenda, for which he thinks it will be difficult to find a joint solution. “My stand is that the Serb community must have a court in the basic level that will try the Serb community. The proposal is to mix seven municipalities here – three with an Albanian majority and four with a Serb majority and I think this is not good and that we won’t be able to build good relations on this solution. That is a little insertion of northern Kosovo into the Pristina administration, which certainly isn’t by the will of the people in the north,” said the President. He pointed out that Serbia will not recognize independence of Kosovo even if the EU requests this, and that this is the position of the President, but also of the government, adding that the new government, once formed, will certainly take a position on this. He said that he will never give up from referendum as a way of deciding, not only on Kosovo and Metohija, but on NATO membership as well.

**SDP wants Ivanovic to be released pending trial (*Tanjug*)**

EULEX spokesperson Dragana **Nikolic Solomon** told ***Tanjug*** that the SDP leader Oliver **Ivanovic** was transferred on Wednesday from the Pristina detention unit to the one in Kosovska Mitrovica. Nikolic Solomon underlined that the EULEX mission assisted the Kosovo police in Ivanovic’ s transfer. SDP officials said that Ivanovic’s transfer did not mean the end of their struggle, adding that their goal was for Ivanovic to be released pending his trial. SDP Vice President Ksenija **Bozovic** spoke at a news conference in Kosovska Mitrovica and thanked the Serbian government for its support, adding that she hoped the government would continue in that direction, so Ivanovic would be released pending a trial. Ivanovic’s lawyer Nebojsa **Vlajic** said it was very important that Ivanovic’s transfer had finally gone through, although with great delays.  
“That shows that a court decision must be above all else and above political will and any particular person and has to be implemented. The decision is solely about Ivanovic’s transfer from one prison to another, from one city to another,” he noted, adding that all the guards and detainees in the first prison were Albanians and Ivanovic’s life was in danger there. He said he could now focus on preparing Ivanovic’s defense, which he could not do up until then because of technical difficulties and limited time for visits in Pristina.

**Djuric instead of Mrkic? (*Novosti*)**

Candidates have been prepared for the key posts in the Serbian government way ahead of the final draw at the polls, and the biggest “crowd” is for the post of the foreign minister, presently headed by Ivan ***Mrkic***. Even though smaller parties that are extending their hand of cooperation to the strongest Serbian Progressive Party (SNS) crave for this post, it is almost certain that the foreign ministry will remain in the SNS jurisdiction. ***Novosti*** learns that Marko **Djuric**, Serbian President’s advisor, could take over the foreign ministry. Djuric didn’t wish to comment the possibility of being appointed as foreign minister, while Radomir **Nikolic**, the chairperson of the SNS executive board tells ***Novosti*** that specific names will be discussed only after they see the expected results at the voting. The Socialists are not hiding that they are counting on the police department, but wouldn’t reject the foreign ministry. The vice president of the Socialist Party of Serbia Dijana **Vukomanovic** says that the distribution of ministries will depend on coalition agreement, but that they have a broad personnel base to be decided by party organs. The leader of the Liberal Democratic Party Cedomir **Jovanovic** would most gladly take over the foreign ministry if he is part of the new government. Borislav **Stefanovic** says the Democrats have candidates for the entire government, while they would appoint Milica **Delevic** as the foreign minister. The leader of the New Democratic Party Boris **Tadic**, whom many place in the post of the foreign minister, says he will not be part of the government but that he had prepared a list of candidates for several ministries that includes Miodrag **Rakic** – police, Goran **Radosavljevic** – finances, Aleksandar **Senic** – agriculture.

**Election campaign – what did they tell us and what they did not (*Radio Serbia*, by Andjelka Marisavljevic)**

The final days of the election campaign in Serbia are showing that the political scene has not changed the least bit. Although at the beginning it looked like the participants had been emancipated in the democratic sense, the finish threatens to take us back to the old ways. The reporters have asked Aleksandar **Vucic**, the leader of the strongest Progressive Party, why he calls the opponents from the Democratic Party extremists and the answer was always the same – he believes that the biggest opposition party is calling for the “Ukrainian scenario”, and he would never allow for something like that. Now, such opinion could not be argued if only Vucic had expressed his thought about the events in Ukraine. This way, there are two possible messages to be extrapolated. First, that only is policy will guarantee the political stability. The second is a bit more implicit, and relates to the “Ukrainian scenario”. “We do not want to interfere with things that have nothing to do with us,” Vucic said at the beginning of the campaign. Over the past few days, however, he has been focusing on the statement of a member of the Democratic Party Presidency Borislav **Stefanovic**, who had warned about the social dissatisfaction and added it could spread through the streets, “like in Bosnia or Ukraine”. While Stefanovic was stressing the social dissatisfaction, Vucic has underlined the political dimension. “We will not let anyone to get to the power by means of clubs, guns of snipers,” says the most influential politician in Serbia. It could easily be “read” as an assessment of the Ukrainian events, but then the wider interpretation of the international political relations could be embedded. We are not sure that is what Vucic wanted, but that is how things developed. It turns out that the campaign cannot be limited just to previously set topics, because Serbia is not an isolated island.

Even if the focus on the economic issues within the campaign is easily comprehensible, being the correct identification of the elementary problems that need to be tackled, it is unclear why all other subjects have been pushed to the background. Such trends are noticed not just in the campaign, but also in the media coverage.It gives the impression of the media being under firm control. Imagine how the media scene would have looked just a couple of years ago. During this election campaign in Serbia, the Kosovo government has passed the decision on forming the army with 5,000 regular soldiers and another 2,000 in reserve. The national soccer selection of Kosovo has played their first official, even if friendly, international match under the auspices of FIFA, and despite the opposition from the Serbian Football Association. The special police unit of the Kosovo Security Forces broke into the court in Strpce, which was operating as part of the Serbian judiciary system, and they seized all documentation. The disappearance of the Kosovo issue in the campaign is reflected in its position in the media.

Our media scene is swinging from one extreme to the other, as it suits the politicians, since particular interests are above the general ones. What awaits us after the elections has nothing to do with the campaign. Only after the elections we will find out what the winners really have in mind. But it could have been different. When it comes to the winners of the elections, the situation is pretty clear – Aleksandar Vucic and his Progressive Party enjoy the support of the majority of voters. Vucic was also e one bearing the greatest responsibility for how the campaign would look like. It was depending on him whether a new practice of freeing the media from subservient conduct would be embraced, whether the rational debate on all internal and international problems would have been run, whether he would clearly and without labeling stress his advantages over the already defeated opponents. The political scene in Serbia needs that kind of political maturity, but as it seems, we will still have to wait for it.

**Devil’s Advocates (*NIN*, commentary by Slobodan Ikonic)**

Only after taking more than two years of deliberations did the Serbian Constitutional Court assessed as unconstitutional the government Decree on the Kosovo cadaster that was drafted in order to serve as a basis for implementing one of the Brussels dialogue agreements, which led many people to believe that, with this decision, the Constitutional Court has at last, started to perform its job of protecting the constitutional order of the state. “The Decree on the special manner of processing data contained in the land cadaster for the Autonomous Province of Kosovo and Metohija” is one of the four “Brussels decrees” that are the subject of assessments by the Constitutional Court of their constitutionality.

Although with a considerable delay, the Constitutional Court has finally started to deal with its most important jurisdiction – the protection of constitutionality, which had not been characteristic of this same composition of the Constitutional Court in some past period, especially when it comes to the catastrophic “reform of the judiciary”.

But the fact that the ‘devil is in the details’ has been demonstrated by the Court once again with this decision by its giving time to the Serbian Government to organize the Decree on the cadaster in a manner stipulated by the Serbian Constitution.

For legal experts, such as Professor Slobodan **Orlovic** of the Law Faculty in Novi Sad, it is clear that such a long lapse of time is not merely a consequence of the constitutional-legal complexity of these four cases. At issue is daily political stalling in order to give politics as much time as possible before these government documents are declared unconstitutional, which is quite certain according to our constitutional law.

The genesis of these decrees is in the nine rounds of the “dialogue between Belgrade and Pristina”, as it is tendentiously and incorrectly labeled – as if these cities have, with the EU mediation, been negotiating on some of their municipal topics. Turning the conclusions of the dialogue, then agreed by Borko Stefanovic, into domestic law had been done with these disputed government decrees. The entire history of the agreements (2010) has an epilogue in the “Brussels agreement” that was “adopted by the Government and Parliament” (April 2013), and which is also completely constitutionally disputable.

With the Decree on the cadaster, the Constitutional Court has proceeded similarly as with the Statute of the Autonomous Province of Vojvodina (APV) – which the Court declared unconstitutional, without publishing the decision. That way, it left a six-month period to the bearer (Government) to harmonize the Decree with the Constitution and law. If one adds to this the non-commencement, and then pausing, of the process, here the Government is given at least a year-and-a-half for harmonization even though there is no legal foundation for something like this.

This practice of the Constitutional Court – postponement of the publication of decisions in politically important cases, tells us that the Constitutional Court is behaving more as a political rather than a legal institution. The nature of constitutional courts is mixed, political-legal, but must not place itself above the Constitution and constitutionality – rule of law, as they know to stress in the court themselves.

Out of 15 judges on the Constitutional Court only three of them, two of whom were judges rapporteurs, extracted in written form the opinion for the conclusion of the Constitutional Court to pause with the procedure of assessing constitutionality of disputed dialogue decrees and thus stood in defense of both the profession and consciousness.

Today, perhaps the biggest challenge for the Constitutional Court is whether it will side in these, and future, “Brussels cases” with the Constitution or with the current politicos. If it proceeds as it must according to constitutional law – to preserve the Constitution (and thus the freedoms guaranteed by this Constitution) all legal documents passed by this or some future government, but which endanger territorial integrity and interests of the sovereign state of Serbia in the province of Kosovo and Metohija, will be declared, according to the Constitution, unconstitutional and removed from the legal order.

It is not an unfounded hunch that until six months pass, which the Constitutional Court has given as the deadline, a new constitution will be already made in large, so in the final sum this “epochal” decision will remain forgotten as if it had never existed.

Since Constitutions are not assimilated with statutes, decrees and other bylaws, so even in our legal system, it is not possible to amend the Constitution in order to assimilate it with, for example, the APV Statute, as it can be heard often in this or that political wafer, or with the mentioned decrees on the cadaster, or the administrative boundary line, etc.

**REGIONAL PRESS**

**Ashton: Help B&H in drafting long-term economic plan (*Fena*)**

The EU High Representative Catherine **Ashton** is ready to propose to EU member states that the European Commission (EC) helps B&H institutions in drafting a long-term economic plan that would cover the key aspects of economic and social development. In talks with the B&H Presidency members, Ashton pointed out that the EC would be recommended to support the realization of that plan through a package of financial and other instruments, the B&H Presidency said in a release. Ashton conveyed the message that there is a lot of good will among the EU member states for supporting and helping B&H’s accession to the EU, but that it is necessary for domestic institutions to take concrete measures in the following period towards reform processes and EU integration. The Presiding of the B&H Presidency Bakir **Izetbegovic** and members of the B&H Presidency Nebojsa **Radmanovic** and Zeljko **Komsic** voiced joint determination for B&H to become a full-fledged EU member. They exchanged views on the possibilities for a new EU approach towards B&H that would acknowledge its specific features, having in mind the need to remove the existing deadlock and enable faster fulfillment of conditions and obligations in the EU integration process. The interlocutors discussed the models of EU assistance to B&H in resolving economic-social problems by creating strategies and plans for long-term economic development that would create new jobs. B&H Presidency members requested Ashton for the EC to direct its performance towards B&H institutions, because this contributes to strengthening their capacity for reform and integration processes. They underlined the need for finding a balance between political topics and the resolution of social-economic problems.

**Russian Patriarch decorates RS President (*Srna*)**

His Holiness the Patriarch of Moscow and all Russia **Kiril** awarded in Moscow the Republika Srpska (RS) President Milord **Dodik** with the decoration of the Fund of Unity of the Orthodox Peoples for his distinguished activities towards strengthening the unity of Orthodox peoples and improving and strengthening Christian values in society. “This valuable recognition gives me hope that in the struggle for the progress and well-being of people we will preserve freedom and dignity, which are very important, together, in peace and harmony,” Dodik said. Dodik said that he was very honored by this recognition, which is awarded in coordination between the Russian Orthodox Church and the Office of the Russian President. “Our God is a God of freedom. Our faith in such a God made of us freedom-loving peoples. Everything that has happened in Russia in past years, and which everyone in the RS is carefully monitoring, amounts to a restoration of dignity,” Dodik said. Dodik said that Russia is helping the RS and that it helped when that was the hardest, not only morally, but materially as well, which obliges the people of Srpska to eternal gratitude and love, says a press release from the office of the RS President. Patriarch Kiril presented the decoration to the Republika Srpska President at a ceremony held in the Hall of Church Councils of the Cathedral of Christ the Savior in Moscow.

**INTERNATIONAL PRESS**

**Economy the key to Serbian voters (*World News Radio*, by Kerry Skyring, 12 March 2014)**

Serbia votes this weekend in an election where all the major candidates are focusing on the economy.

And as Kerry Skyring reports, after decades of ultra-Nationalist rhetoric, Serbia's politicians seem to have found some consensus in a desire for the country to prosper.

Belgrade's Skadarlija - a district where restaurants offer huge servings of traditional Serbian dishes, with music on the side.

The musicians are doing their best but the guests are few and far between.

Serbia has been hard-hit by the global economic crisis and the Eurozone crisis.

Unemployment is at 25 per cent and rising.

Balkans specialist Vedran Dzihic, from the Austrian Institute for International Affairs, says that's why most politicians in this election are stressing their wealth-creating credentials.

"They are all focusing particularly on economy, on issues like corruption, how to create better pre-conditions for Serbia to prosper and several other issues."

The governing coalition called for early elections because, it says, it wants a stronger mandate for economic reform.

That reform is driven in part by deteriorating public finances but also by Serbia's bid to join the European Union.

After a decade of negotiation, official membership talks have finally begun.

But political scientist Predrag Simic says Serbs are beginning to doubt the benefits of membership

"I am getting questions like, 'Well, Professor, why do you think we should enter EU? Look what happened to our friend Greece when they entered the EU.' I think that EU in Serbia is not as sexy as it used to be."

Belgrade taxi driver Istvan is a voter unsettled by the sudden consensus among Serbia's political parties.

"We are thinking it's.. they take us in (the) community but we want to be a little bit lower because I don't believe all the people are equal. It's not normal, and because of that I know ... we are poor boys and we are becoming a new society."

There's no sign of hard times at Belgrade's CafÃ© Moskva.

The customers wear furs and suits and the bow-tied waiters are serving up champagne and cake.

The average wage in Serbia is around 500 euros a month so this is not a place for taxi drivers like Istvan.

Sonja Biserko is Serbia's internationally renowned human rights expert who's with the International Helsinki Committee.

She worries that unless the next government can tackle poverty and inequality, there will be unrest.

"Most of the people in Serbia are nowadays facing very grave problems related to social and economic issues. So this is another generation of human rights which is not at all taken up. You can see we already have in the region very relevant protests in Bosnia and other places which are mostly the result of this very poor social and economic situation in the country which is relevant for the whole region."

(Election rally sound effects)

That's Alexander Vucic, leader of the centre-right Serbian progressive party, addressing a rally in the western city of Sombor.

With his party leading in opinion polls, Mr Vucic looks set to become Prime Minister - although he will need a coalition partner to form a government.

Once an ultra-nationalist, he now pitches himself as a pro-European moderniser.

When Serbia's President dissolved Parliament to allow these early elections, he warned of painful and difficult reforms to come.

Whoever wins the election on Sunday will face tough decisions.

**Kosovo Told to Cooperate With Organ Trafficking Probe (*BIRN*, by Edona Peci, 11 March 2014)**

*The head of an international task-force investigating alleged organ trafficking by Kosovo guerrillas in the 1990s conflict said he was determined to uncover the truth and prosecute suspects*

Clint Williamson, lead prosecutor with the task force set up by the EU rule-of-law mission in Kosovo to probe the alleged illicit organ trade, told the authorities in Pristina on Tuesday that they should cooperate to find the truth about the allegations “to resolve this matter once and for all”.

During meetings with Kosovo officials, Williamson “reiterated his determination to conduct an impartial and independent investigation that uncovers the whole truth behind the serious allegations contained in the Council of Europe report”, according to a statement from the Special Investigative Task Force, SITF.

The Council of Europe report by rapporteur Dick Marty in December 2010 linked senior former Kosovo Liberation Army fighters, including current Prime Minister Hashim Thaci, to organised crime, and accused them of harvesting the organs of Serbian prisoners and others in Albania during the 1998-99 war.

“Mr. Williamson stressed that the mandate of the SITF is to investigate and, if warranted, prosecute individuals who were personally responsible for crimes alleged in the Marty report,” the STIF statement said.

“He noted that he is aware of the mounting speculation about the future of the SITF and its inquiry. However he underlined that the investigative work is ongoing and that it is premature to prejudge any outcome,” it added.

The organ-trafficking allegations have been strongly denied.

Williamson’s visit to Kosovo came several weeks after local media leaked what it said was a draft statute for a new international tribunal to prosecute people for “serious crimes” committed from 1998 to 2000 which are linked to the Council of Europe report on organ trafficking.

The apparent leak of the draft, which was written by international experts, says that “the tribunal will be an independent ad hoc international court but will not be part of the Kosovo judiciary or judicial system”.

Local media reported that is expected to have jurisdiction over genocide, crimes against humanity and war crimes cases, amongst others.

Kosovo officials have so far declined to confirm or deny that such a new tribunal is planned.

After his meeting with Williamson, Kosovo’s justice minister Hajredin Kuci said that “any eventual case should be held in the territory of the Republic of Kosovo in line with Kosovo laws and its jurisdiction”.

“We want the sovereignty of our country to be respected; we want our achievements in the justice sector and related to the cooperation with [the EU rule-of-law mission] EULEX to be recognised. [We also want] the human rights of each citizen to be respected in line with international standards [and we want] the image of our country to be preserved,” Kuci said.

**Russia Stance on Kosovo Unchanged Despite Crimea (*BIRN*, 12 March 2014)**

Russia has reassured Serbia that it still remains opposed to Kosovo's independence - despite its apparent support for the secession of the Crimean region from Ukraine.

The Russian embassy in Serbia has released a statement saying that Moscow is sticking to its stance of not recognizing Kosovo's independence from Serbia.

The statement comes after the assembly of Ukraine's Autonomous Republic of Crimea on Tuesday adopted a declaration of independence, which cited the precedent of Kosovo's own independence.

The declaration said that members of the Supreme Council of the Republic of Crimea and the City Council of Sevastopol had made their decision "based on the UN Charter and other international documents that recognize the right of peoples to self-determination and on the [2010] opinion of the International Court of Justice on Kosovo".

The Russian foreign ministry has declared Crimea's Declaration of Independence "absolutely legitimate", also noting that the document, among other things, had its basis in the UN Court of Justice's resolution on Kosovo of July 22, 2010.

The Court ruling said that "adoption of the declaration of independence of the 17 February 2008 did not violate general international law because international law contains no "prohibition on declarations of independence."

So far, Kosovo has been recognized by 107 out of 193 UN member states, including the US and most EU members. However, Russia has strongly opposed Kosovo's independence, citing the need to uphold the territorial integrity of Serbia.

The Russian Foreign Ministry said that in the case of Crimea, the Western powers were guilty of double standards in opposing the independence of Crimea.

Russian forces have meanwhile effectively seized control of the Crimea peninsula ahead of an independence referendum planned for March 16.

Most of the local population are ethnic Russians, although Crimea is also home to large Ukrainian and Tatar minorities.

Serbia’s outgoing government has maintained a neutral stance on the crisis over Crimea in an attempt to preserve good relations with both Russia, Ukraine and the EU.

**Russian Foreign Minister meets leader of Bosnian Serbs (*ITAR-TASS*, 11 March 2014)**

**Lavrov and Dodik confirmed their intention to continue building interaction and discussed Bosnian settlement**

MOSCOW, Russian Foreign Minister Sergei Lavrov on Tuesday met Milorad Dodik, the president of the Serb Republic (Republika Srpska) of Bosnia and Herzegovina, who arrived in Russia to receive the 2013 Award of the International Public Foundation for the Unity of Orthodox Christian Nations named after His Holiness Patriarch Alexiy II.

“The talks dwelt on cooperation between Russia and the Serb Republic, which is an integral part of Bosnia and Herzegovina,” the Russian Foreign Ministry said on Tuesday. Both sides said they were satisfied with development of trade and economic cooperation, including investments, and cultural and humanitarian ties.

Lavrov and Dodik confirmed their intention “to continue building interaction, especially in implementing major energy projects in the territory of the Serb entity in Bosnia and the rest of Bosnia and Herzegovina,” the Russian Foreign Ministry went on to say.

The two sides also considered questions of Bosnian settlement. They called on all the parties and international representatives in Bosnia to strictly observe the Framework (Dayton) Agreement for peace in Bosnia and Herzegovina.

Urgent international and regional issues were also part of the agenda.

**Serbia and Croatia’s Competing Genocide Claims (*The Daily Beast*, by Adam LeBor, 11 March 2014)**

Serbia and Croatia have opened their competing genocide cases against each other at The Hague—and lawyers in Russia and Ukraine will surely be taking note.

The Russia-Ukraine conflict will likely end not with a bang but a lawsuit.

If so, the venue will be the International Court of Justice (ICJ) at The Hague. The ICJ—not to be confused with other courts and tribunals dealing with war crimes, such as the International Criminal Court (ICC) —is the foremost judicial arm of the United Nations. The ICJ adjudicates on disputes between states and its rulings are binding.

Government lawyers in both Kiev and Moscow are doubtless watching the court’s latest high-profile case: the suit and counter-suit by Croatia and Serbia. Both countries accuse each other of genocide during the Yugoslav wars of the early 1990s. Croatia opened its case on March 3 by showing a video of the Serb attack on the city of Vukovar. After Vukovar fell in the winter of 1991, Serb forces killed 260 prisoners and buried them in a mass grave. Serbia began its case on Monday, focusing on Operation Storm in August 1995, when Croatian troops recaptured territory occupied by the Serbs. More than 200,000 Serbs fled their homes and a still disputed number of civilians were killed.

This is the second time that Serbia has faced accusations of genocide at the ICJ. The court cleared Serbia in 2007 of committing genocide after the fall of Srebrenica in eastern Bosnia. Some 8,000 Muslim men and boys were killed by the Bosnian Serb army. However, the court ruled that Serbia was in breach of the genocide convention by failing to prevent the massacre. (General Ratko Mladic, the Bosnian Serb military commander, and Radovan Karadzic, the political leader, are both on trial for genocide at the International Criminal Tribunal for the Former Yugoslavia (ICTY), also in The Hague.)

Beyond the yah-boo of suit and countersuit, both cases could prove embarrassing for the United States. Before Operation Storm, the Croatian army received substantial assistance from the United States, much of it channelled through private military contractors. Most analysts believe that the rapid collapse of the Serb army was due to the vastly improved training and reorganization of the Croatian military—which makes the United States complicit in the largest single refugee movement in Europe since 1945.

The hearings are set to end on April 1 and the ruling is expected by the end of 2014 or in early 2015. It seems unlikely that either country will gain the recognition it seeks as a victim of genocide. General Ante Gotovina, the commander of Operation Storm, was cleared on appeal by the ICTY in 2012, thus confirming Operation Storm as a legitimate military operation. The massacre at Vukovar and the mass killings at other sites during the Croatian war, while horrific, are unlikely to meet the standard for genocide: the deliberate extermination of a sizeable, distinct group, as happened at Srebrenica. Yet Croatia and Serbia are seeking not so much punishment for their opponents as a kind of national vindication. Twenty years on from the Yugoslav wars, the wounds and memories are still raw.

Croatia and Serbia are seeking not so much punishment for their opponents as a kind of national vindication.

In any case, while the court’s rulings are legally binding, the ICJ has no power to enforce them, especially when national or local authorities ignore the court’s decisions.There is no ICJ police force or prison. A plaintiff who does not receive resolution must take the case to the UN Security Council. The ICJ ruled in 2004 that the separation barrier between Israel and the occupied West Bank was illegal, but it is still standing. That same year the ICJ ruled that the United States was in violation of its obligations under the Vienna Convention, which guarantees diplomats access to their nationals arrested in foreign countries. The ICJ said 51 Mexican nationals had had their rights violated, including Edgar Tamayo Amias, and their case should be reviewed.

The Texas authorities ignored the request. Arias, who was convicted of the 1994 murder of a Houston police officer, was executed in January 2014. Both the Bush and Obama administrations requested that such executions be stayed and reviewed, because of the potential consequences for Americans arrested in other countries.

The ICJ has also taken on the spooks. On March 3 the court issued a significant ruling that will be welcomed by small states with large and powerful neighbours. The court ordered Australia to stop spying on East Timor. One of the world’s newest countries, East Timor achieved independence from Indonesia in 2002. East Timor’s legal wrangles with Australia continue over the boundaries of a $36.2 billion maritime natural gas deposit in the Timor Sea. The case is being heard at the Permanent Court of Arbitration, also located in The Hague.

Three months before the ICJ ruling, on December 3, 2103, agents of the ASIO, the Australian secret service, raided the offices of Bernard Collaery, the Australian lawyer acting for East Timor. A dozen agents seized legal documents, electronic files, correspondence between East Timor and its lawyers, and a statement by a former ASIO agent which alleged that the ASIO bugged East Timor’s offices during negotiations over the gas deposit. The agentalso had his passport seized.

In a setback to Canberra, the ICJ ruled that Australia must not “interfere in any way in communications” between East Timor and its lawyers. Australia must keep all the seized documents and data sealed until further decisions by the court and must ensure that the seized material cannot be used in any way to the disadvantage of East Timor until the maritime arbitration case is concluded, which is not likely to be for another year. However, the judges did not order the material to be returned to the country’s lawyers.

As Tom Allard notes in the Sydney Morning Herald, the ruling, which comes in the wake of the Snowden revelations about the reach of Western intelligence agencies, is the first time that the ICJ has imposed restrictions on the ‘Five Eyes’: the intelligence services of the United States, Great Britain, Canada, Australia and New Zealand. The ICJ may be little known, but it is becoming an increasingly important international forum.

*The Geneva Option, Adam LeBor’s thriller set in the United Nations, is published by HarperCollins.*

**Montenegro: a fistful of democracy (*Open Democracy*, by Koca Pavlovic, 10 March 2014)**

Despite ostensibly being a Western Balkans success story, the tiny republic of Montenegro still suffers under the arcane rule of a Prime Minister, Milo Ðukanovic, who legitimizes violence against political opponents.

The interaction between political actors in Montenegro has always been colorful and, more often than not, emotionally charged. I have been a part of that political landscape for some years now. The opposition politicians and those representing the ruling coalition slice each other up with equal ferocity on the parliament floor, in their public speeches, on the pages of the daily papers or in postings on various web portals. A few decades ago, the sharp tongue of the current Prime Minister, Milo Ðukanovic, had earned him the nickname “the Blade” (Britva). He has been in power since 1989, as both the country’s prime minister and as its president, and is currently serving his seventh prime ministerial term.

Over the last decade or so the opposition politician, Nebojša Medojevic and his colleagues in the party he leads, the Movement for Changes (PZP), have been astute, harsh, and passionate critics of the policies enacted by the ruling coalition, and the country’s multi-term Prime Minister, Milo Ðukanovic, in particular. The leader of the PZP and his party colleagues are by far the most vocal and persistent critics of the decades-long rule of the Democratic Party of Socialists (DPS) and its leader, Ðukanovic. They frequently point to endemic corruption, gangster privatization, links between the ruling elite and organized crime, and the criminalization of Montenegrin society among other improprieties. Medojevic and his colleagues attribute those problems plaguing the Montenegrin society to the flawed policies enacted by the ruling coalition and designed by Milo Ðukanovic. Lately, some of the new opposition players on the local political scene have also been critical of the ruling DPS and its leader in their parliamentary discussions.

There is nothing exceptional about this setup: the opposition politicians are vocal critics of the government, while the government and the prime minister try to downplay the criticism coming from the opposition parties. Frequent fiery exchanges of political left and right hooks between elected representatives are usually a sign of healthy parliamentary democracy.

But Montenegro does not function as a parliamentary democracy, let alone a healthy one. Its model of governing could be best described as a hybrid regime of a proto-democratic type, in which those tools we commonly associate with democratic system (strong parliament; free elections; efficient and independent judiciary, etc.) exist only to hide the reality of a highly centralized party state whose leadership displays considerable authoritarian tendencies. The leader of the DPS and the country’s Prime Minister, Milo Ðukanovic, acts as alpha and omega of the local political space.

The current situation in the rapidly changing political landscape in Montenegro points to the change of the dynamics of the interaction between the ruling coalition and the opposition parties. As his grip on power weakens and the criticism of the DPS grows in scope and frequency, and as it becomes clear that the system he had created breeds only nepotism, kleptocracy, corruption, disregard for parliament, and violence directed against the critics, the prime minister responds to his critics in a more authoritarian manner than before.

Over the last year or so, his arguing with political opponents has been characterized by harsh words and insults hurled at opposition MPs. In his press conferences and during the question period, Milo Ðukanovic shouted at the opposition benches calling his critics rats, drug addicts, criminals and scoundrels, and calling for the “de-rat-ization” of Montenegrin politics. His wrath was directed mainly against the PZP and its MPs but he also castigated other opposition politicians.

Some months ago, during the question period, the prime minister called the MP for the Positive Montenegro party, Dritan Abazovic, a scoundrel. More recently, after losing control of the municipal government in the coastal city of Ulcinj, he publically wagged his finger to the political representatives of the Albanian population in the region and threatened them. He referred to media critical of his politics and his authoritarian practice of governing as “monsters and Mafiosi” who desire his “physical elimination”. During the 2012 presidential election campaign, Milo Ðukanovic described the owner of the Vijesti daily as “the leader of non-organized crime whose ambitions are to become the country’s president”.

Some years earlier, in 2009, he called his critics “frustrated individuals and immature political creatures”. It is clear that the Prime Minister has, for some time, been displaying disdain and even hatred towards the institution of parliament, the MPs, free media, and towards any public and well founded criticism directed against his policies.

His critics have not only been on the receiving end of his sharp tongue but have also been victims of physical assaults by oligarchs and the so-called “strategic investment partners” of Mr. Ðukanovic and his DPS. A worrying trend emerges: Ðukanovic’s criticism is often followed by an assault on the opposition figure by either a hired thug or a “strategic investment partner of the government” and then, in the most extreme cases, by drive by shooting, or even assassination as in the cases of the newspaper editor, Duško Jovanovic and the police inspector, Škekic.

The latest victim of physical assault was the leader of the opposition PZP, Nebojša Medojevic. He was attacked at the terminal at Belgrade airport by the now new owner of the bankrupt aluminum plant in Podgorica and a businessman with close ties to the ruling elite. The attacker admitted to insulting and hitting Medojevic because he had to somehow “defend his honor and the honor of his family” against Medojevic’s “unfounded accusations” about the lack of transparency in the case of the selling of the said aluminum plant.

While all political and non-governmental actors in Montenegro condemned this despicable act in no uncertain terms, Milo Ðukanovic chose to understate its severity and shift the blame to the opposition politician. In a speech delivered in Nikšic, one day after this attack occurred, Ðukanovic condemned violence in principle but said that when the system is not functioning properly people are forced to use tools from the treasure chest of the Montenegrin custom law in order to defend their honor. Those less knowledgeable about the recent history of Montenegro might think that the opposition parties and the PZP had created such a system, and that Ðukanovic and his DPS had nothing to do with it. Having in mind his history of disdain for the parliament and the institutions of the state, Ðukanovic’s latest performance confirms that the prime minister indeed hates everyone and everything he is unable to control.

We have seen nothing new in this latest address by Ðukanoviæ. From the day his political career started in earnest in 1990s under the mentoring of Slobodan Miloševic, he has governed in the same fashion: by spreading hate, suppressing free expression, and supporting the use of “traditional forms of violence” against his critics. All along, he has assured us repeatedly that such methods are effective and appropriate when trying to save face and protect one’s honor and family.

Ðukanovic is the last person to call honor and dignity to his aid. He was the first and the only prime minister of Montenegro to ever be interrogated as a common criminal by the judiciary of a neighboring state. It is also rather unwise of him to advocate the use of “traditional methods” in protecting one’s family and personal values because that could come back to haunt him, and he might end up paying dearly for it.

Since the prime minister advocates such manner of resolving arguments he should tell us who else (aside from him and his supporters) would have the right and be allowed to resort to such methods. Do all those citizens of Montenegro that were pushed into war and humiliated by his war mongering rhetoric and expansionist policies of 1990s have the right to employ methods of violence typical for the medieval custom law? Does that right apply to children, parents, spouses, and relatives of all those that Ðukanovic and his deputy Svetozar Marovic, as well as the government controlled Pobjeda daily and the Montenegrin State Television (TVCG) dispatched to wage an aggressive war against our Croatian neighbors? How about all those whose property and family inheritance was stolen by his criminalized structure of power? Could, they swing their clenched fists at the back of his head? Could the family of the assassinated newspaper editor, Duško Jovanovic have the right to resort to blood feud? How about the family of the assassinated police inspector, Škekic? Do they also have the right to defend their honor and dignity by using “traditional methods”? Or, does Ðukanovic reserves this right only for those belonging to his inner circle?

During his speech in Nikšic, he was glowing because of the violence directed against his most significant political critic. He sounded and looked like a man who condones that kind of violence but never had the courage to himself commit such acts. That, indeed, is one of the lessons we had learned over the last twenty five years: it was always someone else who turned Ðukanovic’s political disagreements and public threats into acts of violence, drive-by-shootings, assassinations and beatings in dark alleyways. It was never him personally.

Since he entered politics, Milo Ðukanovic has been surrounded by bodyguards and criminals. That is the world in which even cowards could start advocating “traditional methods” of dealing with opponents and favour “custom law” as a mode of interaction. But once the security cordons disappear and their criminal protectors find themselves behind bars, all those newly minted advocates of custom law show their true face. It is the face of a coward from the beginning of the story. I am convinced that Montenegro will soon have a chance for that all-important face-off that has been long in the making.

The assault on Nebojša Medojevic has upset many of our activists and party members, who are calling for an appropriate response. It is the president of the PZP who tries to calm the situation asking for patience and restraint. Ðukanovic’s condoning of violence during his speech in Nikšic only adds fuel to the already heated and tense situation as if he desires it to escalate.

In conclusion, I have to add that the most grotesque part of Ðukanovic’s speech was his criticism of those who hide behind the immunity! While being driven from Podgorica to Nikšiæ to deliver his celebratory oration on custom law and traditional methods of social interaction, Ðukanovic conveniently forgot that he spoke as the prime minister of Montenegro who not so long ago narrowly escaped a lengthy vacation in an Italian jail cell. He was able to do so only because he hid behind the prime ministerial immunity from prosecution, after being interrogated for over 6 hours about the organized crime charges by a prosecutor in Bari!

After listening to him speak in Nikšic, I have to admit to rethinking the validity of the previously dismissed thesis about Milo Ðukanovic supporting the political project of independent and sovereign Montenegro in order to protect himself from charges that he is “a serious criminal who is willing to destroy documentary evidence and eliminate witness” (a quote from the verdict by Italian court). It was laughable and said at the same time to listen to a politician who hid his criminal dossier behind the prime ministerial immunity, criticize others for allegedly hiding behind the MP immunity when criticizing the government and its kleptocrats.

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