An analysis of Serbian policy responses
to the 1999 bombing of the Radio Television of Serbia building

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Abstract

Sixteen people died on 23 April 1999 when NATO planes bombed the Radio Television of Serbia (RTS) building in Belgrade. This study explores how Serbian policy makers approached the issue of redress for the victims and their families.

In this thesis, I argue that Serbian public policy does not adequately acknowledge the victims of the 1999 NATO bombing of the RTS building in Belgrade. This is despite broad agreement amongst scholars that the NATO bombing was an event of pivotal importance to Serbia and one that Serbs want to remember through appropriate commemoration. While some gestures of recognition and redress were made to victims of the RTS building, these are recognised as inadequate by this research. This lack of adequate acknowledgement of victims extends beyond the bombing of the RTS building and is characteristic of the Serbian public policy response to other victims of recent wars in the Balkans. The RTS case study was chosen to demonstrate that the presence of a public policy response does not automatically result in victims’ redress and nor does it necessarily intend to do so.

I apply the Multiple Streams Framework (MSF) to Serbian public policy, focusing my analysis on the problem, policy and politics streams identified by MSF. I interviewed fifty-six policy makers and conducted an analysis of relevant legal documents, strategies, speeches, textbooks and newspaper articles to understand policy making in Serbia.

The research shows that the issue of redress for the victims was placed on the policy agenda in Serbia as a consequence of several factors: a) the high level of interest shown by international actors in transitional justice issues, in conjunction with the influence of international actors and of European Union policies on Serbian policy makers; b) the large number of policy entrepreneurs interested in the issue of redress; c) the widespread conviction by Serbs that the victims of the NATO bombing should be compensated; and d) the
determination of the first post-Milošević government to facilitate Serbia’s transition to democracy.

I identify two main reasons why some of the policies of redress were not implemented. First, international interest in transitional justice issues in the Balkans declined in the mid-2000s. Second, key decision makers were implicated in the crimes perpetrated by the Milošević regime. Furthermore, the political will for redress diminished after the assassination of Prime Minister Zoran Đinđić in March 2003.

This thesis contributes to the existing scholarship in three principal ways. First, with its focus on redress for Serbians victimised by the NATO bombing, this thesis makes an original contribution to the existing body of knowledge about NATO’s intervention in Serbia. Second, this research fills a gap in transitional justice scholarship by investigating how policies designed to facilitate redress entered the policy agenda in Serbia, by identifying the factors shaping these policies, and by analysing how and why they were, or were not, implemented. This research also extends the use of MSF to public policy analysis in two ways: to include the Serbian jurisdiction, and to address problems of policy implementation.
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Declaration

To the best of my knowledge, this thesis contains no material that has been accepted for the award of any other degree or diploma, or that has been previously published or written by another person, except where due reference is made in the text. Where the work is based on joint research or publications, the relative contributions of the respective workers or authors are disclosed.

The thesis has been copyedited and proofread by Dr Jillian Graham (Articulate Writing Solutions) and Dr Trudi Ryan (Natural Communication) whose services are consistent with those outlined in Section D of the Australian Standards for Editing Practice (ASEP).

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List of Abbreviations and Acronyms

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CUPS - Centre for Advanced Legal Studies/Centar za unapređivanje pravnih studija
DS - Democratic Party/Demokratska stranka
DSS - Democratic Party of Serbia/Demokratska stranka Srbije
ECHR - European Convention on Human Rights
ECtHR - European Court of Human Rights
EU - European Union
FRY - Federal Republic of Yugoslavia/Federalna Republika Jugoslavija
GOP - Annual Operational Plan/Godišnji operativni plan
ICTY - International Criminal Tribunal for the Former Yugoslavia
JNA - Yugoslav National Army/Jugoslovenska narodna partija
MSC - Most Significant Change
MSF - Multiple Streams Framework
NATO - North Atlantic Treaty Organisation
NPI - National Plan of Integration
NGO - Non-Government Organisation
OECD - Organisation for Economic Co-operation and Development
OSCE - Organisation for Security and Co-operation in Europe
OVK - Kosovo Liberation Army/Oslobodilačka vojska Kosova
RTS - Radio Television of Serbia/Radio Televizija Srbije
SFRY - Socialistic Federal Republic of Yugoslavia/Socijalistička Federativna Republika Jugoslavija
SPO - Serbian Renewal Movement/Srpski pokret obnove
SPS - Socialist Party of Serbia/Socijalistička partija Srbije
UK - United Kingdom
UNDP - United Nations Development Program
UNHCR - United Nations High Commissioner for Refugees
USA - United States of America
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Prologue

On 23 March 1999, the day NATO began bombing Serbia, I was living in Belgrade, the capital of Serbia. I was a 24-year-old final-year university student eager to graduate and get a job, earn money and start a family. Only a day later, as schools and the university closed, these goals became unimportant; all I wanted to do was survive.

I lived in New Belgrade, a suburb separated from the rest of the city by the Danube and Sava rivers. Three bridges connect New Belgrade to the old part of the city. They became NATO’s targets and we were advised not to cross them anymore. The rivers became the boundary of my world and I was separated from my friends in old Belgrade. During the day, I spent time getting to know my neighbours, because all of the sudden they were my world. At night (and sometimes during the day) I hid in the basement of our apartment building praying that the bombs would not hit us. I worried about my dog Bruno and parrot Paja, who were not allowed to come with me to the shelter. All of us were thinking about family members and friends from targeted areas. As soon as the air raid alarm was off, we tried to get information about areas that had been bombed. Then we would desperately try to find out if our friends and family members in those areas were alive.

A couple of times, NATO targeted objects very close to my home. When they bombed the heating plant in New Belgrade, it was less than two kilometres from my place. We could really feel the impact. When we came out of the shelter, the windows in our apartment were broken and some of our possessions were destroyed. For my family and me, the material damage was irrelevant – we were still alive! However, the memories and the trauma stayed with me. In March 2013, 14 years after the bombing, I went to see an air show in Melbourne. It was only after I arrived there that I realised how hard it was for me to hear the sound of planes, and especially the sound of air sirens, that were simulated at this air show. The moment I heard these sounds, I went 14 years back to the time of the NATO bombing, when just one mistake of a NATO bomber could so easily have
caused me or some of my family members to join the collateral victims of the bombing.

I remember almost every night of a three-month long bombing. I do not remember these days by dates, but by the buildings that were bombed on certain days. The early morning of April 23rd 1999 stayed in my memory as the night when the Radio Television of Serbia (RTS) building was bombed. Air raids were happening that night, as almost every other night during the bombing. We were already about a month into the period of bombing, and none of us had any idea if and when it would stop. We had electricity that night, and the TV was switched on so that we could hear any news about what had been bombed and when the air raids would finish. We listened to the RTS broadcast, but I intentionally did not listen to the other aspects of their program, because their news was painfully misleading, describing how Serbia was winning the war at a time when we struggled to get electricity, food and freedom of movement along with many other problems.

I was tired of annoying lies distributed by the RTS. I did not trust Milošević and his news; nevertheless, his program was the only window beyond our apartment and shelter to what was happening in the city and the rest of the country. I do not remember which program was being aired at the time of the bombing; however, I do remember that at one moment the program just went off and the ‘snow screen’ appeared. We noticed it, but it took us a while to figure out what had happened. In the days before, there had been rumours that the RTS building was going to be the target of an air attack. One person in our shelter linked these rumours to the interruption in the program. He wondered aloud whether NATO had bombed the RTS. To the rest of us, it did seem possible. I remember saying that it would be one of the only benefits of the NATO bombing, referring to the daily imposition on us of Milošević’s propaganda. We turned the radio on, and a couple of minutes later, the RTS bombing was confirmed.

Neighbours and I discussed it for a while and then just turned back to a game we were playing. I was angry and did not mind the bombing of the
RTS building. I did not consider whether there might be wounded people and deaths. I did not think about their families. I had no close relatives and friends working at the RTS, so I did not care about it then, but now I regret that a lot. I was only about 10 kilometres from the RTS building and maybe even closer to some of the grieving mothers and fathers, sons and daughters, but I did not share their grief at that time. I did hear the day after that people had been killed, but still did not give it much thought, which I attribute to the impact of Milošević’s propaganda. It was not until many years later that I understood how cruel the victimisation of the RTS employees was. Families of the killed RTS employees were left alone in their grief. There was no empathy for these RTS employees and their families at the time of the bombing. Now, many years later, this thesis explores whether, in the aftermath of the bombing, there was redress for the families, and if so, how it was formulated and by whom.
1. Introduction

In March 1999, the North Atlantic Treaty Organisation (NATO) launched a three-month bombing campaign in Serbia to protect Albanians from Kosovo. This caused huge material and human damage. The Radio Television of Serbia (Radio Televizija Srbije, RTS) building was one of NATO’s targets. A bombing raid in the early morning of 23 April killed 16 RTS workers, all of them civilians. NATO never released a statement regarding the RTS employees who were killed. Seventeen years later, during his visit to Serbia in August 2016, USA Vice President Joe Biden expressed his condolences to the families of those whose lives were lost as a consequence of the NATO air strikes.¹

The Federal Republic of Yugoslavia (FRY), the Russian Parliamentary Commission and many academics and human rights organisations accused NATO of deliberately targeting civilian infrastructure and planning for civilian casualties. The International Criminal Tribunal for the Former Yugoslavia (ICTY) reviewed these accusations. The Prosecutor, Justice Louise Arbour, established a committee to assess the allegations and advise the Tribunal whether or not there was sufficient basis to proceed with the investigation. The committee explored whether the air attack on Serbia had a fair and just cause, and declared a lack of jurisdiction over the question as to whether all separate air strikes within this operation were right and moral. In the last paragraph of their report to the Prosecutor, the committee concluded that the air attack on Serbia was legal and moral, and that the mistakes that occurred were not planned but coincidental.² Louise Arbour’s successor, prosecutor Carla Del Ponte said at a press conference that ‘Although NATO had made some

mistakes, it had not deliberately targeted civilians. Therefore, the ICTY did not further investigate NATO’s responsibility for civilian victims of the bombing and, with the exception of the victims of the bombing of the Chinese Embassy in Belgrade, did not offer any redress to civilian victims of the bombing. Families of the people who died in the RTS bombing had to look for other avenues of redress.

Parents of three persons killed in the RTS bombing (Vlastimir and Borka Banković, Mirjana Stoimenovski, and Živana Stojanović), one person’s widow (Dragana Joksimović) and one person injured during the bombing (Dragan Šuković) lodged an application under the European Convention on Human Rights (ECHR) with the European Court of Human Rights (ECtHR) on 20 October 1999. The applicants claimed that 17 NATO member states ‘which took part in or approved of the attack and which are also signatories to the European Convention on Human Rights failed to protect their right to life which is the duty of all States under the Convention.’ Furthermore, the applicants claimed that the targeting of the RTS building was unlawful under the Convention. In their opinion, the bombing of the RTS building violated not only Article 2 (right to life), but also Article 10 (freedom of expression). The accused NATO member states claimed that the ECtHR had no jurisdiction for this claim because the applicants were Serbs and Serbia was not a signatory to the Convention. On 19 December 2001, the ECtHR declared the application

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4 On 7 May 1999, several NATO missiles hit the Chinese Embassy in Belgrade. The intended target was the Yugoslav Federal Directorate for Supply and Procurement. When the collateral error involved the Chinese Embassy, the USA publicly apologised and paid an amount of $28 million in reparation to the Chinese Government and $4.5 million dollars for those who were injured and killed (three people were killed and about 15 injured). The injured and killed were all Chinese citizens, and the ICTY did not investigate their deaths (Kerry Dumbaugh, ‘Chinese Embassy Bombing in Belgrade: Compensation Issues,’ United States Congressional Research Service RS20547 (2000)).
5 Formally, the Convention for the Protection of Human Rights and Fundamental Freedoms.
7 Belgium, The Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, Turkey, and the United Kingdom. The United States and Canada were not included in the claim because they did not sign the Convention.
8 European Court of Human Rights, supra n 6.
inadmissible, because the territory of Serbia was not under the jurisdiction of the respondents.  

Nevertheless, although both Milošević and Serbian post-Milošević governments have argued that NATO should be held responsible for the civilian victims (including deaths of the RTS employees), they all also agreed to apply the Law on Civilian Invalids of War (Zakon o pravima civilnih invalida rata) of 1996. This law sets out the basis for redress for all the victims who died during the 1990s as a consequence of any external enemy’s actions. According to article 2, civilian war victims are those individuals who died or suffered a disability by the enemy during wartime. Article 3 defines any person who shared a household with the victim before the incident as a family member of the victim. A family includes children, spouse and parents. This law provided a legal framework for potential benefits for civilian victims of the war and their families, including the right to free transportation, living allowance, health benefits, prosthetics allowance and funeral costs. 

This law was predominantly drafted to regulate the redress for Serbian victims involved in the wars in the former Yugoslavian republics in the 1990s, including victims of the wars in Slovenia, Croatia, Bosnia and Herzegovina and Kosovo. As the NATO bombing is classified as an external enemy’s action, victims of NATO have been given the right to redress according to this law. Since this law provides the basis for victims’ redress in Serbia, this research attempted to explore the process of its drafting and adoption. This attempt, however, was not

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10 In this case, a “disability” is defined as when more than 50% of body function has been affected.


successful because there were no public discussions, parliamentary hearings or parliamentary debates during Milošević’s time that could help in understanding how and by whom the process was initiated. None of the current government representatives (including those from Milošević’s political party) that I interviewed had additional insights into the process of the creation and adoption of the law. The lack of information provides a good example of the total absence of transparency around policy issues in Serbia during the 1990s.

Between 2000 and 2016, the Law on Civilian Invalids of War was criticised by Serbian civil society. According to many civil society representatives, the law is not inclusive enough, and does not take account of almost 10 percent of the total number of civilian war victims. The Humanitarian Law Centre emphasises that this law does not cover people who went missing during the war, citizens of Serbia who were tortured by the Serbian army, or people who suffered mental or sexual torture. As such, the law did not cover a total of 15,000 civilian victims. In 2014, the Ministry of Labour, Employment, War Veterans and Social issues (Ministarstvo rada, zapošljavanja, boračkih i socijalnih pitanja) drafted a new law for war victims, which referred to both civilian and military war victims. While military war victims would benefit from the new law, regulation for civilian war victims would remain the same.

In 2015, The Humanitarian Law Centre and the Centre for Advanced Legal Studies proposed a new law for civilian victims of the war. In their opinion, this new law would enable redress for many more victims. If the new law had been adopted, victims who were already covered under the existing law would benefit from a higher level of reparation. It was not adopted, however, and the law

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13 Many organisations criticised the law, including but not limited to, the Association of Students with Disabilities, Centre for Advanced Legal Studies, Network of the Committees for Human Rights in Serbia, Civil Rights Defenders, Gayten LGBT, Labris - Lesbian Human Rights Organisation, Praxis, Regional Centre for Minorities, Humanitarian Law Centre, Independent Journalists Association of Vojvodina, Youth Initiative for Human Rights, Sandžak Committee for Protection of Human Rights and Freedom.


16 Saša Gajin, ‘Model Zakona o pravima civilnih žrtava povreda ljudskih prava u oružanim sukobima i u vezi sa oružanim sukobima u periodu od 1991 do 2001 godine,’ ed. Centar za
has not been changed for over 20 years, despite overt complaints from the civil sector. Regardless of the many weaknesses in the Law on Civilian Invalids of War, the victims of the RTS bombing were classified as victims by this law, which was adopted in 1996. Therefore, my research did not include a more in-depth investigation of the reasons behind the lack of consultation between the Ministry and civil society in the process of drafting the new law in 2014. Similarly, the research does not explore why the 2015 proposal was not adopted. These issues could be interesting topics for future research.

The law does provide a legal basis for redress for victims of the NATO bombing, and there has been consensus among the Serbian public, Serbian politicians and Serbian policy makers that the government needs to take care of their citizens; there were no exceptions to this opinion. Also, families of the RTS workers killed during the NATO bombing can exercise victims’ right to redress based on some specific international documents. For instance, according to principle 2 of the *Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity*:

> Every person has the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes. Full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations.

Based on principles 3 and 5 of the same document, the state has a duty to preserve the memory, facilitate knowledge of victimisations, and ensure the independent and effective operation of the judiciary.

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17 Most discussions and disagreements are about Serbian responsibility for victims of other nationalities. While some believe that Serbia is responsible for their redress, others disagree.

Similarly, the declaration adopted by the US Assembly in 2006 – *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* – emphasises in different judicial and symbolic ways the importance of providing satisfaction for victims.\textsuperscript{19}

This thesis explores how policy makers in Serbia conceptualise and operationalise redress for people who died during the NATO bombing of the RTS within the local and international laws, principles and declarations mentioned above.

The case of the bombing of the RTS building has been selected because, as will be demonstrated in the literature review, the 1999 bombing was an example of victimisation, and is an event that Serbia wishes officially to remember. As this research shows, the Serbian government developed and adopted many policies to redress the victims of this event. This research aims to explore the reasons why these particular policies were employed. This is necessary, since as many scholars point out, for many events at that time that included human rights violations (particularly where the victims were of non-Serbian origin), responses were absent.

This case study was chosen because while scholars emphasise that this incident was commemorated more than others were, very few of them actually analysed the quality and aim of the redress process.

The research investigates aspects of the policy process that support or block the prioritisation of victims’ redress on political agendas. It also analyses how the issue of redress is defined and placed on the policy agenda, how the policy options for redress emerge, how relevant policies are implemented, and finally, what the effects are of government policy aimed at victims’ redress.

The research identifies all existing policies aimed at victims’ redress in Serbia, as well as a theoretical framework for understanding and explaining the policy processes in this area of Serbian public policy. The Multiple Streams Framework (MSF) was considered the most suitable for the Serbian context, and for the reality of policy making in Serbia. This framework well captures the complexity of Serbian policy making, illuminating the different streams of public policy making and the diverse links within and amongst the distinctive streams. It allows different aspects of policy making to be identified and considered, including, but not limited to, the influence of the international community on policy making, the lack of public debate, and participation by policy makers from the former regimes. Drawing on one empirical example, that of NATO’s bombing of the RTS building, the MSF framework helps us to understand broader policy processes in Serbia and beyond. In accordance with the MSF, the research questions focus on identification of the specific factors that contribute to or hinder characteristics of Serbian public policy and political arenas. The questions are as follows:

1. How do policymakers in Serbia conceptualise and operationalise redress for people who died during the NATO bombing of the RTS building?

2. What are the factors that contribute to or hinder the formulation of policies aimed at victims’ redress, a) within Serbian public discourse, b) linked to the policy making arena, and c) related to Serbian politics and politicians?

3. What are the factors that contribute to or hinder the implementation of policies aimed at victims’ redress, bearing in mind the public, policy and political streams of Serbian policy?

My research shows that policy making in Serbia has been influenced by an interaction of interests in the Serbian political elite, requirements of the European Union (EU) accession process, and the widespread feeling of victimhood among Serbs. It also recognises that different factors were dominant at different times in the post-Milošević era.

For instance, an issue of victims’ redress easily reached the policy agenda in 2001 as a consequence of Serbia’s clear strategic orientation to become a
As a part of this process, Serbia is required by the EU to align local policy frameworks with EU requirements. As part of this alignment, Serbia needs to fulfil a set of criteria, including addressing human rights violations during the 1990s, alignment with international conventions and legal frameworks, and cooperation with international institutions and neighbouring countries. Therefore, in the post-Milošević era, Serbia was actively encouraged by the EU to come to terms with the past through processes of preparation and implementation of the Stabilisation and Association Agreement and the National Program for Integration. As long as EU accession was set as a main goal of Serbian governments, victims’ redress was mandatory; not optional. Interviews with policy makers, however, show that more often than not, this process of alignment led to copying documents already developed by other countries. On the one hand, policy borrowing saved time and energy and ensured that Serbia met the requirements of the EU. On the other hand, it failed to address problems specific to Serbia, such as redress for victims of the NATO bombing.

Further, this research shows that while some specific policies were welcomed by politicians, others were stopped prior to implementation, as they were not aligned with the political interests of the governing majority. Research also shows that some post-Milošević governments were less keen on cooperation with the EU, and this was automatically reflected in public policy aimed at victims’ redress. Whenever governments questioned Serbia’s strategic orientation towards EU accession, victims’ redress processes slowed down. Consequently, the negotiation process with the EU was suspended for a while, while some policies, such as the law on lustration, were dismissed.

Based on the results of the research, I argue that there are gaps in the Serbian public policy response in acknowledging the victims of the NATO bombing. Although policies developed to offer redress to victims of the NATO bombing

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allude to common transitional justice policies, their aim was not to come to
terms with past human rights violations, but rather to maintain widespread
Serbian victimhood and to align with external policy requests. To better
comprehend the scope of transitional justice policies in Serbia and their
effectiveness, it is important to understand the policy arena in which they were
created, to identify influencing actors and to analyse their interrelation.

1.1. Literature review

This thesis contributes to three bodies of literature: 1) transitional justice; 2) the
NATO bombing with a focus on human rights violations; and 3) public policy
analysis, with a particular focus on the Multiple Streams framework (MSF). In
this section, I first engage with the relevant body of knowledge in the field of
transitional justice studies, focusing on the scholarship relating to Serbia.
Second, I discuss the literature about the NATO air attack on the FRY in 1999,
and explore reasons for the paucity of scholarship dealing with issues of
redress for the victims of the bombing. Finally, I discuss different approaches to
public policy analysis, focusing on practical applications of MSF. While
engaging with the relevant scholarship, I identify gaps and highlight my original
contribution to the field.

1.1.1. Transitional justice

As a field of study, transitional justice emerged in the late 1980s as a body
of knowledge about the transition of societies towards democracy.²¹

²¹ For more information about the history of transitional justice as a field of scholarship,
(Cambridge: Cambridge University Press 2004); Jon Elster, ed. Retribution and
Reparation in the Transition to Democracy (Cambridge: Cambridge University Press,
2006); Arthur Paige, ‘How “Transitions” Reshaped Human Rights: A Conceptual History of
Transitional Justice,’ Human Rights Quarterly 31 (2009): 321-367; Lauren Marie Balasco,
‘The Transition of Transitional Justice: Mapping the Waves from Promise to Practice,’
(London: Routledge, 2016); Klaus Neumann and Janna Thompson, ed. Historical Justice
and Memory (Madison: University of Wisconsin Press, 2015).
Transitional justice is defined as:

a range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.\(^\text{22}\)

Victims' redress is one aspect of transitional justice processes, and includes measures for restitution, compensation, rehabilitation and satisfaction. Victims' redress can take different forms, covering judicial and non-judicial methods, retributive and restorative mechanisms including the establishment of tribunals, truth commissions, lustration of state administrations, reparations, memorials and the development of educational curricula that maintain a culture of remembering.\(^\text{23}\) Many scholars have explored post-conflict attempts to acknowledge and recognise victims of human rights abuses and war crimes, and some have focused specifically on Serbia and the Balkans.\(^\text{24}\) This thesis focuses geographically and thematically on Serbia and does not engage with the transitional justice literature other than scholarship concerned with Serbia.

Scholars addressing victims' redress in Serbia advocate for some specific transitional justice mechanisms, discuss their effectiveness, and identify the barriers to implementation of some of these mechanisms. This research


extends this scope to explore the enablers for the relevant policies, and the reasons why some policies were chosen while others were not. Further, the research explores the relationships between barriers and enablers identified by different scholars and confirmed by this research.

Vojin Dimitrijević and Nenad Dimitrijević, along with experts from the Centre for Humanitarian Law, focus on nationally-based truth commissions and advocate for their utilisation in victims’ redress in Serbia. They suggest the establishment of truth commissions with clear mandates and operational independency can contribute significantly to the identification and disclosure of the truth about past events. Truth commissions can also offer an arena where victims can speak and be heard. Vojin Dimitrijević and Nenad Dimitrijević also note, however, that although various truth commissions were established in Serbia, they did not support the disclosure of truth about the past; nor did they offer an arena where victims could be heard. According to them, the lack of a clear mandate and independence in the commissions’ work led to the failure of truth commissions established in Serbia in the period between 2001 and 2013.25

Scholars did not further analyse why the government established the truth commissions in the first place. Nor did they explore the reasons for the unclear mandate and a lack of independence in the truth commissions’ work. This research takes these questions into account, and analyses the processes behind establishment and operation of truth commissions. It demonstrates that truth commissions in Serbia were not established merely to identify and disclose the truth, but for a range of factors emerging within different streams of Serbian public policy. It is argued that the main motive for the establishment of truth commissions in 2001 was to declare discontinuity with Milošević’s regime. There was no real discontinuity, however, as many of Milošević’s former accomplices were involved in post-Milošević governments and public life.

Other scholars have also demonstrated this lack of separation between the Milošević and post-Milošević governments. For example, Eric Gordy presents a brief review of the members of the first post-Milošević government, which suggests that many officials had an active role in Milošević’s Serbia. For

25 Vojin Dimitrijević, supra n 24; Nenad Dimitrijević, supra n 24.
instance, Nebojša Ćović, Deputy Prime Minister of Serbia in Đindić’s
government, was a former official of Milošević’s political party and a mayor of
Belgrade under Milošević. Furthermore, General Nebojša Pavković and
Radomir Marković remained as Chief of Military Staff and Director of State
Security respectively after the change in regime. While the former was
convicted by the ICTY in 2009, the latter managed to destroy some major
documents from the previous regime. According to Gordy, this lack of
discontinuity with the previous regime contributes to Serbian denial of
responsibility for past human right violations.26

Vladimir Vodinelić, Miodrag Radojević, Slobodan Beljanski and Zoran Ivošević
agree that Milošević’s associates need to be removed from public life, since
they carry political and moral responsibility for the human rights violations of
the previous regime. In this regard, they discuss and advocate for lustration as a
‘disqualification of political power.’27 Indeed they were involved in drafting the
law on lustration, but did not engage in analyses of the reasons behind the
adoption of this law; nor did they analyse the reasons for its collapse. My
research analyses the policy environment during the adoption and removal of
the law, and, as with the truth commissions, argues that the main motivation
behind the adoption of this law was not acknowledgment of past human rights
violations and victims’ redress, but rather compliance with the wishes of
international donors and because of alignment with the EU. It is therefore not
surprising that the law collapsed before it was implemented. This issue is further
addressed in Chapter 4 of this thesis.

In relation to the law on lustration and truth commissions, this research fills an
existing gap in the analysis of the behind-the-scenes processes of policy
making in Serbia. As with other transitional justice mechanisms, the research
confirms the findings of other scholars who have explored the reasons for the
lack of success of transitional justice in Serbia.

26 Eric Gordy, supra n 24 at 88-94.
27 Vladimir Vodinelić, ‘Prošlost kao izazov pravu,’ Beograd: Centar za unapređenje pravnih
studija i Helsinški odbor za ljudska prava u Srbiji (2002); Miodrag Radojević, supra n 24;
Slobodan Beljanski, supra n 24; Zoran Ivošević, supra n 24.
For example, Ana Pešikan, Dubravka Stojanović and Jelena Subotić advocate for a change in the school curriculum in Serbia. In Subotić’s opinion, revisions in the methodology and content of history education can, in theory, enhance empathy and social cohesion. In practice, however, history education in the Balkans does not contribute to justice, healing and reconciliation, but rather leads to further injustices.28 Subotić identifies Serbian victimisation as a major obstacle to curriculum change.

Others attribute Serbian victimhood to a syndrome of denial. According to Sabrina Ramet, the syndrome of denial has helped Serbs believe that they have always been victims of injustices perpetrated by others.29 Logar and Bogosavljević and Radina Vučetić confirm this delusion, and display a lack of knowledge of the historical facts through their analysis of the surveys conducted in 2000 and 2010.30 On a similar note, Eric Gordy emphasises that this denial has often been presented to the Serbian public as ‘moving on,’ especially by members of Milošević’s political party. As Chapter 4 of this thesis shows, interviews with Serbian policy makers conducted as a part of this research endorse these statements, and add to the primary data in scholarship on Serbian denial and victimhood.

In addition to Serbian denial, victimhood and the lack of discontinuity with Milošević’s government, scholars have identified other obstacles to the success of transitional justice policies in Serbia after the Milošević era. All of these are acknowledged and further analysed in this study. These obstacles include a lack of public discussion about transitional justice, an absence of locally-set objectives, and a lack of victim-focused policies. In relation to the former, Nenad Dimitrijević analyses the concept of the apology as a means of victims’ redress. He argues that apologies in Serbia could be multifunctional if they included acknowledgment of crime and victims’ pain and suffering, as well as of perpetrators’ regret and responsibility. Instead he names the Balkan post-war

era as an age of political apology, because more often than not, such apologies were offered to satisfy expectations, but were not meaningful. In her discussion of the Croatian situation, Tamara Banjeglav similarly emphasises that if apologies are not complemented by other means of transitional justice, they are merely empty, dishonest and insincere acknowledgments of the atrocities and their victims. In his analysis of examples of apologies in Serbia and Montenegro, and of the reactions to them by victims’ groups, Gordy argues that apologies in Serbia are often just a way to substitute for other means of redress that the victims need and request. This research shows that apologies, along with other mechanisms of transitional justice, were not publicly discussed and agreed on. Nonetheless, this research, and that of many other scholars, emphasises the importance of locally-set targets and objectives in the development of transitional justice policies.

For example, according to Orentlicher, transitional justice practices often prioritised the international community and their interests over the interests and objectives of local communities. This means that estimations of the success of transitional justice mechanisms have differed depending on whether the evaluation was locally or internationally based. It also means that targets were not discussed locally, and were therefore often unrealistic. This research shows that Serbian transitional justice mechanisms with externally-set objectives created three principal problems: uncritical policy borrowing, the debatable feasibility of some mechanisms, and a lack of victims’ participation in setting the transitional justice objectives and means. Although most transitional justice practitioners underline the need for the creation of country-specific transitional

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33 Eric Gordy, supra n 24 at 102.
justice mechanisms, victims and their families have usually been required to fit certain models of transitional justice, rather than the other way around. Neumann, for instance, uses the example of the Helmbrechts’ death march memorial,36 where the victims were Jewish, but were remembered with Christian crosses and a Lutheran hymn.37 As Neumann emphasises, it is not only important to explore what is being remembered, but also how and by whom. I argue that the question ‘for whom’ should also be examined.

On a similar note, McEvoy and McConnachie advocate for the creation of mechanisms that would fit victims’ specific needs.38 Subotić outlines the significance of the shift from advocacy for different transitional justice mechanisms to institutionalisation of the participatory nature of these mechanisms.39 Similarly, in the editorial of the International Journal of Transitional Justice (2016), Juan Mendez emphasises that victims are the main protagonists of transitional justice, and should be seen as such.40 My research reinforces Mendez’s statement by showing that the effectiveness of policies is enhanced if the victims are involved. As this study shows, however, the involvement of victims has not been sufficient for certain policies to be included on the agenda and reach the process of implementation. It is demonstrated that in addition to victims’ participation, many other factors need to come together for a policy aimed at victims’ redress to be implemented. For example, as Mladen Ostojić shows, the success of transitional justice mechanisms is premised on the stability of political institutions in Serbia.41 This research confirms the importance of the policy environment for the success of transitional justice, and identifies further important factors, the links between them, and the way they influence each other.

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36 In 1945, about 200 women prisoners were forced by the SS to leave the concentration camp in Helmbrechts and walk away from the approaching USA forces. They died in this process.
37 Klaus Neumann and Janna Thompson, supra n 21 at 219.
39 Jelena Subotić, supra n 28 at 124.
While other scholars have identified the benefits of particular transitional justice mechanisms in Serbia and specific obstacles to their implementation, they have not analysed the relationship between these factors. For example, while it is agreed that the involvement of many current government leaders in Milošević’s regime presents a big obstacle to the disclosure of truth, no one has explored why a law on lustration was developed and adopted in the first place. Why did Milosovic’s associates, who were still in government, allow that to happen? And why was the truth commission established? To understand this better, this research analyses further factors that have been identified, and their relationship to other factors important in Serbian policy making. It is argued that the relationship between various factors can influence some policies positively or negatively.

While this research endorses some of the problems previously identified, it places specific transitional justice mechanisms in the wider context of policy making in Serbia. It also explores the factors that led to the positioning of specific transitional justice policies on the policy agenda, as well as the factors that contributed to their inefficiency. My intention is not to evaluate the success of the policies, but rather to shed light on the arena in which policies are created, and to show how different factors influence the creation and implementation of specific policies.

The research shows that Serbian policy initiatives aimed at redress for victims of the RTS building bombing allude to the scope of transitional justice as defined by the abovementioned international documents and scholars. It draws from various scholars’ ideas about the importance of country and victim-specific transitional justice policies, the necessity for evaluative practices and the participatory nature of policy creation. It is also demonstrated that in order to understand why some policies were implemented and others were not, it is necessary to unwrap the process of policy making, and to better understand the policy-making processes behind specific mechanisms.
1.1.2. Scholarship on NATO's intervention in Serbia

As mentioned earlier, to unwrap the process of policy making in Serbia and to better understand the policy-making processes behind transitional justice mechanisms, this research uses a specific case study, and focuses on the redress for victims of the NATO bombing attack on the RTS building. Several scholars and institutions have explored NATO’s intervention in Serbia.\textsuperscript{42} In this section, I first discuss scholarship on the NATO bombing, including the ideas of several scholars engaged in the analysis of victims’ redress following the NATO attack. I then highlight the lack of scholarship in the area of redress for Serbian victims of the NATO bombing, and engage with the idea of ‘ideal victims.’

Certain scholars discuss the legality of NATO’s bombing in Serbia more generally in the literature about NATO’s intervention in Serbia. Some focus on the questionable labelling of the RTS as a military target, while others discuss victims’ redress. Some scholars also address the issue of the effectiveness of NATO’s bombing.\textsuperscript{43} This study, however, is particularly concerned with scholarship about the legality and impact of the bombing campaign. Its effectiveness is less relevant to the argument in this thesis.

Amnesty International was critical of NATO’s intervention because it violated international conventions for the protection of civilians. In 2000, it issued a report on violations of the Law of War by NATO during Operation Allied Force. Amnesty International accused NATO of engaging in illegal actions against the


\textsuperscript{43} For example, Shank examines the rationale of the NATO bombing on Serbia, and whether the bombing was the most effective way to approach human rights violations in Kosovo. According to him, the air campaign did not prevent humanitarian catastrophe, and was a very costly intervention – estimated at around 100 million dollars per day. In his opinion, deploying UN peacekeepers would have been a much better option. In Macedonia, for example, the peacekeeping operation cost only 11 million dollars per year (Gregory Shank, supra n 42 at 24).
Federal Republic of Yugoslavia. In the opinion of Amnesty International experts, NATO disregarded the rule of proportionality by trying to fight a ‘zero casualty war’ for their own side. In simple terms, according to the principle of proportionality, NATO should have used much less force so as not to overwhelm Serbian land and civilians. NATO aircraft operated from a height, which protected them from attack by Yugoslav defences, but made it impossible for pilots to properly distinguish between military and civilian objects on the ground.\textsuperscript{44} For example, in the case of the bombing of the Albanian refugees’ convoy, the pilot thought it was a Serbian army military convoy.\textsuperscript{45} Amnesty International perceived the RTS as a civilian target, and was appalled by the NATO attack on a non-military target.\textsuperscript{46}

Tania Voon’s analysis of Protocol I of the Geneva Convention shows that NATO did not do everything it should have done to protect civilians.\textsuperscript{47} The Convention of 1949 provides specific requirements for the treatment of civilians during periods of war.\textsuperscript{48} In line with the protocol, all parties involved in a conflict must do everything feasible to verify that the target includes neither civilians nor their objects, and should also do everything possible to avoid the incidental loss of civilian life, injury to civilians and damage to civilian objects. Effective advance warning must be given of attacks that may affect civilian populations, unless circumstances do not permit.\textsuperscript{49}

Lyombe Eko argues that the RTS was not a military target, because western journalists also used RTS facilities to broadcast stories to their respective TV and radio houses. Moreover, Eko stresses that according to the Geneva Convention, journalists should have been given special protection.\textsuperscript{50} He

\textsuperscript{45} International Criminal Tribunal for Former Yugoslavia, supra n 2.
\textsuperscript{46} Amnesty International, supra n 44.
\textsuperscript{47} Tania Voon, supra n 42.
\textsuperscript{48} The Additional Protocol I was adopted in 1977; it details the importance of not targeting civilians (Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), International Committee of Red Cross (1977)).
\textsuperscript{49} Tania Voon, supra n 42 at 1091-1093.
suggests NATO violated the 1954 Hague Convention by bombing the RTS. In line with this convention, the RTS archives should have been perceived as protected cultural property. Similarly, Paul Robinson questions NATO targets of dubious military value, such as a cigarette factory, a vacuum cleaner factory, a television station and Milošević’s residence. He believes there is no excuse for targeting civilian infrastructure, or for avoiding NATO casualties at the expense of sacrificing civilian lives.

Alexandra Ruth and Mirja Trilsch focused on redress for victims of the NATO bombing. They analysed the decision of the ECtHR in the case of Banković and Other versus Belgium and Other. As is seen in the introductory section of this text, the ECtHR declared as inadmissible the application by families of the victims of the NATO bombing of the RTS building, because the territory of Serbia was not under the jurisdiction of that Court. They point out, however, that in the case of the intervention in Northern Cyprus, the Court defined its jurisdiction in a different way. While in the Banković v. Belgium case, the Court stated that jurisdiction should refer to the national territory of the contracting states; with Northern Cyprus, jurisdiction was defined as not being restricted to the national territory of the contracting states.

Lea David asserts that among recent wars, the NATO bombing constitutes a major occurrence that Serbia wants to remember and commemorate. This argument is based on her analysis of the ‘State Program for Commemorations of the Key Historical Events in the Serbian Liberation Wars,’ a document adopted in 2009 that lists the events Serbia officially commemorates. The list includes only events from World Wars I and II, with the exception of one battle from the early 19th century and the NATO bombing. David underlines this singling out of the NATO bombing from recent events. According to her, post-Milošević governments promote the memory of the NATO air attack, and present the NATO bombing as the central event occurring in the Balkans in the

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52 Paul Robinson, supra n 42 at 671.
53 Ruth and Trilsch, supra n 42.
54 Ruth and Trilsch, supra n 42 at 170.
Krisztina Racz and Orli Fridman also analysed Serbs’ memory of the 1999 bombing, and the ways in which residents of Belgrade have conceptualised and remembered this international intervention.\(^{55}\)

However, as this thesis will demonstrate, being the ‘central event that Serbia wants to remember’ has not automatically led to redress for victims of the NATO bombing. Although the Serbian government has placed the NATO bombing in the centre of 1990s collective memory, it has not acknowledged Serbian responsibility for the NATO air attack. The interviews with policy makers show that post-Milošević governments have not moved beyond ‘blaming and shaming’ NATO for the damage to innocent victims. The interviews also demonstrate that policies created in regard to the NATO bombing have not been aimed at victims’ redress, but at reinforcing a collective sense of victimhood. As discussed in Chapter 5 of this thesis, the Serbian government does not acknowledge individual victims of the NATO bombing; nor does it make a distinction between civilian and military victims of the war. Annual anniversary events that commemorate the NATO bombing highlight it as an unjust attack on Serbia that victimised all Serbian citizens; thus the victimisation of people who died in this event is relativised.

Additionally, by focusing only on the commemoration of events in which Serbs were victimised as a nation, Serbian public policy nurtures narratives of the past that are irreconcilable with those of neighbouring countries. In her analysis of some contemporary education and memory initiatives in Serbia, Jelena Subotić emphasises an important connection between the way a society chooses to remember, and the way it reaches for justice. She contends that the methods of collective remembering in the Balkan region represent an ongoing obstacle to

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the search for victims’ redress. Scholars perceive Serbia’s sense of victimhood as a consequence of the state’s policy on remembering.

As elaborated by Nils Christie and Vesna Nikolić Ristanović, the general view held by the international community is that victims have to be both innocent and vulnerable. They describe these victims as ‘ideal victims.’ Because victims of the RTS bombing were working for the RTS, they were perceived as supporting the regime, and were thus arguably implicated in the injustices perpetrated by Milošević, and were not perceived as ideal victims.

As Butler points out, this kind of hierarchy of victims has also been obvious in the humanitarian aid world, as well as in the war against terrorism. McEvoy and McConnachie explore a similar dichotomy in South Africa. Therefore, as Moffett emphasises, reparation and restoration mechanisms need to navigate the complex identities of victim/perpetrator.

Scholars have not explored redress for NATO bombing victims because those that died were not considered ‘ideal victims’ in the recent wars. There is a gap

57 Jelena Subotić, supra n 28.
in academic analysis in this area. With the exception of Ruth and Trilsch,\(^\text{63}\) scholars have focused on the lack of redress for people of other nationalities who were the victims of activities perpetrated by Serbs, or on Serbs who were victimised in Croatia and Bosnia.\(^\text{64}\) In academic discourse about the bombing of Serbia, the focus has mostly been on NATO and its responsibility for civilian victims. As Vesna Nikolić Ristanović notes, victims are often forgotten.\(^\text{65}\) Hence, with its focus on public redress for families of the RTS employees victimised during the NATO bombing, this thesis fills a gap in the existing body of knowledge, as well as arguing against a strict dichotomy between offenders and victims.

1.1.3. Theorising Serbian policy on redress for victims

There is a gap in scholarship exploring how certain redress policies enter the policy agenda, and what the driving forces are for the development and implementation of victims’ redress policy. While the majority of scholars focus on different practices and their importance, no transitional justice scholars have explored the messy and contested environment in which transitional justice policies, practices and programs are framed and enacted. This work is thus an original contribution to the field of transitional justice.

This research unpacks the process of policy making aimed at the redress for victims of the NATO bombing, exploring how policy makers formulated policies and, among other issues, what role the families of RTS employees who died in the NATO bombing have in the formulation of these policies. To do this, it is first necessary to understand the complexity of public policy making, and to identify a particular approach to employ in its analysis.

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\(^{63}\) Alexandra Ruth and Mirja Trilsch, supra n 42.


\(^{65}\) Vesna Nikolić Ristanović, supra n 59.
Put simply, public policy represents the future goals, objectives and main activities of a state. Hill defines policy as the product of political influence, determining and setting limits on what the state does.\(^66\) Anderson identifies public policy with a course of action intended to solve a social problem, and that adopts a specific strategy for its planning and implementation.\(^67\) Public policy in Serbia is defined as a set of activities and projects intended to lead to the efficient and effective achievement of the objectives of the government’s program.\(^68\) Public policy involves statutes, laws, regulations, executive decisions, government programs and the commonly understood rules that structure behavioural situations involving public affairs. Public policies can include both means and goals, and can range in form from symbolic to instrumental, referring to the leaders’ aims, actions and outputs of actions, a structure of practices, and announcements and statutes. Sometimes policy refers to a specific document, while in other cases it is much more diffuse and harder to measure.\(^69\) In this thesis, I use the term ‘public policy’ in this wide sense, to refer to the shared public rules, norms, and strategies addressing the issue of victims’ redress. As policy processes are very complex, the field of policy analysis was developed to understand ‘how, why and to what effect governments pursue particular courses of action and inaction.’\(^70\) Policy analysis represents the study of ‘the nature, causes, and effects of public policies,’\(^71\) and help us explain ‘what governments do, why they do it, and what difference does it make.’\(^72\)

Usually, the policy-making process is a very long one that involves different stakeholders with their specific interests and understanding of policy problems,

their interactions and different budgetary implications. Given this complexity, the policy analyst tries to simplify the process, disassembling it into its key elements. Depending on how these substantive elements are classified, it is possible to talk about the application of different frameworks of policy analysis.

The use of frameworks in the process of policy analysis is an attempt to simplify the policy-making process in order to understand it better. Yet, as Osman notes, the policy process involves different elements that interact, meaning that specific policies, their elements and interactions, differ significantly from country to country. Therefore, whichever policy framework the researcher applies to better understand policy making in a specific country, it is important to ensure that this framework can accommodate contextual differences.

Until the mid-1980s, the most influential framework for understanding the policy process was the ‘stages heuristic’ framework developed by Harold Lasswell, Charles Jones, James Anderson, Garry Brewer and Peter DeLeon. They saw the policy process as very structured, and divided it into stages including agenda setting, policy formulation, policy implementation and policy evaluation. The authors suggest an exploration of each individual stage will build a better understanding of the overall policy process. Many scholars, including Jeffrey Pressman, Aaron Wildavsky, Roger Cobb, Benny Hjern, Chris Hull, Daniel Mazmanian, Paul Sabatier and Barbara Nelson, have used this approach to investigate specific stages of public policy. While these analyses have aided in understanding individual stages of public policy, they have not, however, shed light on the relationships between stages. Some scholars, including Robert Nakamura, Paul Sabatier and Hank Jenkins Smith, have identified this

weakness in the stages heuristic approach.\textsuperscript{76} These scholars note that the order of the proposed stages does not always reflect the reality of the policy process. For instance, evidence collected during the evaluation process often informs the issue of problem identification. Further, the stages heuristic approach understands policy as a major piece of legislation; therefore, comparatively minor policies are easily ignored. The application of the stages heuristic approach to the case of victims’ redress in Serbia would lead to exclusive analyses on the Law on Civilian Invalids of War that deals with victims’ redress. This would lead to an oversimplification of the Serbian context, and would ignore many complementary policy processes relevant to victims’ redress at national and local levels, such as trials, truth commissions and commemorations.

As mentioned in the first paragraph of this section, public policy in Serbia is defined as the most effective and efficient way to reach the government’s program objectives.\textsuperscript{77} This is set out in \textit{Managing the Process of Annual Operational Plan (GOP) Development}. This document was originally written in English in 2006, and then translated to the Serbian language and adopted by the government in 2007. As defined by the process of annual operational plan (godišnji operativni plan (GOP)) development, the process of policy making in Serbia has been formally structured around eight different policy steps: 1) Situation Analysis including SWOT and PEST(LE) Analyses, Stakeholder Analysis and Problem Analysis; 2) Project Definition and Project Prioritisation; 3) Project Assessment including Economic and Non-economic Project Assessment, Cost-benefit Analysis and Assessment in Conditions of Uncertainty; 4) Development of Logical Matrix and Project Parameters, Project Planning, Planning of Time (Gantt Chart) and Resource Planning; 5) Budgeting; 6) Monitoring; 7) Reporting; and 8) Evaluation (see Image n. 1).\textsuperscript{78}

\textsuperscript{77} Government, Republic of Serbia, supra n 68.
\textsuperscript{78} Ibid.
This kind of separation of different stages of public policy suggests an organised, phased and heuristic approach towards public policy, and views policy making as a linear process that goes from problem identification, to the analysis of alternatives, to recommending policy solutions. It tends to overlook the frequent randomness of policy processes, as well as the influence of many local and external factors on the process of policy making.

The fact that the document defining the function of public policy in Serbia was first written in English suggests that this structural approach toward policy creation in Serbia has been encouraged and financially supported by international partners. The Ministry of Foreign Affairs in the Kingdom of Norway and the Department for International Development in Great Britain introduced and financed this structured process through the project ‘Towards More Efficient Reforms Implementation.’ Until successfully concluded on 31 December 2009 with full institutionalisation of all the project’s components, this project was
implemented under the supervision of the Cabinet of the Deputy Prime Minister for EU Integrations of the Republic of Serbia. Its main objective was to establish ‘a functional system of planning and development of budget users’ plans aligned with defined goals, as well as establishing a system of monitoring and reporting according to the results.’ Such a structural approach to policy making increased public officials’ awareness of the importance of planning, but it was also intended to make the process of policy making easier to follow and understand by people involved in the process. As most scholars who argue against taking a heuristic approach towards public policy emphasise, this approach suggests that policy tends to develop on its own within each stage of public policy almost completely without reference to research in other stages.

As mentioned, Robert Nakamura, Paul Sabatier and Hank Jenkins Smith argue that a policy defined in a heuristic way lacks causality, since it does not identify correlations within and across stages. The Serbian government tried to address this lack of connection between different stages of public policy in 2008 with the establishment of specific intersector and, in some cases, interministerial groups engaged in each of the phases of public policy, with a particular focus on linking different phases. These groups were the Standing Coordination Group, the Project Group and the Special Working Group, and their aim was to promote coordination between policy makers working within different stages of the project policy cycle. Nevertheless, in line with the arguments of some opponents of heuristic theories, this research shows that such a structured approach has often been promoted in words, while in practice the policy-making processes have been much more ad hoc, chaotic and influenced by different factors.

81 See, for example, Robert Nakamura, supra n 76; Paul Sabatier, supra n 76; Terry Dunworth et al., The Case for Evidence-based Policy: Beyond Ideology, Politics and Guesswork (Washington DC: Urban Institute, 2008).
In this regard, one of my interviewees, who was responsible for overviewing the policy-planning process within one of the ministries, said that the people within ministries who are included in the planning processes are bureaucrats – operatives without real power. In her opinion, assistant ministers hold power, but are not included in the planning process. This implies a discrepancy between what is planned and what is actually implemented.\textsuperscript{82}

In addition, as Sabatier emphasises, the assumption that a single policy cycle can focus on a major problem oversimplifies the usual process of multiple, interacting cycles involving numerous policy proposals and interests at many levels of government. The approach of Serbia toward the Kosovo issue is a good example. Bearing in mind that the majority of Serbian voters are not in favour of accepting Kosovo’s independence, almost all political parties incorporated the idea of Kosovo as an integral part of Serbia in their political programs. Simultaneously, many analyses have proven that this is not an effective policy, and that Serbia is allocating too much money (around half a billion Euro annually) towards Kosovo, while many other urgent issues remain pending due to lack of money.\textsuperscript{83}

While the Serbian government declares that it promotes well-informed decisions and interventions, in practice it usually leads to policy-based evidence rather than evidence-based policy. As the following chapter will demonstrate, because of political domination and the fact that many research institutes have a principal client who can more or less influence not only data collection but data interpretation as well, policy often dictates research rather than the other way around. This issue is significant, and has been the main limitation of the use of a structural approach to explain policy making in Serbia. The same research data can be very differently interpreted in order to justify specific policy decisions. Data is used more to justify policy than to inform its creation. Policy creation in Serbia is still a very political issue, reflecting different ideologies and different political parties’ agendas, rather than the needs of constituencies represented by the data.

\textsuperscript{82} Interview with a professor from the Ministry of Education, Belgrade, 13 August 2012.
While a structural approach seems very applicable in understanding the normative side of Serbian policy, many Serbian public policy decisions and practices cannot be explained by the application of a structured, heuristic approach. The policy process in Serbia is much more chaotic, ad hoc and inconsistent. It diverges from the normatively prescribed linear decision-making process of identifying problems, formulating solutions and making a choice.

One of my interviewees, a general from the Ministry of Defence, cited an example of this, which refers to the way Serbia defines public holidays. After the dissolution of the Union of Serbia and Montenegro, the Republic of Serbia had to set new public holidays. One important date to identify was the Day of the Serbian Armed Forces. The Military Institute of Serbia was asked to select the appropriate date for this commemoration. The Institute for Military History was established in 1876. In 1950 it was renamed the Institute for History and Geography. In 2006, it was moved to the Ministry of Defence and marginalised. The Institute has a department dealing with military history, which was responsible for the selection of the Day of the Serbian Armed Forces on behalf of the Institute. According to my respondent, employees of the department initially defined the criteria for the choice of the Day of the Serbian Armed Forces. The first criterion was that the documentation about the event should exist in the archives, because the event needed to be documented. This criterion eliminated many events, because Serbia had not been good at documenting its past. As my interviewee points out, this is why the date of the Kosovo battle and many other important military events could not be chosen. The second criterion was that it was the oldest documented event. The military character of the event was defined as the third criterion, and its national significance as the last. In the Institute’s opinion, the only event that matched all of those criteria was the First Serbian Uprising, when the Serbs, headed by Karađorđe, organised the first revolution against the

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84 Interview with a military representative, the Ministry of Defence, Belgrade, 6 May 2012.
Turks in the suburbs of Belgrade. A group of experts in military history was consulted, and the date of the First Serbian Uprising was voted on with a consensus. The Institute suggested this date to the Minister of Defence and it was further processed as the official suggestion to the government. In 2005, this date was officially adopted as the Day of the Serbian Armed Forces.

Six years later, the government changed this date. My respondent emphasises the banality of the reasons behind this change by highlighting three key motives of the Ministry to change the date:

The Ministry of Defence was looking for some date in April so that they can march [organise the ceremonial parade] while the weather is nice. Also, they needed special media attention before the elections [the elections were held on 6 May 2012] and did not want to put together the day of Serbia and the Day of the Army to avoid insinuation of Serbia as a military state.

The Ministry changed the date without a reasonable explanation, and without public debate. Neither did it provide any opportunities for consultation with experts in military history. According to the interviewee, this shows just how little policy planning and consultations matter to the government. In line with this, my respondent stressed:

They looked for the change of the date in December [2011] when they already knew that the elections would be in May 2012. They decided that it would be good to march a bit before the elections.

In his opinion, the Minister of Defence in charge, Šutanovac, was not interested and knew very little about defence and even less about history. The Minister simply followed the orders of his political party [Democratic Party] ‘to push for the NATO and to march in the nice weather and these

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86 The First Serbian Uprising started on 14 February 1804 and lasted until 1813.
87 My respondent further explained that in other countries such as France and Poland, the Day of the Army and the Day of the State also overlapped, and no one questioned them about that.
88 Now the date for the Day of the Army is the date of the Second Serbian Uprising – 23 April.
were the only two things that he had in mind as his policy.’ [This was followed by very ironic laughter.] ‘This was violation over history’ he added.

Being politically acceptable is in reality as important as being cost effective, efficient and relevant, if not more so. This has often been neglected by political analysts with a structural orientation. As this research shows, policy makers in Serbia are avoiding accepting a solution that is not in line with their political ideology. This causes a gap between the originally-intended way of public policy making, and the way it has actually been created.

1.1.3.1. Alternative analytical framework

In addressing weaknesses in the heuristic approach, scholars have developed alternative frameworks: Institutional Rational Choice, Multiple Streams, Punctuated Equilibrium and Advocacy Coalition. I choose to mention these frameworks, as they are included in all editions of *Theories of the Policy Process*, edited by Paul Sabatier. Sabatier identifies all four theories as scientific, with consistent concepts and propositions, clear causal drivers, being fairly applicable and broad in scope, and with recent conceptual development. I briefly explain here the basic concepts of these theories in order to show what theories other than the heuristic approach offer, and also to explain why the Multiple Streams framework (MSF) was selected as the appropriate tool to analyse policy process in Serbia.

The widely-used Institutional Rational Choice framework understands public policy as an action arena in which institutional rules alter the self interest of individuals. Scholars applying this framework include Ostrom, Schroeder, Wynne, Walker, Scholz, Twombley, Headrick, Chubb, Moe, Dowding and

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90 Paul Sabatier and Christopher Weible, supra n 69.
Scharpf.\textsuperscript{91} However, the theory is based heavily on a liberal, individualistic approach to human nature that makes it difficult to apply in the post-communistic, traditional society in Serbia. In Serbia, individuals are not likely to act according to self interest, but are mostly led by cultural norms and standards of social acceptability. Further, as this research will show, public servants in Serbia do not have the level of autonomy required to formulate public policy.

The Punctuated-Equilibrium framework (PE) was developed by Baumgartner and Jones in the early 1990s. It is based on the assumption that policy making in the United States ‘is characterized by long periods of incremental change punctuated by brief periods of major policy change.’ According to Frank Baumgartner, Bryan Jones and Peter Mortensen, change happens when opponents come to a solution regarding a particular policy problem.\textsuperscript{92} The PE Framework has proven to be very applicable in formulating legislative and budgetary change. The aim of this thesis, however, is to explain why a change in policy does not happen with regard to victims’ redress in Serbia. Despite the dissatisfaction expressed by many policy actors about victims’ redress law in Serbia, this law has not changed in 20 years, as this study will show. Therefore, a policy framework is required that is able to explain both policy changes and the factors that hinder and/or prevent such change.

The Advocacy Coalition framework developed by Paul Sabatier and Hank Jenkins-Smith offers the opportunity to explore different factors of policy change. Sabatier and Jenkins-Smith focus policy analyses on the interaction between different interest groups within society.\textsuperscript{93} This framework has been applied in Serbia by Marija Babović and Danilo Vuković in the educational, social and employment sectors. The framework claims that institutions that share a set of policy beliefs form a coalition within a policy subsystem, and advocate for a specific change to happen. The change then occurs as a result of interaction between competing systems within the subsystem, and takes into

\textsuperscript{91} See Terry Moe supra n 89; Kenneth Shepsle supra n 89; Gary Miller supra n 89; Elinor Ostrom et al. supra n 89.


\textsuperscript{93} Paul Sabatier and Jenkins-Smith, supra n 76.
account different firm, contextual and changing external factors. Babović and Vuković argue that although ideology and international actors have a significant influence on the formulation of social and employment policy in Serbia, it is actually local interest networks that make the final decisions. This research shows that in the area of victims’ redress, all of these factors, including ideology, international actors and policy networks, influence policy aimed at victims’ redress, and that different factors dominate over time in relation to different policy outputs.

For the purposes of analysis in this study, I selected John Kingdon’s Multiple Streams Framework (MSF), as it is the most useful and compelling. It offers a solid structure to further analyse the factors influencing policy making in Serbia, their interactions, and the different levels of influence each of them has on decision making. Kingdon developed this framework in 1984, based on the model of organisational behaviour developed by Michael Cohen, James March and Johan Olsen a decade earlier.

Cohen et al. view the policy arena as a garbage can into which diverse stakeholders drop different policy problems and solutions. According to Cohen, depending on four main factors – problems, solutions, political participation and choice opportunities – some of these problems and solutions are brought to the attention of policy makers. Kingdon revised this model and narrowed down the policy process to three main streams: the problem stream, consisting of different public opinion polls, reports, events and media that serve to bring the problem to the attention of policy makers; the policy stream, involving policy solutions; and the politics stream, referring to the political will of elected politicians. Kingdon notes these three streams sometimes come together, creating ‘windows of opportunity.’

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97 John Kingdon, supra n 95.
The problem stream refers to different issues within the public arena that require policy makers’ attention. Usually, there is a range of different competing problems that deserve response, but only a few reach the policy agenda and attract the attention of policy makers. Different issues are framed as policy problems within the policy stream and solutions are suggested by a variety of policy makers. Kingdon describes these solutions as a mix of widely-accepted strategies that have already been formulated, and over time they ‘soften’ enough to form a joint solution to the policy issue identified. Kingdon metaphorically names this policy arena a ‘primeval soup.’ He also introduces and idea of policy entrepreneurs – individuals who have enough interest and power to broker between different policy solutions until the selected policy is brought to the attention of the decision makers. Kingdon describes policy entrepreneurs as individuals who are willing to invest time, energy and financial support in the policy solutions they favour. Kingdon suggests that several criteria need to be satisfied for a specific solution to be taken out of this soup and formulated as a policy. He lists technical feasibility, alignment with the dominant policy values and the existence of an appropriate risk strategy as important factors. These criteria, however, can significantly vary across different countries. In Serbia, as my research has shown, one of the main criteria is the political power of the so-called policy entrepreneurs.

The last of the three streams, the politics stream, encompasses public opinion, political parties and their policy interests, lobbying groups and government. While these three streams contain many different elements and processes, they come together at certain points in time to create ‘policy windows’ or ‘opportunity windows,’ where there is a good chance of success that the specific problem or policy will find its place on the policy agenda.

In addition to these three streams, Michael Howlett, Allan McConnell and Anthony Perl add two more (the process and program success streams) to support the applicability of this framework to the policy making process as a whole, while at the same time avoiding the mixing of streams and heuristic

98 Ibid.
stages/cycle metaphors. However, a mix of cycle and stream metaphors is applicable for Serbian policy making where policy making has a strong heuristic structure in theory, while in practice it fits very well with the metaphor of streams.

Each of the identified streams significantly influences policy making in Serbia. This research will therefore carefully analyse each stream in order to understand the process of agenda setting, formulation and implementation of policy. It also analyses the moments in which these streams come together to create policy windows – or as Howlett et al. suggest, a moment of confluence – in order to analyse the very moment of policy adoption, formulation and implementation.

As do many other scholars focused on policy analyses, Kingdon uses many metaphors in his framework to simplify the process of policy making and to make it more comprehensible. Although useful, metaphors are sometimes used in an awkward way. Metaphors from different frameworks can be mixed – for example policy streams and policy cycles – or metaphors that do not flow well together might be used within the same framework. For instance, Kingdon uses the metaphor of the ‘primeval soup,’ referring to policy streams and policy windows that each help in understanding the process, but together do not make much sense. On that note, in this research, the idea of the confluence of streams has been adopted to explain the formulation and implementation of policies aimed at victims’ redress. In addition, a new metaphor (that of the whirlpool) has been invented, which refers to the process in which a policy vanishes from the policy agenda once it has been formulated and implemented. Both these metaphors fit more logically with the metaphor of policy streams.


100 Ibid.

101 For instance, Cohen uses the metaphor of the garbage can; Johan Nordensvard uses market metaphors (consumer and commodity) in explaining education policy in Ghana (Johan Nordensvard ‘Using Political Metaphors to Understand Educational Policy in Developing Countries: the Case of Ghana and Informal Communities,’ Policy Futures in Education 11, no. 1 (2013): 74-88; and the famous 19th century metaphor of law making being equated with sausage making, as (debatably) attributed to Otto von Bismarck.
Kingdon’s work was developed based on US policy making. The debatable applicability of this across different countries has been one of the main criticisms of this approach. However, MSF has been useful beyond the US, including in Canada, Germany, the UK, France, Hong Kong, China and others. Nevertheless, Steffen Brunner applied MSF to analyse the German emissions trading regime and identified some shortcomings of this framework. Brunner argues that MSF ignores the potential for learning that can occur in the process of policy making. He claims that it does not consider how old policies and the body of knowledge influence current policy making. This research demonstrates, however, that this criticism can be easily accommodated within MSF. In this thesis, for example, I consider previous policies and their influence on the current debate within the problem and policy streams of policy making in Serbia, although I also identify that knowledge management, as such, has not been a strong point in the Serbian policy-making process. Similarly, while Brunner argues that MSF places too much emphasis on the importance of some policy solutions and ideas while ignoring the importance of networks of experts and coalitions, I see the concept of networks as being very similar to the concept of Kingdon’s policy entrepreneurs. As this research shows, more often than not, these are very similar in Serbia, if not the same. Finally, Brunner suggests that MSF can be easily applied to national policies, but that it is difficult to use its explanatory value in multi-level policy processes – that is, to reflect the international influence on national policy frameworks. In contrast, this study addresses the influence of international policies (i.e., EU policies) as a cross-cutting issue within each of the streams. Also, as the recent meta evaluation of MSF by Paul Cairney and Michael Jones

105 Ibid., 506.
shows, out of 41 MSF applications analysed, eight had an international focus, and 13 had a subnational focus.\footnote{Paul Cairney and Michael Jones, ‘Kingdon’s Multiple Streams Approach: What is the Empirical Impact of this Universal Theory?’ \textit{Policy Studies Journal} Vol. 44, No. 1 (2016): 37-58.}

In response to some of the abovementioned criticisms other scholars have contributed to the development of MSF, and have revised some of its basic concepts. For example, Ness and Mistretta add a fourth stream of institutional factors called the ‘policy milieu.’\footnote{Erik Ness and Molly Mistretta, ‘Merit Aid in North Carolina: A Case Study of a “Nonevent”,’ \textit{Educational Policy} 24 no. 5 (2010): 703-734.} Some scholars shift the focus from agenda setting to policy design and formulation.\footnote{Matthew Nowlin, 'Theories of the Policy Process: State of the Research and Emerging Trends,' \textit{Policy Studies Journal} 39, no. 1 (2011): 45.} Although Kingdon did focus on agenda setting, many scholars, including me, argue that the three streams can easily be applied to analyses of other stages of public policy processes. For instance, Mark Exworthy and Martin Powel claim that the problems, policy and politics streams simply cross over into policy formulation, implementation and evaluation.\footnote{Mark Exworthy and Martin Powel, 'Big Windows and Little Windows: Implementation in the “Congested State,”' \textit{Public Administration} 82 no. 2 (2004): 263-281.} In addition, using the revision of the framework previously mentioned, Howlet et al. show that MSF can easily be applied to heuristically-defined stages of the policy process. While they explored phases of policy formulation, I have followed their recommendation to go further down the policy stream, and have analysed one of the next phases of the public policy – policy implementation.

bioterrorism\textsuperscript{117} and the educational curriculum.\textsuperscript{118} According to Jones et al., in a meta evaluation of 311 applications of MSF from 2000 to 2013, the highest percentage of applications focused on health and environment – 28 and 20 percent respectively. This was followed by governance, education and welfare issues.\textsuperscript{119} This research broadens this scope even further, applying MSF to the field of transitional justice, extending the use of MSF thematically and geographically. Underpinned by the data from interviews with policy makers, this study shows the necessity of each stream, but that individually, they are not sufficient to fully explain the policies around victims’ redress in Serbia. In addition, and building on another criticism of MSF, that different streams function independently,\textsuperscript{120} I demonstrate that the streams are more linked than Kingdon asserted. The analysis of public policy aimed at victims’ redress is my original contribution to the debate. Having said that, it is important to emphasise that this thesis is not claiming to make an original contribution to MSF theory, but rather to its application in Serbia and in the area of victims’ redress policies. Moreover, although it focuses on Serbia and draws from one empirical example, this research points to some aspects of inductive probability applicable not only to processes of policy making in the area of transitional justice in Serbia, but more widely – especially in the Balkans. As is always the case with inductive reasoning, it suggests rather than confirms the similarity of the processes.

1.2. Methodology

All three streams of Serbian public policy were analysed in this research to better understand policy processes around victims’ redress in Serbia. An empirical investigation was conducted, involving analyses of policy documents,

\textsuperscript{118} Anthony Chow, ‘Understanding Policy Change: Multiple Streams and National Education Curriculum Policy in Hong Kong,’ \textit{Journal of Public Administration and Governance} 4 no. 2 (2014): 49-64.
statements by political parties and speeches by public officials, monitoring of
media, and interviews with policy makers. I conducted fieldwork in Serbia
between February and October in 2012.

The sampling frame for the interviews contained policy actors, individuals and
representatives of those organisations that have influenced public policy making
in Serbia within different streams and in the different phases. In order to
understand the politics stream of Serbian public policy, I included
representatives of different political parties and political appointees from the
current and former Serbian governments. To understand the policy stream, I
interviewed academics, policy experts, representatives of think tanks and
researchers who contributed to the formulation of different relevant transitional
justice policies in Serbia. Finally, the key informants who helped me to
understand the problem stream of Serbian public policy were the victims
themselves, victims’ organisations, victims’ families and different NGOs familiar
with the issue of the victims’ redress. I interviewed 56 individuals, including 31
representatives of the government ministries of education, justice, culture,
defence, the interior, foreign affairs, labour, employment, veteran and social
affairs, as well as central government offices including those of the prime
minister, the deputy prime minister and the general secretary. This research
aligns with the National Statement on Ethical Conduct in Human Research
(National Health and Medical Research Council, Australian Research Council
and Australian Vice-Chancellors Committee, 2007). I met some respondents many times, while others I saw only once. All interviews
were conducted in the Serbian language. The longest interview lasted for four
hours, while the shortest one was about 45 minutes. Sixteen people declined
the interview request for different reasons (some were too busy, some did not
think they had anything to say about the topic, while one-third of them were not
authorised to talk to me). Many of the interviewees I knew personally, as they
were former colleagues. Although this made the process of scheduling

121 The list of interviewed institutions is provided at Appendix 1.
122 This research was granted ethics approval in July 2011 by the Swinburne University Human
Research Ethics Committee (SUHREC). Ethics documentation is provided at Appendix 2.
interviews much easier, I took negative responses to the research request personally. I met my interviewees in their offices, but also in more informal settings.

The interviews were conducted during a period of considerable political tension because of the elections that were held on 6 and 20 May 2012. They were semistructured with three major sections. First, I explored Serbian victimhood. Interviewees reflected on the Serbian sense of victimisation, who the victims were and who the perpetrators were. They then talked about different events of human rights violations during Milošević’s period of governance, including NATO bombing and victims of these specific events. Finally, they were asked about victims’ redress, its shape and effectiveness. I also asked them about their role in the process of policy creation, and the different factors that influenced whether specific policies were developed and implemented while others were not.

The majority of interviewees requested anonymity. Serbian public officials are not formally bound by their employers regarding what they can or cannot say, but informally, there is a limit to what is acceptable to say, especially during election periods. During that time, they are discouraged from criticising the work of officials representing the political party that holds the majority in the government. I guaranteed anonymity to interviewees because I wanted the authentic opinions of policy makers, not official statements. They are referred to in this thesis by their profession and their sectors of work, for example, ‘a historian from the Ministry of Education.’ In the majority of cases, their disciplinary background is relevant to the roles they hold within their institutions.

It is important to understand, however, that there is no strict line between individuals representing different public policy streams in Serbia. Academics might easily become political appointees, or experts can be hired to form part of the public administration. This volatility of the identities of policy makers mirrors the fluidity of different policy streams of Kingdon’s construct as applied to the Serbian policy arena. As this research shows, these three streams are more often than not codependent in practice.
I analysed secondary material related to different types of victims’ redress, in addition to the interviews, to better understand different streams of Serbian public policy. For example, to understand the policy stream, I analysed strategic documents including the Serbian education strategy up until 2020.123 This enabled me to determine whether and how victims’ redress is covered by this strategy. I also analysed the annual operational plans of different ministries over the last decade to explore whether victims’ redress was among the priorities of government ministries. I also reviewed documents including, but not limited to, the laws relevant to lustration and definition of the rights of victims in Serbia, and reports of the Public Prosecutor’s Office for War crimes to investigate what had been done with regard to specific measures.

According to Kingdon, elections represent the key moment in which we can learn about the ambiguity of any policy problem. Therefore, I also analysed speeches and texts from a variety of media outlets during the election campaign. I explored the frequency, content and context of any references to victims, victimisation, the NATO bombing in general and the bombing of the RTS building in particular. I also explored pre-election speeches by different political leaders to discover if and how they framed the problem of victims’ redress in their election campaigns to better understand the politics stream of victims’ redress.

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Most of the fieldwork was carried out in the Serbian capital city of Belgrade, but I also travelled to a number of regional towns and villages (including Kraljevo, Kragujevac, Novi Sad, Raška, Smederevska Palanka, Sremski Karlovci and Žiča) to observe election campaign rallies. In order to better understand how the problem of victimhood, victimisation and victims’ redress was framed, I was also interested in what members of parliament had to say about these topics. I therefore analysed their speeches and debates to see if the issue of victimisation had been prioritised in the parliament, and also to see whether the
parliament mirrored speeches of the prime ministries and priorities defined by the relevant strategies.\textsuperscript{124}

Finally, I studied the results of the Bureau for Social Research’s (BIRODI) monitoring of the Serbian media’s coverage during the 2012 election campaign to get insights into the public perception and the problem stream of Serbian public policy. BIRODI monitored different media based on their impact on potential voters, ownership structure (private or state owned), political affiliation and geographic diffusion. The sample included six television broadcasters (Radio Television of Serbia, B92, Pink, Prva, Studio B and TV Vojvodina), five daily newspapers (Politika, Blic, Večernje Novosti, Danas and Pravda) and four Internet news portals (B92, Press, Kurir and Mondo). While BIRODI has its own monitoring interests, I used its database to explore whether, how often and in what context primetime news, newspaper, Internet articles and political talk shows mentioned topics relevant to acknowledgment of the victims of the 1999 NATO bombing.

My understanding of all three streams of public policy has been informed by my experience working for the Serbian government, and for numerous local and international non-governmental organisations in Serbia.\textsuperscript{125} However, this thesis has not only been written by a Serb, but by a researcher ready to acknowledge and leave behind the emotions attached to being Serb. Reading about Ghassan Hage’s and Olivera Simić’s struggle with their emotions during their academic fieldwork makes me believe that this is possible.\textsuperscript{126} Even when researchers identify with the people they write about, they can still be a good researcher by having ‘a capacity to recognize and critically reflect on this vacillation between an observation and an emotional participation.’\textsuperscript{127} The question regarding the

\textsuperscript{124} The other important source of information was the project Open Parliament (www.otvoreniparlament.rs), which provided transcripts of all parliamentary sessions 1997–2017. Through this project, aimed increasing the transparency of the National Assembly, I obtained an easily accessible, consolidated archive of more than 150,000 speeches by members of parliament from over 200 parliamentary sessions during the past decade.

\textsuperscript{125} In different capacities, I worked with Serbian refugees, internally displaced persons from Kosovo and many other vulnerable Serbs. I participated in the creation of the Poverty Reduction Strategy, the National Youth Policy, the National Strategy for People with Disabilities, the Strategy of Sustainable Development, and many other policy documents.


\textsuperscript{127} Ghassan Hage, supra n 126 at 78.
position of the researcher’s personal views and perspectives has also been Sarah Ben-David’s focus. Ben-David argues that there is a place for the personal views of researchers. Likewise, emotions are my drive, not my standpoint. As Jelena Obradović-Wochnik says: ‘I have no way to control how the fact that I am a Serb will influence understanding of this thesis, but being aware of my own emotions I can influence how this influences my writing.’ I feel from the perspective of a Serb, and it is because I empathise with Serbs that I became interested in this topic. This was my primary motivation for undertaking this research, and for choosing as my PhD topic the response towards 16 victims of the bombing of the RTS building. I acknowledge my feelings and empathy, but am able to put them aside when it comes to what I hear and see. I do not let my emotions influence my analyses. Being a Serb provides me with special knowledge, as well as emotions and memories. Everyday life spent in Serbia provided me with background and information that are priceless for a researcher, because understanding the context is essential for understanding people and policies within the context.

1.3. A case of victims’ redress in Serbia – the central argument of this thesis

Many scholars agree that Serbian public policy has not adequately acknowledged the victims of recent wars in the Balkans. These scholars emphasise the lack of recognition of non-Serbian victims and the exaggeration of the numbers of Serbian victims by Serbs as evidence of this inadequate acknowledgment. Further, scholars emphasise that the NATO bombing of Serbia in 1999 has been a fundamental event from the past that Serbia wants to remember and commemorate. My research analyses the policy processes that underpin the collective remembering of the NATO bombing. This particular event was chosen to illustrate that a collective desire to remember a victimisation does not automatically lead to satisfactory victims’ redress. Many

128 Sarah Ben-David, ‘Victims’ Victimology,’ in Victimology at the Transition from the 20th to the 21st Century, ed. Paul Friday and Gerd Ferdinand Kirchhoff (Montreal: The Executive Committee of World Society of Victimology to the Founding President of WSV, 2010), 57.
other factors need to be analysed to examine the effectiveness of specific policy responses.

My interviews with various Serbian decision makers, along with analyses of the relevant strategies, cultural and legal frameworks and textbooks, show that Serbian public policy acknowledges the victims of the NATO bombing by drawing from a pool of the transitional justice policies but, also, that these policies were not driven by an idea of retribution and redress but some other internal and external factors. To analyse these factors I apply MSF to Serbian public policy, and focus the analysis on the main streams outlined by MSF – the problem, policy and politics streams – to discover the following: how redress for victims of the conflict has been conceptualised and operationalised in post-Milošević Serbia (2001–2012); whether any new policy solutions have been identified (in addition to the 1996 Law); whether there was a political will for the victims’ redress; and finally, whether any solutions have been implemented. I apply the analyses of the same three streams to the stage of policy implementation, analysing which factors obstructed or enforced implementation of certain policies aimed at redress for victims.

I argue that the issue of redress for victims reached the policy agenda in Serbia as a consequence of several factors: a) the high level of interest on the part of the European Union and other international actors in transitional justice issues, and the significant influence of the international community and policies on Serbian policy makers and processes; b) the large number of policy entrepreneurs (mainly academics employed within the not-for-profit sector) interested in the issue of victims’ redress and some specific transitional justice policies and mechanisms; and c) the widespread sense of Serbian victimhood, with people being convinced that Serbs have been victimised during the NATO bombing, and that something needs to be done about victims’ redress.

Additionally, immediately after Milošević’s overthrow, there was political determination to pronounce discontinuity with Milošević’s regime led by Prime Minister Zoran Đinđić. In this way, all three streams of Serbian public policy contributed to the situation in which the problem was recognised, policy solutions were available and politicians were interested.
However, while such a window of opportunity was sufficient to put victims’ redress on the policy agenda, it was not enough to lead to the implementation of policy. I argue that although many policies have been formulated and adopted, the majority of them have not been fully implemented, or their implementation has not led to victims’ satisfaction. Applying MSF to policies focused in seven areas (education policy, monuments, apologies, trials, truth commissions, lustration and compensation), I identify two principal reasons for this. Firstly, international interest in transitional justice issues in the Balkans dropped in the mid 2000s, and this lowering of international interest decreased policy makers’ ability to allocate sufficient budget for respective policies. Secondly, some policies were not implemented, due to complicity by current decision makers in the former political regimes and associated violence.

Despite the fact that there appeared to be a consensus among decision makers that the victims needed to be redressed the political willpower to do so decreased over time, especially after the assassination of Serbian Prime Minister Zoran Đinđić in March 2003 by the group informally referred to as ‘Stop to the Hague.’ After Đinđić’s assassination, transitional justice processes in Serbia slowed down significantly, and after the 2008 elections and the return to government of Milošević’s Socialist Party of Serbia (SPS), opportunities to commence adequate public policy reform almost completely vanished.

Finally, more often than not, the relevant policies have not been victim centred, and have not been linked to each other. The lack of victims’ participation in their implementation, together with responsibility for redress being spread across different government divisions, led to the situation of gradual erosion and ‘collective irresponsibility,’ with no one truly caring. Moreover, the analysis of all three streams brought to light a clash of theory and practice in the area of public policy in the Serbian public administration.

1.4. Structure

In Chapter 2, I outline the relevant Serbian context, and provide a comprehensive description of the NATO bombing of Serbia in 1999, and in particular the bombing of the RTS. I describe why Serbia was bombed and what
the consequences were. Finally, I ask what was done for the victims of the bombing of the RTS building?

The third chapter responds to questions about what was done, and describes programs and practices aimed at redress for the victims of the NATO bombing of the RTS building. It draws mainly on secondary analyses of a variety of documents, including the Strategy of Education in Serbia until 2020, the Annual Operational Plans of different ministries over the last decade, laws relevant to lustration and definition of the victims in Serbia, and reports of the Public Prosecutor’s Office for War Crimes, as well as documents that define the work of key policy makers. Data gained through document analyses were further triangulated with primary data from the interviews to define the final scope of policies to be analysed. This chapter identifies different policy outputs including monuments, material reparations, trials and some strategic and legal documents. All of them belong within the scope of transitional justice mechanisms, and the research then explores the effectiveness of these mechanisms, and examines why the response was framed the way it was. I apply Kingdon’s MSF to critically analyse all three streams of public policy in Serbia to answer this question. I analyse the public discourse of victims’ redress, policy enterprises, potential policy solutions, and the influence of some crucial events on policy development. I identify different elements of the problem, policy and politics streams, and show how each of them influences policy response. Within the problem stream, I recognise three relevant phenomena: widespread Serbian victimhood, disbelief that international actors might help with redress, and the lack of public debate about victims’ redress. I argue that the widespread victimhood led to the personalisation of victims’ redress, while a lack of public debate led to policies that were not tailored to victims’ needs. Finally, I assert that the belief that international actors do not like Serbs led to the redress process becoming a local responsibility. Further, I analyse the policy stream and pinpoint the strong influence of EU policies and uncritical policy borrowing from other countries, a lack of policy learning, and the general inability of public servants to implement policies. I elaborate on these issues and their
consequences. Within the policy stream, I take a closer look at who the policy makers and policy entrepreneurs are, and discuss the blurred distinctions between key actors of different policy streams: victims, academics, experts, political appointees and public servants. Finally, within the politics stream I discuss how political interests set boundaries for what the government can do.

Chapter 4 discusses the influence of each of the analysed streams of public policy on the formulation and implementation of policies aimed at victims' redress. It describes the confluence of the abovementioned policy streams that led to the implementation of some redress mechanisms for 16 former RTS employees and their families. The analysis identifies the occasional coupling between streams and policy windows for the adoption of certain policies aimed at victims' redress. It also demonstrates that the policies have been implemented to a different extent, and that these activities were mostly kept under the umbrella of transitional justice, including public apologies for past atrocities, monuments built in Serbia to commemorate the victims of the NATO bombing of the RTS building, truth commissions, the trial of Dragoljub Milanović, ICTY trials and lustration. This chapter also shows that although some policies have been implemented, more often than not they are inconsistent, ad hoc and inadequate. The application of MSF to these policies illuminates the reasons for this situation, and identifies how, for some policies, these reasons create a deadly whirlpool.

The final chapter summarises the process of formulation and implementation of policies aimed at victims' redress in Serbia. It also provides a wider conclusion relevant for public policies related to peace and reconciliation in the Balkans. Chapter 5 also presents my argument for a victim-centred approach in the area of victims' redress based on the systematic evaluation of previous attempts in this area. In addition, this thesis is intended to assist victims and policy makers in better understanding and managing policy-making processes.
2. Context

This chapter focuses on the context and the events surrounding the NATO bombing of Serbia in 1999. The aim is not to discuss the legality and validity of the NATO bombing. First, I describe issues behind the conflict between the Serbs and Albanians. This ongoing conflict was the main reason for the NATO bombing and played a significant role in the instability in Serbia during the 1990s. I provide a brief overview of the history of Kosovo from the 10th-century Kingdom of Serbia, including the breakup of Yugoslavia, the Rambouillet peace agreement, and Operation Allied Force in 1999. I then focus on 1999 in Serbia and Operation Allied Force (the NATO bombing of Serbia). I discuss NATO’s objectives, the victims of the bombing and the Serbian Government’s propaganda. To provide different perspectives, I include statements from NATO’s representatives and Serbian government officials, as well as those by representatives of the victims’ families. A detailed account of the bombing of the RTS building is provided, as is a brief description of post-Milošević government arrangements.

2.1 Serbia-Kosovo conflict

Many scholars have explored the history of Kosovo, searching for the roots of the recent conflict between the Serbs and Albanians over Kosovo territory. For instance, Tim Judah, author of The Serbs: History, Myth and the Destruction of Yugoslavia, describes generations of Kosovo Albanians and Serbs, and how they and their respective historians justify their claim to Kosovo land. Albanians claim that as the descendants of the ancient Illyrians, they are Kosovo’s original inhabitants. Serbs declare that Kosovo was the heart of mediaeval Serbian kingdoms, and that it

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therefore belongs to them. This kind of reference to history to provoke and maintain conflict has occurred in many places around the world, and is explained by Elazar Barkan, for example, in his exploration of the potential for engaging in history in the process of conflict reconciliation.\textsuperscript{132}

The history of Kosovo is documented from about the 10th century, when governance of the region often changed between Serbian and Bulgarian, and Bysantine. At the end of the 12th century, Serbian rule finally prevailed. A Slavic culture and population was dominant for centuries in the region, starting with the so-called Slavic migration (Seoba Slovena, 6th century), and ending in 1389 with the battle of Kosovo. In this battle, Serbia was defeated by the Ottoman Empire, and as a result, lost Kosovo to the Ottomans for the next five centuries. Kosovo became a part of Serbia again in 1912. In the period before the battle of Kosovo, only a few Albanians lived in that geographic area, but at the beginning of the 20th century, Albanians comprised at least half of Kosovo’s population. By the late 1990s, Serbs had dropped to 15 percent of Kosovo’s population, whereas in the last census in 2011, Albanians comprised over 90 percent of the total population in Kosovo.\textsuperscript{133} Regardless of the changes in ethnic structure, Kosovo remained part of Serbia throughout the 20th century.

In the Socialist Federal Republic of Yugoslavia (SFRY), the 1974 constitution granted Kosovo autonomy within the republic of Serbia (Autonomna Pokrajina Kosovo). In 1981, 74 percent of the total Kosovo population were ethnic Albanians, who were agitating for the status of a republic in the SFRY to gain more autonomy from Serbia. Serbia was not willing to give more autonomy to Kosovo, and this led to ongoing political and social struggles. During the 1980s and 1990s, Kosovo remained a region of persecution and abuse. Serbian authorities used police violence and political trials to repress ethnic Albanians and encourage their emigration from the region. For instance, many Albanians were denied the right to re-enter the country if they travelled abroad. In addition, the Serbian authorities denied Albanians in Kosovo their right to free speech,


and they were not permitted to set up their own associations and clubs. Many Albanians and Albanian associations regularly faced harassment by police and security forces, including the abuse of activists and the confiscation of equipment. Albanian-language television and radio were censored, while schools using the Albanian mother tongue were restricted from doing so. As a response to this, Kosovo proclaimed independence, formed the Republic of Kosovo in 1991, and elected Ibrahim Rugova as the first president. Serbia, led by Slobodan Milošević, responded with increased military operations in the territory of Kosovo. In 1996, the Kosovo government formed the Kosovo Liberation Army (Oslobodilačka vojska Kosova (OVK)) to pursue armed resistance to Serbian security forces and to battle for independence for Kosovo.

As fighting between the OVK and Serbian forces continued for over a decade and culminated in late 1998, the international community intervened. The USA, UK, France, Germany, Italy and Russia formed the contact group in February 1999. They gathered representatives of Serbia and Kosovo in Rambouillet, France, and proposed that both sides should sign a peace agreement – the Rambouillet Agreement. The agreement required the withdrawal of Serbian armed forces from Kosovo, and that a discussion should take place in three years’ time about the status of Kosovo. Both sides recognised the agreement as a big step towards independence for Kosovo; therefore, representatives of the Albanian Kosovars signed it, whereas Serbia declined. The massive exodus of Albanian citizens continued due to further violations imposed by the Serbian army and police. In order to protect Albanians from Kosovo and stop violence against them by the Serbian army, NATO launched the bombing of the Republic of Serbia on 23 March 1999.

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2.2. The NATO bombing

Over 78 days, NATO bombed many military and other infrastructural and industrial strategic targets in Serbia including, but not limited to, power stations, bridges, hotels and houses. The bombing caused huge material and military damage in Serbia, the withdrawal of the Serbian army from Kosovo, and many victims. According to Human Rights Watch, the operation resulted in between 489 and 528 civilians being killed in the 90 separate incidents of Operation Allied Force.135 This number includes 162 victims of attacks on two convoys of Albanian refugees, 34 victims of the bombing of a train in Grdelica and a bus near Luzni, 20 victims of the bombing of the town of Niš, and 16 victims of the bombing of the RTS headquarters. The actual number of people injured is still debated. In the book Kosovo: War and Revenge, Tim Judah quotes a figure of 6000,136 while General Wesley Clark, commander of the NATO forces, stated on 31 August 1999 that there were just ‘20 incidents of collateral damage’ in the entire war.137 Neither of them referenced their respective sources. The economic analysis conducted by G17 estimated the total material damage caused by the NATO bombing at 30 billion dollars.138 They did not price the long-term environmental damage and harm to the general and mental health of the public.

From NATO’s point of view, however, Operation Allied Force was a success. On 20 April 1999, NATO Secretary-General Javier Solana described the bombing of Serbia as ‘part of a collective international effort to bring stability, to bring justice, to the Balkans.’ He emphasised that NATO actions were directed at Slobodan Milošević, not at the Serbian people:

As we destroy and damage Milošević’s extensive military machine, we are also taking care of Milošević’s victims NATO has spent the past 50 years defending the values of democracy, human rights, liberty and the

rule of law. It will continue to do so to my mind there is no better way for NATO to commemorate its 50th anniversary.\textsuperscript{139}

Solana did not mention the civilian victims of the NATO attacks in Serbia who received no reparation from NATO or from NATO member states. Solana’s comments came six days after NATO hit a convoy of Albanian refugees in Kosovo by mistake, and one day after three-year-old Milica Rakić was killed by NATO shrapnel in the bathroom of her Belgrade home. NATO never publicly acknowledged these particular civilian victims of their air attacks. From their point of view, they were fighting Milošević, and all civilian victims merely constituted collateral damage in the wider fight for the common good.

Milošević himself refused to accept responsibility for the air attacks. When the NATO attacks began, he addressed the nation through the RTS, claiming that NATO’s real aim was to occupy Serbia. The media referred to NATO as aggressors and perpetrators. For instance, on 4 April 1999, Radio Belgrade said that the aggressors, led by the United States, continued to bomb Serbia, just as the Nazis did during World War II. Only a day later, the RTS reported on the bombing in the evening news, pointing to a similarity between US President Bill Clinton and Adolf Hitler. It stated that both Clinton and UK Prime Minister Tony Blair should get ready for a new Nuremberg.\textsuperscript{140} It reported only on the Serbian civilian victims, and maintained the delusion within Serbia that the Serbian forces were only defending themselves from the OVK attacks in Kosovo.\textsuperscript{141} RTS made no reference to the Kosovar Albanians expelled by the Serbian police. They were only mentioned after a convoy of Albanian refugees joined the collateral damage of the NATO bombing. Even then, RTS presented the news as if Albanians were leaving Kosovo because of the NATO bombing.


\textsuperscript{141} Wayne Larsen, Serbian Information Operations During Operation Allied Force (United States: BiblioScholar, 2012).
2.3. Milošević’s Serbia in 1999

Milošević created a political and legal environment that enabled him to control the media. He used it to spread his ideology among citizens of Serbia. The human rights of citizens of Serbia were often violated. On 18 December 1999, the Helsinki Committee for Human Rights in Serbia published a report describing increased repression in Serbian society imposed by the governing regime. According to the report, Milošević’s regime regularly violated the human rights of Serbian citizens through propaganda, biased and predisposed judicial procedures against all opponents, disturbance by police including forced mobilisations, and even politically-inspired murders. For example, Serbian writer Boban Miletić was arrested on 15 January 1999 because he committed the criminal offence of making fun of the state and the president by publishing jokes about the president. He was sentenced to 30 days in prison. The same sentence was designated for Ivan Novković, because he broadcasted criticisms of the government on local television, and organised anti-regime protests. Novković did not have proper representation in court; nor did he know what he was accused of and on which basis. Goran Vesić, a deputy of the Democratic Party in City Hall, was sentenced to two years in jail because he avoided military mobilisation. Zoran Matović, from the student organisation Otpor (Resistance), was taken to the police station, handcuffed and beaten because he organised a street action that included a bucket with Slobodan Milošević’s image on it and a baseball bat that citizens could use to hit the image.

Moreover, there were several politically-motivated killings in Serbia, including the killing of four Serbian Renewal Movement (SPO) members in a car accident.

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143 Military service was mandatory for all male citizens in Serbia aged 18 or over. Therefore, many Serbs were forced to join the Yugoslav National Army (Jugoslovenska Narodna Armija/JNA).

on 2 October 1999. State Security apparently owned the lorry that caused the accident. Also in October, an explosive device was put in front of Democratic Party official Nebojša Andrić’s door. Less than a month later, Branislav Vasiljević, also a member of the Democratic Party, was found dead in his apartment. These are just a few of the sorts of incidents that citizens of Serbia faced every day. Many citizens were beaten during anti-government demonstrations and many academics and journalists were fired because they did not agree with the regime’s ideology.

It was a time of repression in every aspect of life in Serbia. In October 1998, a few months before the bombing started, the Serbian government adopted the Regulation on Information because of the NATO threat. The regulation was shortly followed by the Law on Information. Both were adopted to restrict the freedom of the media in Serbia. The national media were not allowed to report on any foreign news. They were often blamed for slander and defeatism, and anyone could take the media to court, where they had to prove that they were innocent. These legal regulations led to the closure of some of the free media outlets in the period October 1998 to March 1999 including: Radio Index, Radio Senta, Radio Kikinda, TV Pirot and Radio B92. An example of the harshness of these laws was the fine imposed on the magazine European (Evropljanin) because its owner Slavko Ćuruvija wrote about the tyranny of the Milošević governing couple, complained about censorship and defied the new rules. The fining was followed by the seizure of magazine owner Slavko Ćuruvija’s property, and then his imprisonment a few months later. On 11 April 1999 Ćuruvija was murdered in front of the house where he was living. This murder remains unresolved.

The government strictly controlled the flow of information throughout the period of the bombings. The state-owned RTS was the leader in the dissemination of pro-Milošević propaganda. Milošević personally selected its senior staff to

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145 Belgrade Centre for Human Rights, supra n 9.
148 Belgrade Centre for Human Rights, supra n 9.
ensure the loyalty of the RTS and the alignment of its programs with his interests. Because of its pro-Milošević propaganda, NATO publicly identified the RTS as a legitimate bombing target during the 1999 bombing campaign. In response, the Serbian government decreed measure number 37 (the Order), which is automatically activated during war. The Order stated that in the case of an air raid, TV programs were not to be produced in the television building in Aberdareva, but instead in the alternative working station in Koštunjak, which had a large shelter for the protection of employees. Although moving the studio to an alternative location should have been a matter of common sense, by issuing such a decree, Milošević was showing his constituency that he could put up with any actions pursued by NATO.

Despite having a safer option for employees, RTS Director Dragoljub Milanović did not evacuate RTS staff and equipment to the alternative working station; nor did he decrease the number of programs broadcast, but instead intensified them. Milanović not only disobeyed Order 37, he implemented an internal rule, which required all employees to come to the office regularly, or they would be fired. This mandatory work rule was introduced on 8 April 1999, and strictly prohibited RTS employees from leaving the workplace to find shelter when air raid sirens went off. RTS employees blindly complied with all orders from their managers due to the atmosphere of war, the strict top-down hierarchy, and the work ethic introduced at the RTS.

Subsequently, when the RTS was hit by a laser-guided missile at 2.06 am on 23 April, there were many civilians in the building, and 16 RTS workers died.

There were numerous indications that the RTS employees were purposely left in the building to be killed. Tony Blair blamed the Serbian government for not evacuating the building, claiming that they knew it was a target, but they wanted to use it for propaganda. On the same note, the book *Silence in Aberdareva Street* (Tišina u Aberdarevoj) points out that the father (Dušan Vojvodić) of one of the employees (Natalija Sinanović) was deputy editor of a particular informative program. On 22 April, Vojvodić asked his daughter’s boss to let

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150 International Criminal Tribunal for the Former Yugoslavia, supra n 2 at paragraphs 71-79.
Natalija go to ‘her auntie’s to have a coffee’ as soon as the air raids started. That night, when the bomb hit the building, neither Natalija nor her father were there. They were safe, obviously because they had timely information about the bombing.153 Furthermore, NATO gave certain Serbian officials advance notice of the bombing according to the final report to the prosecutor by the committee established to review the NATO bombing against Serbia.154 None of the highest officials of the RTS were in the building that night. Additionally, the final report to the ICTY prosecutor by the same committee states that before the attack, Western journalists were reportedly warned by their employers to stay away from the television station.155 Moreover, the department that protected the security of RTS – closely connected to the police – ironically evacuated its own staff prior to the bombing. As well as this, there were fire brigades around the RTS building on the night of the bombing. They were ready to help in case of an emergency, as if they knew that there would be one.156

A woman whose son died in the bombing told me the following:

My son and his colleagues were sacrificed so that Slobodan Milošević and his team could use it in his propaganda against NATO. Everyone knew that the Radio Television of Serbia was going to be bombed. My son told me not to worry before he left home that night. He told me that the RTS management would inform the RTS staff 10 minutes before the bombing, so they could leave the building on time. It was certain that NATO was going to bomb the building, but my son was sure that no employees would be left behind. They trusted their director. The same scenario happened in the Hospital Dragiša Mišović, in Grdelička Klisura and at the Varvarin Bridge. Innocent people were sacrificed.157

Her use of the word ‘sacrificed’/žrtvovani is curious in this context, because in the Serbian language the verb žrtvovati does not mean victimisation, but sacrifice. The Serbian language does not have an equivalent to the word

154 International Criminal Tribunal for the Former Yugoslavia supra 2 at paragraph 77.
155 Ibid.
156 Zoran Janjić, supra n 151.
157 Interview with a teacher, victim’s representative, Belgrade, 2 April 2012.
‘victimisation.’ In the Serbian language, it cannot be said that the RTS employees were ‘victimised,’ but that they were ‘sacrificed.’ And in the opinion of many of my respondents, that is exactly what the RTS director did – sacrificed 16 RTS employees to prove that NATO does kill civilians.

2.4. The end of the Milošević era

Oppression marked Milošević’s epoch, but so too did some resistance. The first Serbian demonstrations against Milošević occurred only two years after he took power in 1989. In March 1991, the Serbian Renewal Movement (Srpski Pokret Obnove (SPO)) the biggest opposition party, organised demonstrations against media censorship in Serbia, with a focus on Milošević’s misuse of the RTS. Milošević sent the army and the police to fight the protesters, and two people were murdered as a result (Branivoje Milinović, a 17-year-old protester and Nedeljko Kosović, a 54-year-old policeman). Over 90 protesters were injured, and over 600 were arrested. The next big demonstrations against Milošević happened five years later in the winter of 1996 after an attempt at election fraud was made in the local elections. These demonstrations were led by students and ‘Zajedno’ (together), a coalition of opposition parties. Hundreds of thousands of protesters demonstrated for about four months, chanting ‘Give us our votes back’ (Vratite nam glasove). Finally, in February 2007, Milošević declared the opposition victorious in a few local municipalities, but without admitting electoral fraud.

Protests began again in September 2000, following further election fraud in presidential elections, culminating on 5 October. One hundred thousand protesters from all over Serbia demonstrated in front the parliament and RTS buildings, chanting ‘He’s finished’ (Gotov je). Symbols of Milošević’s power including the parliament and RTS buildings were partially burned during these demonstrations. Milanović, still a director of RTS, tried to escape the building but was noticed and beaten by protesters. While the police dispersed all previous demonstrations, this time opposition parties managed to negotiate the

support of the Serbian defence forces,\footnote{Jedinica za specijalne operacije Drzavne Službe Bezbednosti/Special Operations Unit, State Security Service.} and Milošević was forced to step down on 7 October 2000. The 5th of October 2000 represents one of the most important dates in contemporary Serbian history. It illustrates the end of Milošević’s era. In view of that, this date counts as the beginning of the new democratic epoch, and as confirmation of the paradigm that citizens can defeat the dictator.\footnote{See for example Dragan Bujošević and Ivan Radovanović, \textit{The Fall of Milošević: The October 5th Revolution} (New York: Palgrave Macmillan, 2003); Jelena Subotić, supra n 58.} Vojislav Koštunica became president. Milošević was arrested a couple of months later and delivered to the tribunal in The Hague on 28 June 2001. In 2002, the trial started, but was never finished. Milošević died in The Hague in 2006 without a final verdict.

In the meantime, although Serbia was rid of Milošević, there was much left to be handled. Among other issues, Serbs were left to face the atrocities that were committed on their behalf both inside and outside the country. The new government was supposed to acknowledge and redress atrocities in line with local and international legal frameworks. This thesis investigates the policy responses that framed redress measures for the victims of the RTS bombing. This is not to say that the victims of the RTS bombing are more deserving of redress than any other victim of NATO bombing, or any other victims as such. It has merely been identified as a gap in the current literature, and as such became the topic of this research.
3. **Public policy on victims’ redress, and the policy makers**

In accordance with a range of different local and international documents, the families of the 16 RTS employees murdered in the NATO attack are victims, and as such, have a right to redress. The internationally accepted Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power defines victims as follows:

Persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

Under this Declaration, the term ‘victim’ also includes the family of the direct victim. A person can be identified as a victim ‘regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted.’ Further, according to the UN Commission on Human Rights, ‘victims and their families have the imprescriptible right to know the truth about the circumstances in which violations took place.’

Serbian local legislation does not fully reflect these international principles. For example, according to the Law on Civilian Invalids of War, Serbia considers victims as individuals who have experienced harm only by an external enemy. However, if NATO is considered to be an external enemy, RTS employees are regarded as victims under this local law. Further, Article 35 of the Serbian Constitution states that every individual has the right to reparation if hurt by an unlawful action of a representative of a state institution. The failure to evacuate RTS employees is categorised as an unlawful action according to the Constitution, as it was in direct opposition to the Order prescribing

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162 United Nations Commission on Human Rights, supra n 18; Diane Orentlicher, supra n 18.
163 Vlada Republike Srbije, supra n 11
evacuation in the event of an air attack. At the same time, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power stipulates that the failure to evacuate is an abuse of power. RTS director Milanović not only failed to evacuate RTS employees, but ordered intensification of the program meaning a higher number of RTS employees were in the building at the time of the bombing. As will be demonstrated here, this was also recognised by the local Serbian court during the Milanović trial. Furthermore, Article 22 of the Constitution states that every individual has the right to court protection in the case of human rights violations.\textsuperscript{165} It is thus clear the families of the RTS employees are considered victims in Serbia and as such they are entitled to redress.

This chapter identifies the scope of the policy response in Serbia dealing with redress for the NATO bombing victims. This information was gathered through interviews with local and international policy makers, and through analyses of different documents and surveys. This chapter describes what was done in Serbia towards victims’ redress and outlines the main policy makers. A discussion follows regarding the unclear dividing line between policy makers responsible for victims’ redress on one side and victims on the other. Then the policy-making process will be explored, along with an examination of how the chosen options were selected.

3.1. Victims’ redress policy in Serbia in the post-Milošević era

Despite some attempts, redress for the victims of the NATO bombing of the RTS building remained exclusively a local response by Serbian policy makers, although in many cases it was financially and morally supported by the international community. The means of redress have included material reparations to the victims’ families, monuments, a trial of the RTS Director Milanović, and the establishment of the commission for the exploration of the deaths of RTS workers. In addition, the victims of the RTS bombing have been acknowledged in some written and audiovisual materials, including the book \textit{Silence in Aberdareva} (\textit{Tišina u Aberdarevoj}), and the movie \textit{Anatomy of Pain}

\textsuperscript{165} Ibid.
(Anatomija bola). Representatives of both government and non-government organisations and institutions were involved, in one way or another, in the implementation of all these activities.

The families of the people who died in the RTS building during the NATO bombing received material reparations. Each family got about AU$4000 per victim, plus about AU$3000 for a child whose parent died. Just as a point of reference, according to the Statistical Office of the Republic of Serbia, the average monthly salary in Serbia during that period was around AU$300. The RTS paid this amount of money to the families of the workers who died as a result of the NATO bombing. The money was to cover the costs of funerals and gravestones, as well as living costs or so-called solidarity support (solidarna pomoć). Children of the deceased also got monthly scholarships.

In January 2001, former RTS director Dragoljub Milanović was accused of offences against public safety, but not for the deaths. Nobody was specifically accused and charged for the deaths of RTS employees. In June 2002, after 18 court sessions, the former District Court of Belgrade sentenced Milanović to 10 years in prison for serious offences against public safety and non-compliance with decisions made by the federal government regarding the relocation of state television personnel and technical equipment to an alternative location. The court decision states that Milanović was guilty because:

in the period from 26 March to 23 April 1999 in Belgrade, 1 Aberdareva Street, as the responsible person in the capacity of Director General of the Public Enterprise Radio Television of Serbia had not complied fully with the orders of the federal government ... and because he did not allow his staff to activate the Order number 37 from the preparedness plan of the RTS public company.

The court decision also says that ‘the accused Dragoljub Milanović was aware that due to the stated omissions, the death of several persons may have occurred.’\textsuperscript{168}

As part of his defence in court, Milanović said that he followed another order, Order number 23, also issued by the federal government, which instructed the RTS to intensify programming during the war situation. That is how he explained the fact that instead of decreasing the number of programs, he continued to produce and broadcast all four channels, and consequently increased the number of staff working in the building. He also claimed that he was not aware that the building would be attacked.\textsuperscript{169} He served his 10 years in gaol, and has been a free man since 2012.

Although the victims’ families argued on several occasions during the trial that by ignoring Order 37 Milanović was just following an order from Slobodan Milošević and his closest associates, no legal evidence of this was presented. Milanović never indicated that he was ordered to disobey the order; therefore, no other person was accused or charged for the death of the RTS workers.

The political background of this event had never been explored, and no trial was organised for Slobodan Milošević in Serbia. The ICTY subsequently prosecuted Slobodan Milošević, but his trial did not include human rights violations against Serbian citizens; nor did it include responsibility for not ordering the evacuation of RTS workers. The trial against Milošević before ICTY included only atrocities that he was accused of in Kosovo, Bosnia and Herzegovina and Croatia. As mentioned above, Slobodan Milošević died in prison in 2006, and his victims were deprived of their rights to have the perpetrator punished.

However, the initiative of civil society and the government to disqualify from Serbian public life those responsible for the bombing and for other human rights

\textsuperscript{168} Judgment of the District Court in Belgrade on 21 June 2002, Presiding Judge Radmila Dragićević-Dižić. Kbr.16107/10 (presuda kako se vodi u apelacionom sudu, nekadašnji viši sud). Only the judgment was publicly realised. The official transcripts from the Court proceedings are classified. Therefore, the sources used for exploration of the trial were transcripts of interviews with the victims’ family members, and of the convict and his supporters. These were given to various media outlets and to me.

violations in Serbia remained. In June 2003, the parliament adopted the law on lustration to address this need. The law was proposed and drafted by the Centre for Advanced Legal Studies (Centar za unapredjenje pravnih studija; in future to be referred to as CUPS) and their expert team comprising Vesna Rakić Vodinelić, Zoran Ivošević, Jovica Trkulja, Mirjana Todorović and Atina Prenda. The new law was named the Act on Responsibility for the Violation of Human Rights. Article 22 of this law prescribed the establishment of a special commission.\textsuperscript{170} Article 23 of the same law states that the commission was supposed to have nine members: three judges of the Supreme Court of Serbia, three prominent legal experts, the deputy of the republic’s public prosecutor and two members of parliament from different election lists who are law graduates. Eight members were nominated by the parliament: Sonja Manojlović, Vera Pešić, Vladimir Tamaš (judges of the Supreme Court), Vesna Rakić-Vodinelić, Dobrosav Mitrović, Tamas Korhec (legal experts), Sima Radulović (the President of the Commission and a member of the Parliament) and Bogdan Stanković (Deputy public prosecutor).

The ninth member of the commission was not selected because no members of parliament from opposition parties agreed to join the commission. One member of the commission, Professor Vesna Rakić Vodinelić, explains this as a logical move, because the opposition at the time included the Serbian Socialist Party, the Serbian Radical Party and the Serbian Unity Party. Each had participated in the recent human rights violations inside and outside Serbia, and as such would not benefit from the commission’s work.\textsuperscript{171} Although it was not fully staffed, the commission worked on some internal procedures, selected the president and adopted the Statute of the Commission. As soon as the Statute was adopted, however, the commission stopped work because of the elections in December 2003.\textsuperscript{172} It did not convene again, so it was the end of an initiative that never properly began.

\textsuperscript{171} Vesna Rakić-Vodinelić et al., \textit{Model zakona o lustraciji} (Beograd: Centar za unapredjenje pravnih studija, 2003).
\textsuperscript{172} Interview with a professor of law, Belgrade, 20 July 2012.
In addition to these administrative and judicial attempts at redress for victims, some symbolic means of redress were also employed. In 2001, the foreign affairs minister, Goran Svilanović, suggested the establishment of the Truth and Reconciliation Commission aimed, among other objectives, at the disclosure of information on the deaths of RTS workers. By presidential decree in March 2001, then president, Vojislav Koštunica, established the Truth and Reconciliation Commission for Serbia and Montenegro.\(^{173}\) According to the decree, the Commission had three main objectives: research work to explore what had happened in the Former Yugoslavia during the wars, information dissemination to raise public awareness about what had happened, and cooperation with a similar commission in the Balkans.\(^{174}\) The Commission started work in February 2002, and its members were prominent Serbian experts from different disciplines including lawyers, historians, psychologists, church leaders and writers.\(^{175}\) According to the draft of the Commission’s program, the Institute for Social Science, in cooperation with the relevant not-for-profit organisations, was supposed to create and publish a report on behalf of the Commission describing solutions that were employed to acknowledge the victims in the post-Slobodan Milošević era. They were also to provide recommendations for more effective institutional reforms and solutions, including the victims’ satisfaction. Some Commission members, however, left even before the Commission started to work. Professors Vojin Dimitrijević and Latinka Perović were among those who left arguing there was a lack of clarity over the Commission’s mandate and too much state control over its future work.\(^{176}\) The Commission was widely regarded as a failure and was disbanded only a year later, after the 2003 elections.\(^{177}\)

Yet the victims’ families felt that the truth about the RTS bombing, along with clarity about the reasons why their beloved were not evacuated on the night of

\(^{173}\) Presidential Decree no. 1/2-03-0004/2001-1, Službeni Glasnik, (29 March 2001).
\(^{175}\) The members were: Radovan Bigović, Mirjana Vasović, Tibor Varadi, Svetlana Velmar-Janković, Mihailo Vojvodić, Đorđije Vuković, Sava, Bishop of Šumadija. Ljubodrag Dimić, Slavoljub Dukić, Aleksandar Lojpur, Zoran Stanković, Svetozar Stojanović, Vojin Dimitrijević, Latinka Perović, Darko Tanasković and Sulejman Hrnjica. Aleksandar Lojpur, a lawyer, was the coordinator of the commission.
\(^{177}\) See, for example, Dejan Ilić, supra n 174.
the bombing still needed to be established. They continued to advocate for the Public Prosecutor to reopen this case. The local not-for profit organisation The Lawyers’ Committee for Human Rights (Jugoslovenski Komitet za Ljudska prava YUCOM), released a public call to the Public Prosecutor Zagorka Dolovac to commit to the case of the RTS bombing, to explore the political background of this incident, and to press charges. Although the Public Prosecutor said at the time (March 2012) that the Prosecutor’s Office would explore new evidence and act on it, charges were not pressed, and the Prosecutor’s Office has not done anything towards redress for the NATO victims.

Despite this setbacks, civil society in Serbia continued to search for new options and models for a commission based on the main criticisms of the abovementioned Truth and Reconciliation Commission for Serbia and Montenegro (clarity of the mandate, geographical scope, criteria for membership, Serbian-centred membership, the role of witnesses and state control versus independence). The Centre for Humanitarian Law suggested a new, alternative solution – a regional commission (referred to as RECOM) tasked with establishing the facts about all victims of war crimes and other serious human rights violations committed in the territory of the Former Yugoslavia in the period from 1991 to 2001. RECOM was, and still is, a joint initiative of the Humanitarian Law Centre based in Belgrade, Serbia; the Research and Documentation Centre (IDC) based in Sarajevo, Bosnia and Herzegovina; and Documenta, based in Zagreb, Croatia. These three organisations initiated consultations in the region with different non-state actors, and brainstormed the best mechanisms for supplementing the trials and including victims’ voices in the process of identifying the truth about the past. Over 6000 individuals participated in this consultation process, which continued until 2011 when the Statute of RECOM was adopted. Organisations from Macedonia and Slovenia also joined the consultations. Participants first explored

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the problems and needs of the victims and their families; secondly, they
discussed appropriate mechanisms for channeling these voices; and thirdly,
they drafted the Statute of RECOM.¹⁸⁰ In 2011, the Coalition for RECOM
launched a petition to collect signatures supporting the institutionalisation of
RECOM in the countries of the Former Yugoslavia, and collected over half a
million signatures. However, RECOM has not yet been established in any of the
former Yugoslav countries. As Subotić pointed out, as long as RECOM is not
officially accepted by the states, it ‘will remain aspirational, not operational.’¹⁸¹

Finally, the Commission for Exploration of the Murders of Journalists in Serbia in
the 1990s was established in 2013 with that aim. Veran Matić was the President
of the Commission, whose members are journalists, police representatives, and
representatives of the Security Information Agency and the Ministry of Defence.
The scope of their work included investigating the killing of the 16 RTS
employees, but there are still no concrete results of their efforts.¹⁸² One year
after the establishment of the Commission, Veran Matić said that it had new
data on the killing of 16 RTS employees during the 1999 bombing. He said he
could not talk about the details, however, so as not to disrupt the investigation.
He also said that in reviewing Military Security Agency materials, the
Commission had found new evidence. Further, he said that there were new
witnesses and emphasised that the case was complicated because it was
already in court. Matić continued that the Commission still believes there is the
possibility for an investigation with a much broader scope of responsibility, and
for establishment of responsibility in the chain of command. He also explained
that it was wrong to suggest that further investigations would try to provide
amnesty to NATO. After this statement, however, there was no follow-up,
neither from the Commission nor from the Public Prosecutor.¹⁸³

In addition to the truth commissions, and as a form of symbolic redress,
some apologies were given and monuments erected in post-Milošević

¹⁸⁰ Initiative for RECOM, ‘RECOM Development Process May 2006–August 2011,’ RECOM,
¹⁸¹ Jelena Subotić, supra n 28.
¹⁸² Veran Matić, ‘Izveštaj Komisije za istraživanje ubistva novinara,’ B92, (2013),
http://www.blic.rs/vesti/drustvo/matic-imamo-nove-podatke-o-ubistvu-novinara-rts-a/sns0rbg
(accessed 10 February 2016).
Serbia. However, the various public apologies were considered incomplete and controversial.\textsuperscript{184} The RTS management board published a statement on 23 May 2011 apologising to all citizens of Serbia and neighbouring countries for the propaganda they spread in the 1990s supporting Slobodan Milošević and his regime. In the last paragraph of the statement, the board of management categorised the misinformation the RTS shared during 1990s as hate speeches and slander against the political opposition.\textsuperscript{185} The RTS did not, however, apologise for the deaths of its employees or for failing to evacuate the building during the bombing. This is linked to the fact that in Serbia, no public official formally admitted any responsibility on the part of the Serbian Government for the bombing itself. They thought that NATO should take all the blame for the victims of the NATO bombings, including for the RTS building incident. Even with the posthumous medal that the RTS dedicated to its murdered employees, no regret was expressed, and no apology offered. They only declared state appreciation for their employees’ brave defence of the country.\textsuperscript{186}

As noted earlier, apologies can fulfil different functions such as expressing regret about what happened, offering acknowledgment of victimisation, and accepting responsibility for the actions. This apology, however, did not fulfil any of these functions.\textsuperscript{187}

Monuments also formed part of the symbolic redress. Many monuments were built to commemorate the victims of the NATO bombing, but usually these monuments were not specifically dedicated to the NATO bombing victims, but rather to all the victims of wars in the Former Yugoslavia.

\textsuperscript{184} For example, Svetozar Marović, President of the Union of Serbia and Montenegro, and Serbian President Boris Tadić apologised to the people of Croatia and Bosnia and Herzegovina during their meetings with Croatian and Bosnian officials. They apologised to all victims of Bosnian and Croatian ethnicity who had been victimised by the Montenegrin and Serbian perpetrators. They also underlined that individual perpetrators, not nations, should be blamed.\textsuperscript{185} Upravni odbor Radio televizije Srbije, ‘Programska izjava Upravnog odbora RDU,’ Radio Televizije Srbije RTS, (2011), http://www.rts.rs/upload/storyBoxFileData/2011/05/23/1379756/Programska%20izjava%20UO%20RTS.pdf (accessed 19 July 2017).\textsuperscript{186} Zoran Janjić, supra n 164 at 325.\textsuperscript{187} Nenad Dimitrijević, supra n 31.
After three rounds of consultations with civil society in 2012, the city government built a monument in Savski Square in Belgrade commemorating all victims of wars in the 1990s in Former Yugoslavia. This monument sits next to a shallow pond. It is trapezoidal in shape, and made of white stone. It rises two metres above the middle of a sea of pavement. As it will be explained later this monument was debated in public as the victims’ families did not think it was an appropriate acknowledgment of their families’ members’ victimisations.

\[188\] See page 112-115 of this thesis.
The other monument Why (Zašto), specifically commemorates the 16 victims of the NATO bombing of the RTS building. The victims’ families built this monument in Tašmajdan Park. It is a monument made of granite, and set on the edge of a manicured lawn. Full participation by the victims’ families has been essential to their satisfaction with this monument and, as one of the representatives of the victims’ families told me, they felt as if
they owned the process.\(^{189}\) Both the victims’ families and the local government financially supported the building of the monument Why. The families wanted to build the monument in the yard of the children’s theatre Duško Radović, which was opposite the RTS building, so that it would overlook the ruins of the bombed building where their dearest died in 1999. The city government negotiated this request with the director of the theatre, and this location was finally approved. The victims’ families participated in all other phases of the monument’s creation. A cousin of one of the victims even found a stonemason to make the monument.\(^{190}\) A mother of one of the victims said that the victims’ families cherished this experience and appreciated the city government’s help. She also underlined that this was a rare occasion when public officials paid attention to their needs.\(^{191}\) Every year, the victims’ families organise anniversary commemorations of the deaths, and visit the monument opposite the RTS building. Government officials usually also attend to show respect and place flowers.

Based on a request from the victims’ families, in 2013 the city government made a commitment to build a memorial to the RTS employees killed in the NATO bombing within the ruins of the RTS building. A public competition for the memorial’s design was announced, but three years after the winning proposal was selected, work on the memorial has not yet commenced. The public has not been provided with reasons for the delay.

Finally, there were other symbolic ways of redress that did not involve the state: they constituted public redress for the victims of the NATO bombing. A mother of one of the victims said that the book *Silence in Aberdareva*, published in 2006, represents the greatest monument to those who died in the RTS building.\(^{192}\) This book, written by Zoran Janjić, describes in detail the events around the NATO bombing, as well as the investigation that followed the event.\(^{193}\) The author said that more than 200 pages of his text encompass

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\(^{189}\) Interview with a teacher, victim’s representative, Belgrade, 2 April 2012.  
\(^{190}\) Interview with a teacher, victim’s representative, Belgrade, 2 April 2012.  
\(^{191}\) Interview with a teacher, victim’s representative, Belgrade, 2 April 2012.  
\(^{192}\) Interview with a teacher, victim’s representative, Belgrade, 17 August 2012.  
\(^{193}\) In addition to interviews with the mother of one of the victims, this book has been a key text in structuring this research and ensuring that the voices of the victims are heard in this thesis.
documentation that victims’ families collected after the bombing to show that 16 employees of the RTS were purposely sacrificed, as commanded by the state leadership. Janjić, a writer and translator, says that he organised all these documents ‘guided by objectivity as much as possible.’ The victims’ parents contributed to and used this book and its content as key evidence in their call to the Public Prosecutor to reopen the case.\textsuperscript{194}

Supported by independent production houses B92 and ANEM, Jovan Baljak directed the movie \textit{Anatomy of Pain} in 2001 to document the grief of families of the victims, and their accusations against the RTS director Milanović. The film deals with the bombing of the RTS building and is dedicated to those who were victims on the night of 23 April 1999. At the movie premiere in June 2000, Janko Baljak said, ‘The film raises the question of what is the purpose of everything that happened in the RTS and whose responsibility is that and why people were not removed from the building.’ The film comprises interviews with those who survived that night in the building in Aberdareva, and those whose parents, spouses and children did not. It also shows the funerals of the employees who died. The filmmaker tried to provide an opportunity for management of RTS to speak in the movie, but they did not respond to the offer. Representatives of families whose members died in the RTS building emphasised that state leadership and the RTS management were responsible for the deaths of their dearest. In 2000, the movie was given an award for ‘best short movie.’ During the movie’s first screening, the audience booed at every mention or appearance of RTS management. The abovementioned monument Why, built to commemorate RTS employees, was referred to in the movie as a ‘shrine of the sacrificed.’

All these means of redress – legal, administrative and symbolic – have been available to families of the RTS employees killed in the NATO bombing. Questions remain, however, regarding why these means of redress were selected and not others, who decided which means of redress should be used, and what were the processes behind these decisions? These questions form the focus of the next chapter. Through

\textsuperscript{194} Interview with a teacher, victim’s representative, Belgrade, 17 August 2012.
analysis of the problem, policy and politics streams of policies aimed at redress for the victims in Serbia in the period from 2000, it will show why some policies reached a policy agenda while others did not, and why some policies were implemented successfully, while others were not implemented at all. Before we begin to answer these questions, though, the question must be addressed as to who were the policy makers in Serbia who were laying down the redress policies and policy outputs outlined above?

3.2. Policy makers

A range of international and local actors have been involved in the creation and implementation of policies relevant to the victims’ redress. International actors were mainly focused on judicial and administrative sanctions against the people liable for the violations. They also supported lustration as a means of disqualification of those who were involved in human rights violations. Although this research focuses on the local response, all governmental, international and local nongovernmental actors had some level of involvement in the creation and implementation of these activities. For example, while CUPS drafted the law on lustration, the government adopted the law and established the commission, while donors financially supported the activities of CUPS.

3.2.1. Government policy makers

Primary responsibility for public policy in Serbia has been shared between the Serbian government, holder of the executive power, and the National Assembly of the Republic of Serbia, which holds legislative power.

The National Assembly ratifies all international contracts when the obligation of their ratification is stipulated by the law. It also enacts laws and other general acts within the domain of the Republic of Serbia, adopts different strategies, the development plan and the budget, and grants amnesty for criminal offences.

195 Narodna Skupština Republike Srbije, ‘Jurisdiction, Competencies and Duties of the National Assembly,’ Beograd: Narodna Skupština Republike Srbije, (2013),
In addition, it elects the government, appoints and dismisses constitutional court judges, court presidents, the republic’s public prosecutor and local public prosecutors, judges and deputy public prosecutors, and the civic defender (ombudsman). The Assembly has 250 elected members.

Additionally, each policy aimed at victims’ redress in the post-Milošević period had other important creators and implementers. The configuration of the portfolio has not changed significantly during the period under review. At the national level, the Ministry of Labour, Employment and Social Policy has been responsible for commemorations of historical events of national importance. Within this ministry, the Department for War Veterans and People with a Disability. They are charged with materially compensating the victims. Once this department approves the victim’s right to claim material compensation, the Ministry for Labour, Employment and Social Policy makes the final decision about the victim’s claim.

The Ministry of Culture is responsible for monuments of national interest, while the local municipality and city-level government hold responsibility for monuments of local significance. The Ministry of Culture includes the department responsible for cultural heritage, and comprises two subdivisions. One is responsible for heritage in the form of museums and archaeology while the second covers archives and foundations.

The key actors in the primary and secondary education areas are the National Education Council and the Institute for Education Quality and Evaluation (the Institute). The former is composed of 42 representatives of institutions listed


For more information about procedures see Fond za humanitarno pravo, Vodić kroz reparacije (Beograd: Fond za humanitarno pravo, 2010), 33.

More details about the structure of the Ministry of Culture can be found in Đurđija Jovanović, Instruments of Support to the Cultural Production of Serbs in the Region (Belgrade: Anonymous said, 2011), 23.

The Serbian Academy of Sciences; Radio Television of Serbia; the Matica Srpska Society; the Universities of Belgrade, Niš, Kragujevac and Novi Sad; Association of Preschool Teachers; Association of Serbian Teachers; the Serbian Language Association of Serbia; the Foreign Language Association of Serbia; the Serbian Society of Mathematicians; the Association of
in article 13 of the Umbrella law\textsuperscript{200} (Law on the Foundations of Education/Zakon o osnovama sistema obrazovanja i vaspitanja), while the latter includes the Centre for Development of Curricula and Textbooks. The Ministry of Education, Science and Technology Development nominates the Director of the Institute. Other important actors in putting curricula into practice are school administration and staff, including boards of managers, teachers’ councils and school principals.

The Office of the War Crimes Prosecutor (the Office), established in 2003, is one of the main policy creators in the area of prosecution. Before this time, trials were organised by the ICTY and local courts. Since 2003, the Office has become another important actor in the implementation of trials in Serbia.\textsuperscript{201} Parliament nominated Vladimir Vukčević as the Public Prosecutor. To Vukčević, the main objective of the Office is to identify and prosecute individuals responsible for crimes based on chapter XVI of the Basic Panel Law, the ICTY Statute, and international humanitarian law. Vukčević also highlights the didactic importance of the Office.\textsuperscript{202} In his opinion, its main results are, in equal measure, prosecutions of criminals and the legacy of documents and archives that should be used to educate the Serbian nation on what has happened and why.\textsuperscript{203}

In addition, other government institutions, sectors and departments develop relevant policies including, but not limited to, the Ministry of Defence, Ministry of

\begin{quote}
Serbian Societies of Historians; the Serbian Geographical Society; the Society of Physicists of Serbia; the Serbian Chemical Society; the Serbian Biological Society; the Serbian Philosophical Society; the Serbian Association of Music and Ballet Pedagogues; the Serbian Society of Art Teachers; the Serbian Association of Psychologists; the Serbian Pedagogic Society; the Serbian Society of Defectologists; the Associations of Vocational Secondary Schools; the Associations of Gymnasiums; the Serbian Orthodox Church; traditional churches and religious communities other than the Serbian Orthodox Church; national minorities; the National Employment Organisation, unions and the Association of Employers.
\end{quote}

\textsuperscript{200} Ministarstvo prosvete i nauke, ‘Zakon o osnovama sistema obrazovanja i vaspitanja,’ in 12/72/2009/09 (Beograd: Službeni glasnik Republike Srbije, 2009).

\textsuperscript{201} In the period 2003–2011, the office prosecuted 383 individuals, while the total number of defendants was 143. The total number of victims was 2598. Fifty-eight individuals were convicted and 11 were released (Tužilaštvo za ratne zločine, ‘Izvestaj o radu tužilaštva za ratne zločine, 2011 godina,’ Beograd: Tužilaštvo za ratne zločine (2012): 2.

\textsuperscript{202} Bruno Vekarić and Jasna Šarčević–Janković, Five Years (Belgrade: Office of the War Crimes Prosecutor, 2008), 239.

\textsuperscript{203} Ibid., 239-241.
Justice, and central government institutions such as the Offices of the Prime Minister, the Deputy Prime Minister, and the General Secretary.

### 3.2.2. Non-government organisations

Non-government organisations that have been actively involved in the process of creating policies relevant to redress for the victims of the RTS bombing include think tanks, expert associations and victims’ associations. Most aim at coming to terms with Serbia’s past, and can be classified as human rights organisations. For instance, CUPS has been the main policy maker in the process of lustration in Serbia. CUPS is a non-government organisation established in 1998 by professors expelled from Belgrade University because they did not conform to the mainstream political line.\(^\text{204}\) Some of these professors, including Professor Vladimir Vodinelić, have been on the board of management of CUPS. In addition to these professors, members of the board have comprised judges and other academic representatives, including sociologists and other experts in humanities, all of whom were considered politically non-mainstream during Milošević’s governance. Dealing with the past in Serbia has been one of the main interests of CUPS.\(^\text{205}\) In 1998, CUPS implemented a series of seminars and public debates discussing the topic of lustration and in 2002, the centre’s members used their expertise to improve the legal framework of the Republic of Serbia by drafting a new law aimed at lustration.

Other prominent actors in victims’ redress are the Humanitarian Law Centre, Women in Black, the Belgrade Centre for Human rights, the Lawyers’ Committee for Human Rights and the Victimology Society of Serbia. The Humanitarian Law Centre was established in 1992 as a not-for-profit organisation with the aim of documenting human rights violations in the Former Yugoslavia. They implement the transitional justice program through documentation of victims of the war in the Former Yugoslavia. They also support justice and institutional reform, and constituted one of the key actors in

\(^{204}\) Centar za unapređivanje pravnih studija, ‘About,’ Beograd: Centre za unapređivanje pravnih studija, [www.cups.rs/about](http://www.cups.rs/about) (accessed 10 December 2015).

\(^{205}\) Interview with a professor of law, Belgrade, 27 August 2012.
advocating for the revision of the law regulating victims’ right for redress in Serbia. In addition, they published a handbook about reparation in Serbia to support victims while seeking justice. Finally, they established the initiative for RECOM.\footnote{Humanitarian Law Centre, ‘About Us,’ Belgrade: Humanitarian Law Centre, http://www.hlc-rdc.org/?page_id=14390&lang=de (accessed 10 October 2016).}

Women in Black focus their efforts on the commemoration of various events that took place in the 1990s. They define their activities as non-military, non-violent actions for a more inclusive society. They have been active in organising different commemoration events. Also, they advocated for some monuments, laws, and public holidays aimed at redress for the victims of the 1990s. Their primary focus, however, is on victims of other nationalities victimised by the Serbs, as they believe they are the least likely to be acknowledged by the Serbian government.\footnote{Interview with a lawyer, representative of a not-for-profit organisation, Belgrade, 16 May 2012.} Some parents of the RTS employees who were killed joined the activities of this group.

The Belgrade Centre for Human Rights supported families of the RTS victims in some of their activities. The Belgrade Centre for Human Rights is an association of citizens established to study and promote human rights.\footnote{For further information, see Beogradski centar za ljudska prava, ‘O nama,’ Beograd: Beogradski centar za ljudska prava, www.bgcentar.org.rs (accessed 10 October 2016).} Similarly, the Lawyers’ Committee for Human Rights (Jugoslovenski Komitet za Ljudska prava YUCOM), established in 1997, is a not-for-profit organisation aimed at protecting and promoting human rights in Serbia.\footnote{For further information, see Komitet pravnika za ljudska prava, ‘O nama,’ Beograd: Komitet pravnika za ljudska prava, www.yucom.org.rs (accessed 10 October 2016).} The Victimology Society of Serbia was also established in 1997, and has the goal of protecting victims of crimes, including the victims of human rights violations.\footnote{Viktimoško društvo Srbije, ‘O nama,’ Beograd: Viktimološko društvo Srbije, www.vds.org.rs (accessed 10 October 2016).} Although their work was more focused on supporting victims of trafficking and of gender-based violence, they have contributed to dealing with the past by informing and raising awareness among the scientific community, citizens and the media about the concept of restorative justice and victims’ rights. This was achieved through several projects implemented in the period from 2004 to 2013, and
includes interviews with representatives of victims and human rights organisations, roundtables and conferences aimed at discussion about the appropriate means of restorative justice in Serbia, collection and systematisation of printed and audiovisual materials about the truth, and conciliation. International donors have supported all of these organisations.

### 3.2.3. International actors

Many international organisations, both multilateral and bilateral, have influenced victims’ redress in Serbia, through sponsorship of some of the abovementioned local government and not-for-profit organisations. These organisations include the Fund for an Open Society, the Freedom House, the Organisation for Security and Cooperation in Europe (OSCE), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Program (UNDP), the Balkan Trust for Democracy, and many foreign Embassies. As will be demonstrated in the next chapter, European Union agencies have played a significant role in Serbian policy making. Bearing in mind the complexity of EU policy making, as demonstrated by Robert Ackrill and Adrian Kay, it is logical to assume that the complexity of EU policy making has spilled over into the Serbian policy arena.²¹¹

In addition to the support of local actors, many international courts also influenced redress for Serbian victims. The UN established The International Court of Justice for the Former Yugoslavia (the International Criminal Tribunal for the Former Yugoslavia) in 1993. Its principal aim being to identify and punish perpetrators of war crimes committed in the Former Yugoslavia over the period 1991 to 2001. So far, 161 individuals, the majority of whom were Serbs and Bosnian Serbs, have been charged by the ICTY. According to the ICTY, this court ensures that victims’ voices are heard, and enables the prosecution of high officials responsible for crimes (for example, presidents, prime ministers and high generals). The ICTY has three main arms: chambers, registry and

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²¹¹ Robert Ackrill and Adrian Kay, supra n 110.
prosecution. Additionally, it has an outreach department in Serbia, and closely cooperates with the Office of the War Crimes Prosecutor in Serbia. 212

The ECtHR was established in 1959 and is based in Strasbourg. It rules on allegations on violations of human rights set out in the ECHR. So far, this court has delivered more than 10,000 judgments, though none on the NATO bombing of the RTS. 213

3.2.4. Blurred line between victims and policy makers

I talked to the key policy makers from the majority of these organisations and institutions in their current official capacity, and in their former roles in relevant state and non-state institutions that fell within the period relevant to my research. While I was more interested in understanding their political and professional points of view, I also obtained interesting details about their private lives. To protect their privacy, I do not mention their names or any details that identify those who prefer to remain anonymous, but I briefly draw attention to some of their life stories to illustrate contextual and personal complexities, and the interconnection between policy making and victimisation in Serbia.

One interviewee served as a soldier in the Yugoslav Army during the war in Croatia. He fought against Croats. He thought he was doing what he was ordered to do by his commanders. He killed people but he was also attacked. Many of his soldier friends were killed. He returned to Serbia physically healthy, but with difficult memories and post-traumatic stress syndrome. He joined the public service again but his mental condition was never properly treated. Nowadays, he creates policies for the Ministry of Defence. When I asked him whether his experience influences his views on transitional justice, he said that after being actively engaged in the war he knows that:

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during the 1990s all Serbs, both soldiers and citizens, were just marionettes in Sloba’s and Mira’s hands [Slobodan Milošević and his wife Mirjana Marković]. We were doing what they told us to do and only they should be prosecuted. Others are victims, not the war criminals.

His biography significantly shapes his professional role, especially his opinion on issues of responsibility and guilt. He denies that anyone apart from the political elites of Milošević’s government has any kind of moral and professional responsibility. Exploring public discourse in post-Milošević Serbia, Eric Gordy describes this phenomenon as part of a collective denial and avoidance of moral and professional responsibility. In his view, many people carry some sort of moral and professional responsibility for not acting, or for engaging in ‘for profit or survival, such as producing media content, teaching “history,” or importing and selling consumer goods.’214 My respondent, however, believes that he cannot be responsible for war crimes, because he was just doing his job. He applies the same logic to responsibility for the bombing of the RTS building. He thinks that responsibility lies with NATO, who bombed the building, and with Milošević who ordered intensification of the program. In his opinion, all others in a chain of command are just collateral victims.215

Another respondent lost her children and her husband, and now lives alone. Her daughter died young because of receiving treatment in Serbia with medicines that had already been banned worldwide. She has never managed to prove that the Serbian health system was responsible for her daughter’s death. The medicines, though illegal elsewhere, were legal in Serbia. Thus, there was not anything my respondent could do. Together with her husband and son, she had to live with the memories of their lost daughter and sister, while struggling to survive in the economically, politically and socially difficult decade of the 1990s. During that time, she lost her husband, who was the victim of a street crime. Although a personal tragedy for her and her son, her husband’s murder was just another number among the appalling criminal statistics of that era in Serbia. But this was not the end of her heartbreak. Only a few years after her husband died, her only remaining family member, her only son, died as a collateral victim of the

214 Eric Gordy, supra n 24 and supra n 58.
215 Interview with a military representative, the Ministry of Defence, Belgrade, 6 May 2012.
NATO bombing of Serbia. She was left alone with no daughter, son or husband. She now fights for disclosure of the truth about her son’s victimisation through the bombing of the RTS building. In her opinion, the redress process will not be complete until it has shifted from prosecution of the immediate perpetrators to investigation of the broader system and acknowledgment of the responsibility by the political elites who caused the NATO bombing. She thinks the Serbian political elite is responsible for the sacrifice of her son as an RTS employee, but also for the ‘flourishing of crime and ruined health system’ that killed other members of her family.

The third interviewee was a successful journalist before the war in Zagreb, the capital of Croatia. In the late 1980s, he had to move from Zagreb to Bosnia to avoid problems related to his Serbian origin. He believed that it would be only a short time before ‘things settle down,’ but he never returned to Croatia. Later, he was also forced to leave Bosnia, and went to Serbia as a refugee. His parents also had to move there, and his father died on the way. My respondent thinks that his father died from the sorrow he experienced in leaving the family home behind. Nowadays, he is responsible for refugees’ problems and for displaced persons in Serbia. He took that job because he knew the pain his family suffered losing their home, and wanted to help others find their homes. He did not feel that his life was easy. For some time, he survived by selling chewing gum from an improvised stand (a cardboard box) in front of a school in Belgrade. This path from being a famous journalist, to selling chewing gum, to becoming a representative for refugees was a struggle, both economically and emotionally. Nonetheless he considers himself lucky because he survived.

Some interviewees had been expelled from their respective organisations and institutions because of their political orientation. They had also been threatened by the Milošević regime. For example, I talked to a historian who was declared a ‘persona non grata’ in Serbian society by Slobodan Milošević’s wife. She works now with the Ministry of Education.

I also talked to a lawyer whose early memories included escaping from Bosnia in a long refugee convoy. She was only 12 at the time. Now, she has significant influence over policies developed in the Prosecutor’s office.
Regardless of whether they are public officials or representatives of victim organisations, many respondents in this study are emotionally and physically wounded. They are simultaneously past victims and current policy makers. This issue of double roles becomes even more complicated when we consider the complicity of current policy makers in Slobodan Milošević’s government. As highlighted by many respondents, some current policy makers participated in Slobodan Milošević’s regime. Almost one-third of my respondents come under this category.

This creates a rather bizarre situation, in which one person can simultaneously be a victim and a policy creator, but also both a victim and a perpetrator, as well as a perpetrator and a policy creator. As this research shows, such a fluidity of identities within the Serbian policy-making framework influences different streams of Serbian public policy, and demonstrates that streams are, as other scholars have emphasised, more linked than Kingdon thought.\(^{216}\)

Most policy makers I talked with share with other Serbs a feeling of victimisation; they see Serbs as the victims, but do not agree about who the perpetrators are. For instance, according to a lawyer from the Ministry of Justice, Serbs were the victims of NATO.\(^{217}\) Another respondent, a historian from the Ministry of Defence, feels that Serbs have been the victims of the ICTY and NATO, while some Serbs were also the victims of Croats and Bosnians.\(^{218}\) To explain the latter, he says:

Croats and Bosnians pushed Serbs out of Bosnia and Croatia and instead of being punished for that they were rewarded. They got independent states and the houses of Serbs who had to escape. Serbs got only a bad reputation. Serbs were blamed for everything that happened. NATO bombed us without a proper reason and later forced us to cooperate with The Hague.\(^{219}\)

\(^{216}\) For example, Scott Robinson and Warren Eller, supra n 120.
\(^{217}\) Interview with a lawyer from the Ministry of Justice, Belgrade, 8 June 2012.
\(^{218}\) Interview with a historian from the Ministry of Defence, Belgrade, 10 August 2012.
\(^{219}\) Interview with a historian from the Ministry of Defence, Belgrade, 10 August 2012.
Other respondents emphasised that in the 1990s, Serbs were victimised by international actors, because they imposed economic sanctions on Serbia. A professor from the Ministry of Education said:

Instead of helping us, the international community put us down. Serbian kids did not have enough food and nappies. Shops were empty and even when some products were available, an average Serbian family could not purchase them. They could not afford to shop.\textsuperscript{220}

Although all respondents agreed that most Serbs suffered during the 1990s, a minority of policy makers say that victims are defined by law. They think that, although all Serbs suffered injustice, not all Serbs can be legally defined as victims. A historian from the Ministry of Education said:

Victims are refugees and those killed during the bombing. They suffered the most and that is why they are the biggest victims. Some other Serbs suffered as well; for example people who were against Slobodan Milošević. But they are not victims according to law and thus, they are not objectively victims.\textsuperscript{221}

All respondents agreed, however, that the people killed in the RTS building by the NATO bombs were victims. ‘The RTS employees were just doing their job as we all did at that time,’ a psychologist from the Central Government stated.\textsuperscript{222} Similarly, a lawyer from the Ministry of Justice emphasised that although it was known in Serbia that the RTS would be bombed, no one could imagine that the RTS staff were not going to be evacuated.\textsuperscript{223} According to him, ‘these poor people believed that their colleagues would not sacrifice them.’\textsuperscript{224} In his opinion, families of the RTS employees deserve an apology and proper redress.\textsuperscript{225} All respondents agreed with this statement. Some of them expressed this viewpoint without being prompted, while I explicitly asked others their opinion.

\textsuperscript{220} Interview with a professor from the Ministry of Education, Belgrade, 13 August 2012. 
\textsuperscript{221} Interview with a historian from the Ministry of Education, Belgrade, 17 April 2012.
\textsuperscript{222} Interview with a psychologist from the Office of the Deputy Prime Minister, Belgrade, 18 March 2012.
\textsuperscript{223} Interview with a lawyer from the Ministry of Justice, Belgrade, 8 June 2012.
\textsuperscript{224} Interview with a lawyer from the Ministry of Justice, Belgrade, 8 June 2012.
\textsuperscript{225} Interview with a lawyer from the Ministry of Justice, Belgrade, 8 June 2012.
The respondents all believe that victims’ redress is needed, and that the efforts to date to address this been insufficient. Policy makers recognise that some activities have been implemented, but their success is arguable. They all agree that the government could do more. For example, a lawyer from the Ministry of Justice believes that the government did not do enough to redress the victims and in his opinion, victims are often completely forgotten. He says, ‘In Serbia, the victims are neglected, ignored. They are not rewarded for their suffering. The government would have to do more.’

His colleague from the Ministry of Education agreed that the victims have not been satisfied, but also underlined that in this regard, the victims share the dissatisfaction of most of the Serbian population. He said: ‘The victims are not happy. But neither am I.’

A professor from the same Ministry acknowledged some activities implemented by the government, but also emphasised a gap in the establishment of truth about the killing of the RTS workers, and about the political background behind the failure to evacuate. She said: ‘I do not think that victims are satisfied with what has been done. Something was done, but we still did not get to know the truth.’

Interestingly, although all policy makers I talked with have responsibilities for the creation of policies for the victims’ redress, it was noticeable that they did not see it as their responsibility.

Most respondents highlighted that the real decision makers are EU and USA representatives and the main politicians in Serbia. The respondents identify four reasons for their limited impact on the issue of redress for the victims: strong influence of the international community, lack of evidence-based policies due to the lack of evaluation of previous victims’ redress policies, a shortage of funds and the deficient capacity of the government’s employees. Elaborating on the influence of European initiatives on Serbian education policy, Martina Vukasovic similarly states that the influence depends on ‘Clarity of European initiatives and consequences of non-compliance, as well as density of veto players in the

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**Notes:**

226 Interview with a lawyer from the Ministry of Justice, Belgrade, 9 June 2012.
228 Interview with a professor from the Ministry of Education, Belgrade, 13 August 2012.
domestic policy context. Identification of the veto players in Serbia, along with the consequences of noncompliance as seen by Serbian policy makers, will be addressed more extensively in the next section. This will form part of the discussion of the policy and politics streams of policy making in Serbia.

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4. Public policy on victims’ redress and its main streams

As outlined in the previous chapter, the scope of policies for victims’ redress in Serbia is framed by a set of local and international laws and conventions. The policy refers to the administrative, legal and symbolic means of redress including trials, material reparations, apologies, truth commissions and monuments. So far it is possible to ascertain that various local and international, government and non-government actors have formulated and advocated for the means of victims’ redress.

The aim in this chapter is to discuss in more detail the process of policy agenda setting, policy formulation and decision making, and to explore the criteria policy makers used in deciding which policy problems to focus on, and which policies should be employed as solutions to the policy problems identified. To understand the process of policy making, the explanatory value of MSF is applied here to victims’ redress in Serbia. As mentioned earlier, MSF incorporates three independent streams of public policy: the problem, policy and politics streams. This simplifies the complex process of policy making and makes it easier to comprehend. According to this framework, the occasional coupling of the streams creates the opportunity for policy problems to reach the policy agenda, and for some policies to be developed and implemented.

This chapter begins, therefore, with an analysis of the process of conceptualisation of the problem of victims’ redress. The public discourse of victims’ redress is explored, and three crucial influencing factors are identified regarding the way the problem of victims’ redress is defined in Serbia: widespread Serbian victimhood, a lack of public participation in the process of policy creation, and public scepticism about international support and protection. The process of creation of different policy solutions aimed at victims’ redress is then discussed with emphasis on the pressure experienced by local policy makers to align with EU policies. Finally, the influence of politics and political parties’ interests will be analysed to demonstrate their dominance over the problem and policy streams of public policy around victims’ redress. Chapter
5 will address the coupling of different streams, and the interaction and fluidity between different streams will be analysed to show how these interactions were sometimes formational impulses for particular policies, while at other times they formed the basis for the rejection of policy, or for deficiencies in policy implementation.

4.1. The problem stream of victims’ redress policy in Serbia

Within MSF, the problem stream represents the first of five structural elements of public policy. It contains different indicators and events that deserve policy attention. In the case of victims’ redress for the RTS employees who died during the NATO bombing, the bombing itself represents a particular event that drew policy makers’ attention. As shown in the previous chapter, policy makers have agreed that the suffering of NATO victims needs to be acknowledged. I argue that some common characteristics of the Serbian public influenced the way the problem of victims’ redress was conceptualised by policy makers. To better understand the public discourse of victims’ redress, I reviewed different qualitative research studies, public opinion polls and analysed media content. I also talked to representatives of the Serbian public, victims’ organisations and Serbian policy makers about their attitudes, knowledge and behaviour in relation to redress for the victims.

Exploration of the public discourse on victims’ redress has identified a few phenomena that were significant in conceptualising the problems. Firstly, Serbs in general are strongly inclined to feel victimised, and tend to ignore victimisation experienced by people in other nations. Second, Serbs are not satisfied with international mechanisms aimed at victims’ redress, and are generally sceptical towards redress mechanisms implemented by the international community. Third, there is a lack of public participation in and public debate on the process of creating policies aimed at redress for the victims. In this chapter, evidence will first be presented to show the spread of phenomena identified. The various ways in which each of these phenomena influenced the content and form of the redress policies in Serbia will then be demonstrated.
4.1.1. Kingdom of heaven – Serbian victimhood

Serbs feel like victims. The last two decades have been economically, politically and socially difficult for most Serbs. The breakup of Yugoslavia was followed by the wars in Croatia (1991–1995), Bosnia and Herzegovina (1992–1995), and by ongoing conflict in the territory of Kosovo (including NATO intervention in early 1999). Because the international community considered Serbia largely responsible for these wars, Serbia endured a UN economic embargo (1991), which reduced the GDP to that of the poorest countries in the world. Additionally, Serbia gained a negative international reputation based on the perception that Serbs alone were responsible for the wars, and for the economic and political devastation of almost all former Yugoslav republics. Many Serbs add the Milošević regime to the list of misfortunes faced by the Serbian nation. Some would also include earlier historical injustices, for example, the 500,000 people who were murdered, the 250,000 who were expelled, and the 200,000 forcibly converted to Catholicism during the Second World War by Ustaschas/Ustaše, the Croatian nationalistic military movement. Some people would go back as far as the 1389 Battle of Kosovo, when Serbs were defeated by the Ottoman Empire. Serbs consistently see themselves as victims of past events.

The cumulative effect of this perception has been the creation of a pervasive sense of victimisation that filters Serbs’ interpretation of the past and present. When asked in 2011 who suffered the greatest number of casualties during the wars in the territory of Former Yugoslavia from 1991 to 1999, 69 percent of 1407 respondents responded that the Serbs did. Furthermore, when asked who was responsible for the majority of war crimes committed during these wars, only 7 percent of respondents answered that it was the Serbs, while 40 percent

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reported that Croats committed the highest number of crimes. This perception seems to be constant over time. A similar survey conducted by Strategic Marketing 10 years earlier found that on average, Serbs were familiar with events in which Serbs were victimised, while they tended not to believe stories about atrocities committed by Serbs. For example, 80.7 percent of the population believed that Albanians were mainly responsible for the conflict in Kosovo, while 69.5 percent agreed with the statement that the international community facilitated this conflict. 41.9 percent of respondents believed that Serbs in Bosnia were more tolerant than people from other nations living in Bosnia, and that this led to their victimisation by others. Serbs believe they have suffered injustice, and that the international community does not treat them equally or fairly. Many scholars have noted the Serbian sense of victimhood, but in contrast to the widely-held perception of the Serbian people, they portray this sense of victimisation as delusional – a consequence of the general population’s lack of historical knowledge, and of a systematic policy of denial, forgetting and silencing.

The explanation relating to the lack of knowledge is supported by a local survey conducted in 2011 by the Belgrade Centre for Human Rights, which shows a dearth of general historical knowledge among the Serbian population. For instance, according to this survey, 63 percent of Serbian citizens answered incorrectly when asked if Thessaloniki and Belgrade had been a part of Tsar Dušan’s Serbia. The same percentage of respondents incorrectly claimed that Serbian monuments were destroyed during the Ottoman era. An employee of the Ministry of Education has endorsed these results, claiming that the lack of historical knowledge has been a consequence of the lack of knowledge about how to document history. In her opinion, Serbs often learn history from movies and

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233 Svetlana Logar and Srđan Bogosavljević, supra n 58 at 34.
234 Ibid.
236 See Sabrina Ramet, supra n 58; Svetlana Logar and Srđan Bogosavljević, supra n 58; Jelena Subotić, supra n 58; Vojin Dimitrijević, supra n 58; David Rieff, supra n 58; Claske Vos, supra n 58; Zala Volčič, supra n 58; Peter Rush and Olivera Simić, supra n 58.
237 Vojin Dimitrijević, supra n 58.
mythology, and base their historical knowledge on oral history. To exemplify this, she shared a story from her everyday life:

We [Serbs] are careless about the number of victims because we do not know how to document our history. Our history is based on oral history. That is our style – from mouth to mouth. It causes lots of historical misconceptions. For example, our nation has a very low level of historical knowledge and they learn history from poems and movies. A few days ago, I was in a hair salon and I heard a group of women commenting on the popular Turkish TV show about the life of Sultan Suleiman the Magnificent. They all agreed how sad and unfortunate it was that the Sultan first invaded Serbia.238

My respondent was annoyed that the women in the hair salon did not know that Belgrade, the first city conquered by Suleiman, was not part of Serbia at that time (early 16th century). I could not resist telling them that Belgrade at the time was part of Hungary and not Serbia, she said. In her opinion, it is unfortunate that history is based on ideology rather than on facts. According to her, this is why all Serbs feel like victims.

Others attribute Serbian victimhood to a syndrome of denial. According to Sabrina Ramet, this syndrome has helped Serbs to cope with guilt, and has promoted their sense of superiority over their accusers. In Ramet’s opinion, this denial syndrome has allowed Serbs to believe that Croats were responsible for the siege of Dubrovnik, and similarly that Muslims were responsible for the bombing of Markele in 1995 in Sarajevo, and for the Srebrenica genocide. She further highlights that in Serbia, war criminals have been celebrated as heroes.239 Likewise, Logar and Bogosavljević show that more than one-fifth of Serbs believe that Mladić240, Karadžić241 and Arkan242 were defenders of Serbhood (srpstva), and were thus Serbian heroes. The same research

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238 Interview with a historian from the Ministry of Education, Science and Technological Development, Belgrade, 17 April 2012.
240 This refers to Ratko Mladić, former military leader of Bosnian Serbs, who was accused of committing war crimes.
241 Radovan Karadžić, former president of Republika Srpska, accused of committing war crimes.
242 Željko Ražnatović Arkan, the former commander of a Serbian paramilitary force.
demonstrates that 52 percent of Serbs do not believe that many civilian Muslims were actually killed in Srebrenica.\textsuperscript{243} Along the same lines, Radina Vučetić highlights the existence of ‘unpleasant truths’ among Serbs. Analysing a survey conducted by the Belgrade Centre for Human Rights, Vučetić emphasises that more than half the respondents did not know who was responsible for the bombing of Dubrovnik, only 9 percent of respondents knew about the atrocity committed against Croats in Ovčara (close to Vukovar), and less than 13 percent of respondents knew that the siege of Sarajevo lasted more than three years.\textsuperscript{244}

All my respondents agree that Serbs were also victims. For instance, an economist from the Ministry of Labour, Employment, Veteran and Social Affairs stresses that Serbs are a ‘wounded nation’:

\begin{quote}
The majority of Serbs feel as victims because they are victims. I still remember a feeling of not being sure if my kids will have something to eat tomorrow. This is the feeling that leaves a permanent trauma. Serbs are traumatised and at minimum mentally victimised, if not physically. The international community and our neighbours need to understand that.\textsuperscript{245}
\end{quote}

Like participants in the studies of other scholars and researchers, my respondents agree that the majority of Serbs believe Serbs are victims, and therefore expect empathy and compassion. Serbs expect the international community to acknowledge all the problems faced by Serbs during the 1990s. Serbs, however, have not received help and sympathy from the international community; instead they have faced accusation and judgment. In her analyses of the impact of the process of Europeanisation in Serbian and Croatian society, Jelena Subotić argues that this negative experience with the international community in the post-conflict era is one of the main reasons for the ‘divergence

\begin{footnotesize}
\textsuperscript{243} Svetlana Logar and Srdan Bogosavljević, supra n 58 at 9.
\textsuperscript{244} Radina Vučetić, ‘Neprosvećena prošlost,’ in Novosti Iz Prošlosti, Znanje, Neznanje, Upotreba i Zloupotreba Istorije, ed. Vojin Dimitrijević (Beograd: Beogradski Centar za ljudska prava, 2010), 45-49.
\textsuperscript{245} Interview with an economist from the Ministry of Labour, Employment and Social Affairs, Belgrade, 4 April 2012.
\end{footnotesize}
of Serbian identity' from European identity to alternative identities. Victimhood as a consequence of extended identification as victims has been one of these alternatives. As can be seen, there is a dichotomy between the widespread sense of victimhood inside Serbia and common resistance to the notion of Serbian victimhood outside Serbia. This, however, has not been unique to Serbia.

Daniel Bar-Tal, Lily Chernyak-Hai, Noa Schori and Ayelet Gundar draw on comparative analyses of victimhood in different societies to explain this dichotomy, arguing that victims often do not define themselves in legal terms, but as individuals who believe they deserve sympathy. Since victims tend to focus on themselves and their suffering, their sense of collective victimhood may also lead to a reduced capacity for empathy, rationalisation of immoral acts, justification of negative in-group behaviour, reduction of group-based guilt, reduced accountability and responsibility, and selective and biased information processing. Similarly, David MacDonald points out that victim identification makes victims feel they deserve sympathy, support and outside help. Because Serbs strongly identify as victims, they have a reduced capacity for consideration of other nations' problems, and often lack sympathy for them.

For the majority of Serbs, the NATO bombing of Serbia merely served as further proof of what they already believed: the international community hated Serbs, and accordingly, victimised them again. The NATO bombing was almost celebrated as the ultimate victimisation to which Serbs were exposed. Drawing on the Christian doctrine and their own history, Serbs believe that as flawless victims in this world, they are predetermined to be in the Kingdom of Heaven following death. A central aspect of the Serbian narrative of victimhood was

\[246\] Jelena Subotić, ‘Europe is a State of Mind: Identity and Europeanization in the Balkans,’ *International Studies Quarterly* 55, no. 2 (2011): 1-22; Sabrina Ramet, supra n 58; Svetlana Logar and Srđan Bogosavljević, supra n 58; Jelena Subotić, supra n 58; Vojin Dimitrijević, supra n 58; Daniel Rieff, supra n 58; Claske Vos, supra n 58; Zala Volčič, supra n 58; Peter Rush and Olivera Simić, supra n 58.


recorded in the patriarch Danilo III’s version of Serbian Tsar Lazar’s speech to Serbian warriors before the Kosovo battle in 1389:

You, oh comrades and brothers, lords and nobles, soldiers and vojvodas – great and small. You yourselves are witnesses and observers of that great goodness God has given us in this life... But if the sword, if wounds, or if the darkness of death comes to us, we accept it sweetly for Christ and for the godliness of our homeland. We have lived a long time for the world; in the end we seek to accept the martyr’s struggle and to live forever in heaven.  

This narrative of victimhood has been well noted by various scholars. Serbian victimisation has been a common topic, even in contemporary Serbian movies and songs, books and debates. At the time of the bombing, this narrative was further reinforced by Milošević’s propaganda, which was focused on the widespread Serbian feeling of victimhood, rather than on victims of the NATO bombings. Most Serbs, including those who did not live in Serbia during the bombing, believe that all Serbs were victims of NATO bombing.

Serbian victimhood significantly influenced the ways in which Serbian redress policy for the bombing victims was conceptualised, created and implemented. Most monuments built to commemorate Serbian victims of the NATO bombing did not mention specific victims by name, but instead were dedicated to all victims, both civilian and military. Similarly, although Milanović was charged for failure to evacuate the RTS employees, political and command responsibility for the bombing was never further explored. This was in line with the public frame of mind. Serbs did not want to accept Serbian responsibility for what was happening to them. When one tries to talk to Serbs about their share of the responsibility, their responses will often be something like, ‘We were provoked’ or ‘Why is everyone talking about Srebrenica and Vukovar, how about Bratunac and ethnical cleaning of Serbs during Oluja?’ In the opinion of Serbs, they are

250 Ratko Peković, supra n 231; Jasmina Tešanović, supra n 231; Lara Jakića, supra n 231; Helen Rootham and Maurice Baring, supra n 231.
251 From conversations during my daily life in Serbia, and confirmed by my interviews.
the ultimate victims, and the NATO bombing just confirmed this. The problem of victimisation is conceptualised as a problem of the Serbian nation, not only those individuals who are defined by law as victims. Consequently, the Serbian public has been in favour of broad policies that acknowledge the nation’s suffering, rather than that of individual victims.

4.1.2. Support begins at home

The next widespread phenomenon of Serbian society is the belief that Serbs need to support Serbian victims, because no one else will do so. In general, Serbs do not believe in potential redress from the international community. There is a perception in Serbia that the ICTY is biased against Serbs, and that perpetrators from Croatia, Bosnia and Kosovo will not be judged. In the opinion of 73 percent of Serbs, ethnicity influences the ICTY’s attitude towards war crimes indictments, while 66 percent of Serbs think that the establishment of the ICTY was not necessary. According to the same survey, 40 percent of respondents believe that the only purpose of ICTY is to blame Serbs.\(^\text{252}\)

This explains why most Serbs do not see the ICTY as an adequate mechanism of redress for Serbian victims. In general, Serbs do not believe in the possibility of international redress, but that Serbia needs to acknowledge Serbian victims and provide redress for their suffering. The policy makers with whom I talked agree with this, and stress that the Serbian government needs to take care of Serbian citizens. One respondent illustrated this with an old proverb ‘U se i u svoje kljuse’ (Believe only in yourself and your own horse/Support begins at home), explaining that ‘We [Serbs] need to be fools to believe that someone outside of Serbia would help us. Waiting for them is like waiting for Godot.’\(^\text{253}\)

The Serbian public has taken a step further with the belief that the state needs to redress not only Serbian victims, but also to help all people of Serbian nationality who are accused as perpetrators. According to a survey by the Organisation for Security and Co-operation in Europe (OSCE), the majority of Serbs believe that supporting Serbian defendants in the ICTY is the

\(^{252}\) See IPSOS Public Affairs, supra n 232.  
\(^{253}\) Interview with an economist from the Central Government, Belgrade, 7 June 2012.
responsibility of the state. In 2011, 62 percent of respondents believed that Serbia needed to help all convicts of Serbian nationality charged by the ICTY. This figure is 9 percent higher than in 2009, when 53 percent of respondents believed that the government should support the convicts. The respondents of this survey list different forms of support that should be provided to the defendants. Most believe that Serbia should provide documentation (75 percent). 58 percent believe that Serbia needs to secure witnesses, while 39 and 30 percent, respectively, think that Serbia needs to provide financial assistance by paying for defence and for family visits to convicts. In addition, according to the same research, 74 percent of respondents believe that Serbia needs to support all convicts of Serbian ethnicity regardless of their citizenship. This includes defendants with Serbian ethnicity that reside in Bosnia and Croatia.

Although most Serbs believe that all Serbs were victims, a minority (such as families and representatives of people who died as a result of the NATO bombing) believe that the 16 RTS employees who died qualify as victims more than others do, and that the state needs to implement specific measures to acknowledge them. For example, one respondent, a teacher from a not-for-profit organisation, lists some forms of public policy the state could use to support victims of the NATO bombing. The respondent suggests different mechanisms of transitional justice as the most appropriate way to redress victims:

> Serbia could do a lot. The state needs to acknowledge atrocities, to commemorate them and to apologise for what has been done ... Serbia needs denazification, catharsis and change of social values. We lack truth commissions, too. The current politicians are not responsible for what happened but they have been responsible for the government approach toward the atrocities.

Similarly, a journalist from a not-for-profit organisation focuses on the institutions responsible for implementation of transitional justice policies in Serbia:

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254 IPSOS Public Affairs, supra n 232 at 24-25.
255 Interview with a representative of a not-for-profit organisation, Belgrade, 4 April 2012.
Our society has to face the fact that some of us [The Serbian citizens] have been victimised. Media, religion institutions and the state need to actively prepare society for this. Schools need to be proactive and to teach students about victims and their victimisations.\textsuperscript{256}

In the words of another respondent:

The topic of facing the past can be placed within the transitional justice frame, but we have to avoid narrowing this down only to the ICTY, non-existing reparations and insufficient institutional reforms.\textsuperscript{257}

Along similar lines, the mother of one of the victims of the bombing of the RTS building highlights the importance of recognising and acknowledging the joint responsibility of NATO and Milošević’s governance for the RTS bombing:

I am a representative of families whose members were killed in the bombing of the RTS Serbia. The state of Serbia did not want to admit this atrocity. They decided to blame NATO even though it was clear that NATO declared that the building [the RTS building] was going to be a target. I do believe that NATO had some responsibility for the civilian victims but Serbia needs to admit their share of the responsibility for this atrocity. I will finish my fight when the state admits that leaving staff in the RTS building was their mistake and was done on purpose. If they do, it will not be a victory. There is no victory because I do not have my child, but it will be the end of my fight.\textsuperscript{258}

As can be seen, there is agreement among the Serbian public and Serbian policy makers that victims’ redress is the responsibility of the Serbian government. The means of redress, however, were rarely discussed publicly.

\textsuperscript{256} Interview with a journalist, representative of a not-for-profit organisation, Belgrade, 11 May 2012.

\textsuperscript{257} Interview with a lawyer, representative of a not-for-profit organisation, Belgrade, 16 May 2012.

\textsuperscript{258} Interview with a teacher, victim’s representative, Belgrade, 2 April 2012.
This lack of public debate is characteristic of Serbian society, and has not changed significantly in the post-Milošević period.

4.1.3. Lack of participation by citizens

Serbia’s constitution sets the legal ground for citizens’ participation. In addition, the law on self-government defines the rights of citizens to participate directly and indirectly (through representatives) in the work of local self-government. The law regarding access to information of public importance was adopted in 2004, and ensures citizens’ rights to information.

Marković and Kijevčanin explored different processes at the levels of local and national government and concluded that public participation in Serbia has a pyramidal structure. Informed citizens form the base of the pyramid, those consulted on different policy-related issues are in the middle, and the minority that is included in the decision-making process sits at the top. According to Marković and Kijevčanin, public participation supports the development of society, and results in satisfied citizens who are ready to share the rights and responsibilities inherent in the process of decision making.

I discussed with my respondents the topic of the lack of public debate about victims’ redress. Although they agreed that there is little inclusion of civil society and victims’ organisations in the process of policy making, they responded differently when asked if this problem should be addressed, or whether the inclusion of civil society is not necessary. They also identified very different reasons for the lack of public participation in the creation of policies aimed at victims’ redress.

Some respondents emphasised that victims and citizens in general do not all hold the same opinion; and neither do they have adequate representation. For example, a policy maker from the Ministry of Education said:

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259 Narodna Skupština Republike Srbije, supra n 164.
If you have a hundred Serbs, you will also have a hundred different opinions about one question. So how can I decide who to trust and whose opinion is the most important or relevant.\textsuperscript{263}

The mother of one of the victims felt differently:

In the case of the RTS bombing we do not talk about millions of victims but 16 and there is no a disagreement among us. We all agree about what should be done. These arguments of policy makers are rather an excuse than an actual obstacle.\textsuperscript{264}

In the opinion of other respondents, it is not easy to include citizens in decision-making processes, because ministries often do not have additional funds available to organise an open debate or to consult people through other means. In contrast, one respondent said that Serbia does have the Office for Cooperation with Civil Society and established mechanisms for consultation with civil society.\textsuperscript{265} This Office was established in 2011, after a long process of advocacy on the part of civil society and by the deputy prime minister's team, of which I was once a member. However, most policy makers to whom I talked had never heard of this Office. The website of the Office for Cooperation with Civil Society underlines that its principal aim is to support government institutions in further understanding and recognising the importance of civil society as a great resource of human and social capital, whose active participation in public life and advocacy of democratic value is aimed at creating a better society for all.\textsuperscript{266} This research, however, shows that the potential of both the Office and civil society are yet to be recognised in Serbia. Other respondents say that victims’ opinions can serve as illustrative life stories in some reports, but that in reality, they cannot use them in policy creation, because victims are not experts, and do not know the field.\textsuperscript{267}

\textsuperscript{263} Interview with a sociologist from the Ministry of Education, Science and Technological Development, Belgrade, 15 May 2012.

\textsuperscript{264} Interview with a teacher, victim’s representative, Belgrade, 17 July 2012.

\textsuperscript{265} Interview with a graduate of the Faculty of English Language and Literature, now working in the Central Government, Belgrade, 12 September 2012.


\textsuperscript{267} Interview with a manager in the Ministry of Culture and Information, Belgrade, 14 May 2012.
Some policy makers with whom I talked found these statements outrageous. As one said:

When we have in mind that these policies are aimed at victims satisfaction how can someone else know better what victims wish but victims? As if someone else can be a better ‘expert’ on how to satisfy victims and redress them for suffering they have experienced.268

These respondents identify the attitude that the political agenda is superior to the authentic needs of victims’ families as the main hurdle in the process of including victims in policy creation. In their opinion, civil society is excluded not because of money or expertise, but rather because some public officials do not want to hear what citizens have to say. In that regard, one respondent said:

Some victims blame current officials for some of the past atrocities. It is only logical that public officials will do their best to make sure that a voice of these victims is silenced.

He added that the victims’ redress should not be a political party issue, though unfortunately it has been. ‘The public should agree about what should be done and politicians should just follow,’ he continued. He highlighted the lack of democratic tradition in Serbia and an absence of public discourse:

In our public, there is less truth than in a totalitarian regime. If you want to hear and to be heard you need to be the friend of the party.

He concluded by drawing on Hannah Arendt’s thoughts:

You cannot put the head of freedom on the body of a slave. That is why Russia after the monarchy got Stalin and why we got Slobodan Milošević after communism.269

Many of my other respondents identified an absence of public participation in policy as one of the reasons behind the lack of success in developing transitional justice policies. Practice shows that involvement by victims in

268 Interview with a political science graduate, now working in the Ministry of Foreign Affairs, Belgrade, 9 June 2012.
269 Interview with a military representative from the Ministry of Defence, Belgrade, 6 May 2012.
decision making creates practices that are better targeted, one example being the experience of the two monuments built to commemorate NATO victims. The ‘Why?’ (Zašto) monument that was built with the full participation of victims’ families has been more satisfying for these families, who perceive it as more adequately acknowledging the deaths of their loved ones. There was full participation by the families at the level of information sharing, consultation and decision making. They initiated the monument and proposed its location and outlook. They also sourced the workers to make it and supervised its creation. Every year on 23 April, they gather in front of the monument to commemorate the anniversary of the NATO bombing. According to representatives of the victims’ families, they appreciate the fact that all the murdered RTS employees are mentioned by name. They also think it is appropriate that the monument is located opposite the building where they were working and were killed, and finally, they like that there is a piece of land around the monument where they could plant 16 trees, one for each victim.²⁷⁰

Image n. 5 - Images of the two contrasting monuments. Upper and middle left: Monument ‘Why’ positioned opposite the RTS building. Lower left and right: Monument in Savski square.

²⁷⁰ Interview with a teacher from a not-for-profit organisation, Belgrade, 17 August 2016.
The building of the other monument on Savski Square to commemorate the victims of the wars in the 1990s did provide some opportunities for citizens’ participation, but the results were not satisfactory. Citizens initiated the building of this monument, but they weren’t included in the call for proposals or in the monument’s design and naming. The monument is not considered to adequately recognise the victims’ suffering, and is not accepted by the wider community as a place to commemorate the victims of the 1990s. The location and the name of the monument are not thought appropriate by the citizens, and they also feel that it depersonalises the victims. In the opinion of one of the policy makers from the city government ‘it would have been better if the Belgrade City Government had included victims’ associations in all these aspects. It would have increased the success of our activities.’ When asked why they did not include citizens, he explained that ‘public participation in Serbia is not very developed when it comes to policy creation because the budget is insufficient.’271 Similarly, a psychologist from the Central Government said: ‘Sometimes we ask people what they think only to satisfy the form but we cannot do anything with their inputs,’272 while a teacher from the Ministry of Education stated:

> Usually we have money only to get people together and ask them what they think about an issue. But once we heard their ideas, we do not have money or flexibility in our activities to take their ideas on board.
> Sometimes we do follow up on some of citizens’ ideas but it is more an exception than a rule.273

Furthermore, in the opinion of a government architect, participation does eliminate some public dissatisfaction, but policy makers must live with the fact that there is always someone who is unhappy with the proposed solution. In her opinion, it is true that even if policy makers had the goodwill to make the process as participatory as possible, it would still not be possible to include all citizens, or to respond adequately to all their needs and suggestions. She further suggested that the solution might be to prioritise stakeholders. In order to redress victims’ suffering, it is clear that victims and their families should be

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271 Interview with a professor from the city council, Belgrade, 20 August 2012.
272 Interview with a psychologist from the Central Government, Belgrade, 18 March 2012.
273 Interview with a pedagogue from the Ministry of Education, Belgrade, 15 March 2012.
asked first about what they need.\textsuperscript{274} This respondent’s argument is obviously similar to the one Mendez expressed in the editorial of \textit{International Journal of Transitional Justice}: that victims are the main protagonists in transitional justice, and should be considered that way.\textsuperscript{275}

In Serbia, however, this lack of participation has not been limited to inadequate inclusion of victims’ families. Civil society organisations in the Former Yugoslavia developed intensive discussions on how to adequately commemorate victims of recent wars. They created a group called Monument (Spomenik) to explore the best ways to commemorate through art (Monument group 2002–2009). There were numerous conferences, meetings, conversations and public debates.\textsuperscript{276} Civil society representatives appreciated all these means of participation, but were not satisfied with the cooperation of their respective governments. A few respondents from this group said that theoretically, the government welcomes civil society’s suggestions of policies aimed at redress, but this cooperation does not work in practice.\textsuperscript{277} Even when proposals from civil society are accepted, the government often fails to implement them.

Problems with policy regarding victims’ redress have been conceptualised without formal consultations with citizens and civil society. As has been demonstrated, the policy makers I interviewed agreed on this issue, and identified various reasons for lack of consultation: the lack of democratic practices in Serbian society, the low quality of civil society input, insufficient resources to follow up on suggestions from civil society, and public opinion so diversified that it is hard to unify.

\subsection{4.1.4. Public interest in victims’ redress}

As discussed above, citizens of Serbia feel they are victims, and in general welcome policies aimed at victims’ redress. This interest in victims’ redress, however, has decreased over time due to other competing problems that have

\textsuperscript{274} Interview with an architect from the Central Government, Belgrade, 26 April 2012;
\textsuperscript{275} Juan Mendez, supra n 40.
\textsuperscript{277} Interview with a psychologist from a not-for-profit organisation, Belgrade, 18 September 2012.
reached the policy agenda in Serbia. In 2009, almost a half of Serbian voters said that their voting choice was influenced by political parties’ stance on past war crimes. In 2012, however, this was not the case. Only 12 percent of respondents said that the approach of political parties to past atrocities would strongly influence their vote. Twenty percent said it would influence their vote a little. The figure of 12 percent represents a significant decrease in comparison with 2009, when 42 percent said that a political party’s attitude towards past human rights violations would influence their vote. It is only logical to conclude that this small percentage of voters who prioritise the issue of facing the past has influenced the recent low priority given by the government to this issue.

Serbia faced both presidential and parliamentary elections in 2012. In accordance with MSF’s approach to the role of elections in policy-making processes, different interest groups used these elections as a focusing event to formulate issues other than victims’ redress as important policy problems. An analysis of the campaign shows that the most frequent topics included politicians, their activities, and pre- and post-election calculations and coalitions.

Out of the topics directly linked with citizens’ wellbeing, EU integration was the most frequently discussed, followed by the economy and Kosovo. Analyses of electronic media showed that two topics relevant to the victims’ redress were mentioned, albeit briefly: facing the past (with two programs, representing 0.10 percent of the total number of programs) and the bombing (with three programs, representing 0.15 percent of the total number of programs). Victims of the bombing were mentioned only on its anniversary.

According to Zoran Gavrilović, media analysis shows that during the election, there was an overflow of topics, meaning that politicians prioritised Kosovo’s independence, EU accession and economic development, but that the analysis

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278 IPSOS Public Affairs, supra n 232 at 127.
279 I had access to the database of the agency hired to monitor the media during the elections. I also observed various political party rallies and followed speeches given at them.
also included many other topics of potential interest to citizens. Yet there was little reference made to victims and their redress.\textsuperscript{280}

Data gleaned from the monitoring of four news agencies’ websites (b92, Mondo, Press and Kurir) show a similar situation regarding topics represented during the election campaign.\textsuperscript{281}

\textit{Table n. 1 - Topics represented by four news websites during the election campaign as a percentage of total topics covered}

<table>
<thead>
<tr>
<th>Topic</th>
<th>B92</th>
<th>Mondo</th>
<th>Press</th>
<th>Kurir</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fight against crime</td>
<td>1.0</td>
<td>2.3</td>
<td>1.0</td>
<td>1.8</td>
</tr>
<tr>
<td>Foreign policy</td>
<td>1.2</td>
<td>2.9</td>
<td>1.3</td>
<td>1.1</td>
</tr>
<tr>
<td>Future of Serbia</td>
<td>1.0</td>
<td>2.6</td>
<td>0.7</td>
<td>1.1</td>
</tr>
<tr>
<td>Kosovo</td>
<td>5.2</td>
<td>2.3</td>
<td>3.3</td>
<td>3.9</td>
</tr>
<tr>
<td>Agriculture</td>
<td>1.6</td>
<td>1.1</td>
<td>1.0</td>
<td>2.5</td>
</tr>
<tr>
<td>Economic development</td>
<td>15.3</td>
<td>12.0</td>
<td>11.7</td>
<td>16.7</td>
</tr>
<tr>
<td>European integration</td>
<td>9.5</td>
<td>6.3</td>
<td>4.9</td>
<td>7.4</td>
</tr>
<tr>
<td>Elections</td>
<td>41.4</td>
<td>40.1</td>
<td>44.6</td>
<td>42.9</td>
</tr>
<tr>
<td>Criticism of the government</td>
<td>0.6</td>
<td>2.3</td>
<td>3.3</td>
<td>0.4</td>
</tr>
<tr>
<td>Fight against corruption</td>
<td>1.2</td>
<td>1.1</td>
<td>0.3</td>
<td>1.8</td>
</tr>
<tr>
<td>Privatisation</td>
<td>1.0</td>
<td>2.6</td>
<td>1.6</td>
<td>1.8</td>
</tr>
<tr>
<td>Post-election coalition</td>
<td>4.3</td>
<td>5.2</td>
<td>6.2</td>
<td>3.5</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>2.7</td>
<td>4.9</td>
<td>2.3</td>
<td>4.6</td>
</tr>
<tr>
<td>Vojvodina</td>
<td>0.6</td>
<td>1.7</td>
<td>0.7</td>
<td>0.7</td>
</tr>
<tr>
<td>Poverty</td>
<td>2.7</td>
<td>0.9</td>
<td>2.6</td>
<td>1.4</td>
</tr>
<tr>
<td>Minorities</td>
<td>0.6</td>
<td>1.7</td>
<td>0.3</td>
<td>0.7</td>
</tr>
<tr>
<td>Discussion with political oponents</td>
<td>3.9</td>
<td>3.7</td>
<td>6.5</td>
<td>2.5</td>
</tr>
<tr>
<td>Other</td>
<td>6.2</td>
<td>6.3</td>
<td>7.7</td>
<td>5.2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
<td><strong>100</strong></td>
<td><strong>100</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

\textsuperscript{281} Ibid., 59-72.
As shown in the table above, articles relevant to transitional justice represent less than one percent, and have been perceived as statistically irrelevant. According to Đapić, the most frequently-mentioned topics on these Internet portals include the following: elections (40.1 percent of all articles at Mondo Internet portal; 44.6 percent of all articles at Press Internet portal), economic development (11.7 percent, Press; 16.7 percent, Kurir), European integration (4.9 percent, Press; 9.5 percent, B92), and Kosovo (2.3 percent, Mondo; 5.2 percent, B92). Other topics, including the fight against crime and corruption, foreign policy, the future of Serbia, agriculture and poverty are covered in only 1 to 2 percent of all articles.\textsuperscript{282}

This distribution of topics is not surprising given that Serbia reached the status of a candidate for EU membership on 1 March 2012, just two months before the election. Also, the effect of the world economic crisis was still very strong, as it left 8.8 percent of the Serbian population below the poverty line.\textsuperscript{283} This represents a considerable increase in poverty compared to 2008, for instance, when the poverty rate was 6.1 percent. The increased importance of two other policy issues – EU accession and economic development – in conjunction with decreased citizen interest in dealing with the past, prevented the opportunity for redress for the victims, and this topic was not a priority for policy makers during the 2012 elections.

In summary, Serbian citizens in general feel like victims, and believe they should be recognised as such. They do not trust the international community, believing that it is Serbia’s responsibility to offer redress to Serbian victims. Serbian citizens are not involved in the creation of policies aimed at victims’ redress, but their sense of victimhood determines the depersonalised nature of the redress. Despite the widespread victimhood, the significance of redress policies for the Serbian population has decreased recently due to competing problems reaching the policy agenda, such as economic problems and independence for Kosovo. One exception to this decrease in interest are the families of the victims of the

\textsuperscript{282} Ibid., 69.
RTS bombing, who are still committed to redress for the victims, but their voices have not been heard well in the process of conceptualising this problem.

4.2. The policy stream – ‘primeval soup’ the Serbian way

The second structural element of public policy process, according to MSF, is the policy stream. As described in the previous section, in the problem stream, policy issues are generated and policy problems are defined. Within the policy stream, each of the defined policy problems acquires a corresponding policy solution. Sometimes one problem acquires many solutions, while at other times one solution aims to resolve a few problems. The different policy solutions create a so-called primeval soup where they lie in waiting to be noticed by policy enterprisers. MSF defines policy enterprisers as individuals who sell specific policy solutions on to decision makers, matching them up with particular policy problems. While the previous chapter explored who the Serbian policy makers are and identified very unclear lines between the policy makers, victims and perpetrators in Serbia, this section addresses how the policy makers develop specific policy solutions, and the different obstacles and opportunities they face while doing so. The research identifies a strong influence of: the international community over local policy formulation; the deficient budget for the victims’ redress; the lack of capacity and interest on the part of civil servants in engaging in the creation of policies aimed at the victims’ redress; and the absence of evaluation of previous victims’ redress initiatives. The following section will explain each of these in more detail, relying mainly on interviews with different policy makers, but also on desk analyses of different relevant documents including reports, legislation and previous surveys.

4.2.1. ‘We dance as they play’ and policy borrowing

During interviews with policy makers, I explored the criteria they use to select specific policy solutions for identified policy problems. I frequently got the response that policy solutions are set externally. According to most government actors, solutions are already set by the policies of other countries that have

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284 page 91-97 of this text
experienced the same situation and circumstances. In their opinion, Serbia does not have many other options other than to adopt a set of policies developed by the EU, because the majority of these activities represent a condition for accession to the EU. That is why Serbia had to cooperate with the ICTY, establish the office of the Public Prosecutor for War Crimes, and apologise for the atrocities committed.  

One respondent went as far as to claim that Serbs have been the victims of the international community, which is trying very hard to push Serbs ‘to dance as they play.’ In saying this, the respondent underlined that Serbian policy makers have no say in future steps for Serbia. According to him, the international community usually provides a blueprint for the next steps, and the only thing the Serbian Government can do is to follow them. The respondent defines the international community as the US State Department and different European Union bodies and institutions. He also highlighted the significant influence of Germany and its Chancellor Angela Merkel:

She [Merkel] comes once a year and tells us what to do as if we were kids. She tells us if we were naughty and punishes us if we were. We are victims of their [German] politics of conditioning.

Most policy creators see the influence of the international community as very strong, dominant and unconditional, whereas the minority understands this influence only as guidelines. For example, an employee of the Ministry of Culture emphasised that the EU only provides suggestions, and that there is no push for anything. In contrast, an employee of the central government said:

We do not have to think much. Basically, the only thing we need to do is to translate their [EU member states] policies and to try to ensure we do it on time [followed by laughter].

Similarly, another government representative stated:

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285 Interview with an economist from the Central Government, Belgrade, 7 June 2014.
286 Interview with a lawyer from the Ministry of Justice, Belgrade, 8 June 2012.
287 Interview with a lawyer from the Ministry of Justice, Belgrade, 8 June 2012.
288 Interview with a musicologist from the Ministry of Culture, Belgrade, 14 May 2012.
289 Interview with an economist from the Central Government, Belgrade, 7 June 2014.
We need to be capable to listen and to understand which policies the EU wants us to write and implement. Once we understand that, it is easy to make our policies... It has all been written already. We really need to be very stupid not to use already written policies. Inventing new policies would be as if we wanted to try to reinvent the wheel.\(^{290}\)

When asked which policies the international community would like Serbia to develop, respondents mentioned cooperation with ICTY, an apology for the Srebrenica genocide, and alignment of the local legal framework with international standards. With regard to the latter, almost all respondents referred to a resolution adopted in 2005 by the General Assembly of the United Nations aimed at addressing the question of remedies and reparation for victims of human rights violations. Section seven of this resolution deals with victims’ rights to remedies. According to Article 11 of the same section, remedies include victims’ rights to equal and effective access to justice, adequate, effective and prompt reparation for harm suffered, and access to relevant information concerning violations and reparation mechanisms. Defined in this way, remedies cover all forms of transitional justice discussed by different Serbian policy makers and local and international scholars. Article 18 lists different forms of reparations such as restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.\(^{291}\) Most policy makers I interviewed used this resolution as a guideline for what should be done in Serbia.

Additionally, policy makers responsible for processes of lustration in Serbia said that the Parliamentary Assembly of the Council of Europe adopted the resolution in 1996 to encourage former communist systems to deal with their totalitarian legacy. Paragraph 11 of the resolution refers to the:

> treatment of persons who did not commit any crimes that can be prosecuted in accordance with paragraph 7, but who nevertheless held high positions in the former totalitarian communist regimes and supported them.

This paragraph endorses lustration as a process aimed to:

\(^{290}\) Interview with an architect from the Central Government, Belgrade, 26 April 2012.

\(^{291}\) United Nations General Assembly, supra n 19.
exclude persons from exercising governmental power if they cannot be trusted to exercise it in compliance with democratic principles, as they have shown no commitment to, or belief in them, in the past and have no interest or motivation to make the transition to them now.\textsuperscript{292}

According to material gleaned from my interviews, this resolution was the main inspiration for drafting the law on lustration in Serbia.

Policy makers involved in this research made it clear that activities aimed at the victims’ redress have been driven by international conventions and requests, as well as by interest and allocation of funds by donors. Thus, Serbian policy makers create policies that fit with donors’ guidelines. In their opinion, there was not much opportunity for innovations.\textsuperscript{293} Policy makers stated that when it comes to acknowledgment of the victims, donors and the international community are most interested in the areas of disqualification of perpetrators through lustration and disclosure of truth through the truth commissions, and that this is why Serbia got a few commissions and the lustration law. On the other side, according to the respondent from the Ministry of Education, international donors working in Serbia do not recognise in their agendas the link between education and transitional justice. They do not advocate for the inclusion of the victims’ acknowledgment in education policy; thus this area has remained underdeveloped.\textsuperscript{294} According to according to an other respondent:

They all [international organisations] have their own mandates and areas of interest and unfortunately, lately, none of them have included acknowledgment of the victims into their agenda. This interest was higher six to seven years ago, but since then donors have withdrawn their interest and support.\textsuperscript{295}

The same respondent stated that even when there was interest, donors did not encourage the Serbian community to develop models for acknowledgment of the victims that would fit local needs and circumstances. Thus in Serbia,

\textsuperscript{292} Parliamentary Assembly of Council of Europe, ‘Resolution on Measures to Dismantle the Heritage of Former Communist Totalitarian Systems,’ Council of Europe (1996).
\textsuperscript{293} Interview with a sociologist from a not-for-profit organisation, Belgrade, 11 September 2012.
\textsuperscript{294} Interview with a psychologist from the Ministry of Education, Belgrade, 7 August 2012.
\textsuperscript{295} Interview with an architect from the Central Government, Belgrade, 26 April 2012.
satisfaction of the victims has been done in a traditional, well-known way, falling within the framework of transitional justice. This is the case not because policy makers think of transitional justice mechanisms as the most effective or appropriate, but because it is these mechanisms that receive encouragement and financial support.

This disconnection between locally-conceptualised policy problems and externally-supported policy solutions confirms the MSF hypothesis regarding separation between the problem and policy streams. Although it would be logical for policy makers to look for solutions appropriate to the local context, especially bearing in mind the Serbian scepticism about international support, they have not done so. Instead they have searched for solutions encouraged by international actors that have already been applied in other countries. While MSF suggests lack of time as the main reason behind looking for ready made solutions, this research shows that in Serbia, the reason is rather the lack of possibility due to the politics of conditioning of the EU. As shown, the respondents did not feel as if they had the option to develop policy solutions that did not align with those supported by the EU.

4.2.2. Lack of evaluation

One of the consequences of the externally-imposed or borrowed policy solutions described above is the lack of local evidence to underpin policy solutions. In addition, there is no evaluation of the effectiveness of the transitional justice measures implemented in Serbia, and there are no opportunities for learning from previous experience. This section shows that policy makers do not reflect on the effectiveness of victims’ redress policies. This is firstly because targets were not set by them, but by international actors, and they are often not very ambitious, and second, they see evaluation as just another way for international actors to criticise Serbian governments. Consequently, while my interview respondents expressed support for evaluation of practices aimed at victims’ redress, they did not agree about the questions to be posed in the evaluation process. Some considered it important that evaluations list all the various activities that have been implemented, while others believed that evaluation
should focus on impact, and on the level of satisfaction of the victims. According to a Serbian government document, evaluation is defined as an assessment of work performance (achievement of objectives in relation to expected results). The main evaluation questions are defined as whether the strategy, program or project have been implemented efficiently and effectively (according to the set indicators); whether the set objectives were relevant (of any importance); whether the expected impact has been achieved; and whether sustainability is ensured.\textsuperscript{296}

Policy makers agree that there is no clarity when it comes to the success of programs, policies and activities aimed at victims’ redress: ‘We do not know what exactly we want to achieve with these activities and that is why we do not know if some program has been successful.’\textsuperscript{297} The other respondent from the Ministry of Justice agreed, saying:

> Some people believe that we can measure our success by satisfaction of the victims. But it is naive. The victims will never be satisfied. It is better if we measure only activities that we are responsible for, not their impact. For example, we can say how many people we prosecuted or how many court trials we organised. We cannot be responsible for someone’s emotional situation.\textsuperscript{298}

On the contrary, a respondent from the Ministry of Social Welfare stated:

> We have to pay attention to the relevance of some activities we implement for the actual victims. Even if we do something well, if that does not bring support to the victims, it means it is all useless. That is why we have to communicate with the victims all the time. They actually need to tell us if we are doing something well.\textsuperscript{299}

\textsuperscript{296} Jelena Marković et al., ‘Obuka za praćenje, ocenu i izveštavanje u procesu planiranja i upravljanja planom u državnoj upravi u Srbiji – Priručnik za trenere/ice,’ Beograd: Vlada Republike Srbije (2008).

\textsuperscript{297} Interview with a lawyer from the Ministry of Justice, Belgrade, 9 June 2012.

\textsuperscript{298} Interview with a lawyer from the Ministry of Justice, Belgrade, 9 June 2012.

\textsuperscript{299} Interview with a social worker from the Ministry of Social Welfare and Employment, Belgrade, 4 April 2012.
As shown earlier, many scholars have written about the importance of evaluating transitional justice activities. Nevertheless, evaluations are mostly absent in Serbia, and if they are conducted, they are set externally, enforced by donors, and do not feed into future policy making. Often, policy makers do not even trust the results of evaluation, and find them irrelevant to future policy planning. Some respondents complained about externally-enforced evaluations and targets. Echoing the arguments of Orentlicher, King and Meernik about the importance of targets being locally set, one respondent stressed that the success of the Ministry’s work has often been measured against indicators unrealistically set by outsiders. According to this respondent, these outsiders are often from the international community, and have not been ‘in touch with the reality of Serbia.’ Similarly, the lawyer from the Ministry of Justice underlined that his Ministry does not need evaluation because he ‘does not need someone with no local knowledge and experience to come and tell him what he was supposed to do.’

A social worker from the Ministry of Social Welfare said:

I am not interested to hear that we could do more and that Croatia or Montenegro is doing better than us. I wish to know if we did our best bearing in mind our capacities and budget. I do not care that the main priority of the EU is readmission. It is not our priority and I would say that

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302 Interview with a social worker from the Ministry of Social Welfare and Employment, Belgrade, 4 April 2012.

303 Interview with a lawyer from the Ministry of Justice, Belgrade, 9 June 2012.
we were effective if the citizens of Serbia live better than one or two years ago.\textsuperscript{304}

When we discussed different practices around victims’ redress, the same respondent told me that from her perspective, the most important thing is that the victims should feel at least partially acknowledged and reimbursed:

    The EU would be the happiest if a public opinion poll showed that all Serbs believe that only Serbia was guilty for all the wars in the Balkans. Or if Serbia had pride parade every month. But in reality, it is not an indication of increased tolerance or the fact that Serbs came to terms with past. It is only an indication of hungry people ready to do and say whatever they were supposed to in order to get some more money.\textsuperscript{305}

Another respondent maintained that the EU sent out teams of evaluators to check whether all Serbian regulations and laws are aligned with theirs. According to him, alignment with EU regulations is not relevant at all:

    If everything is aligned they say bravo, you have done a good job. As if people will be fed by regulations. And they do not care that the unemployment rate has reached historical maximum lately.\textsuperscript{306}

In addition, according to two policy makers I talked to, practice and regulation differ in Serbia. One stated: ‘So what if we have some regulations?! Does it mean that we use them? That is an important question.’\textsuperscript{307} Similarly, drawing on Nettelfield’s work, Orentlicher argues that in many cases, evaluation should not be done based on the policy statements that were made at the time when the International Criminal Tribunal for the Former Yugoslavia was established, because policy rhetoric and real practice differ.

As shown, although developed locally, policy solutions aimed at victims’ redress are not locally driven, and not evidence based. This is because of international

\textsuperscript{304} Interview with a social worker from the Ministry of Social Welfare and Employment, Belgrade, 4 April 2012.
\textsuperscript{305} Interview with a social worker from the Ministry of Social Welfare and Employment, Belgrade, 4 April 2012.
\textsuperscript{306} Interview with an economist from the Central Government, Belgrade, 7 June 2014.
\textsuperscript{307} Interview with an economist from the Central Government, Belgrade, 7 June 2014.
dominance and the lack of evaluation of, and learning from, implemented policies.

4.2.3. No resources, no redress

In addition to the lack of autonomy and evidence in the creation of policies aimed at the victims’ redress, some of my respondents considered another obstacle to be financial problems and lack of funds available to put towards a process of acknowledging victims. In the opinion of one:

Whatever you need to do, you need money and Serbian budget is smaller and smaller and there is no such a budget line as a line for the victims’ acknowledgment.\textsuperscript{308}

My respondent believes that bearing in mind the Ministry of Culture should be responsible for a good part of the activities aimed at victims’ redress, the Ministry’s lack of budget presents an important problem, and this can significantly contribute to the lack of redress. Similarly, a representative of the Ministry of Culture said: ‘We do need money for monuments. Also, if the RTS building needs to be preserved as it is, it costs money. And we do not have money.’\textsuperscript{309}

Apart from lack of funding one respondent from the central government expressed the opinion that ministers and their closest associates often do not have vision when it comes to the acknowledgment of victims. She said that the sector for the protection of cultural heritage is responsible for museums, but that it basically serves ‘as an ATM for museums.’\textsuperscript{310} This respondent pointed out that the Ministry transfers money to museums, but does not participate in planning their future steps and strategies. As she said, museums often think that the Ministry does nothing; there is no real interest, vision and capacity within the Ministry to plan the policy of remembering and commemorations.\textsuperscript{311}

Respondents expressed that public servants lack the capacity to plan and include stakeholders, and are also unable to evaluate their activities. In addition,\textsuperscript{308}

\textsuperscript{308} Interview with an economist from the Central Government, Belgrade, 7 June 2014.
\textsuperscript{309} Interview with a musicologist from the Ministry of Culture, Belgrade, 14 May 2012.
\textsuperscript{310} Interview with an architect from the Central Government, Belgrade, 26 April 2012.
\textsuperscript{311} Interview with an architect from the Central Government, Belgrade, 26 April 2012.
the highest officials from the Ministries do not have time to actively participate in planning, which causes problems at the level of implementation.

Policy makers also highlighted problems in Serbia concerning the documentation of facts. For example, a general from the Ministry of Defence talked about state leadership’s lack of understanding of the importance of military archives:

They do not care about archives and think the archives are expensive. Well, for them [state management] archives are expensive because they do not use them at all. Why would they use them when they do not need to know history? (Laughter) They simply create the history they wish to have (laughter again).  

Therefore, as one of the most prominent Serbian historians Dubravka Stojanović stated, in Serbia, the past is more unpredictable than the future. Similarly, a professor I interviewed said that the statements and work of most experts do not contain integrity because they are corrupt. The same respondent also highlighted that there are only a few experts with credibility, but they only have the authority ‘to say something, not to do something because they do not have the power.’ She further stressed the elitist nature of those experts’ audience: ‘Everything they say stays in the circle of Peščanik [radio program].’ The outlets through which they publish their thoughts are not read by the general public, according to this respondent. This adds another aspect to the lack of resources that was stressed by my respondents – that of a lack of credibility and critical thinking in the issue of victims’ redress.

The lack of financial and human resources noted above, in addition to external pressure and uncritical policy borrowing from other countries, has led to the development and formulation of policy solutions that are not evidence based and not necessarily linked to the problems identified.

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312 Interview with a military representative from the Ministry of Defence, Belgrade, 6 May 2012.
313 Interview with a professor of law, Belgrade, 27 August 2012.
4.3. The politics stream

Finally, this chapter analyses MSF’s third stream of public policy, the politics stream. This stream encompasses different political and electoral systems, political parties, ideologies and interests, and the ways they influence the creation of public policy. To analyse the politics stream of Serbian victims’ redress policy, in addition to interviews with different politicians, former and current government officials and policy makers, I analysed speeches made by Serbian prime ministers and members of parliament, as well as a number of documents, news and press releases published by the Serbian government in the period from 2000 to 2016. To enable a better general understanding of the politics stream, a description will first be provided of the basics of the Serbian political system.

The political arrangement of Serbia has been regulated by the fifth section of its constitution. According to the current constitution, which was adopted in 2006, the Serbian government has supreme executive power.\textsuperscript{314} It implements laws, creates policies and leads the country. Citizens vote for election lists that must be submitted by individuals, associations of citizens and/or political parties. The lists contain up to 250 names, and every third one must be female. Each list is required to be supported by a minimum of 10,000 citizens’ signatures. Executive powers also include a presidential function. The citizens choose a president in direct elections. The president’s role is mostly ceremonial. He/she proposes a nominee for prime minister to the assembly, and represents Serbia nationally and internationally.

Following World War II, and after a long domination by a single-party communist and socialist system, the first multiparty elections were held in 1990. In December that year, Slobodan Milošević won the election with a significant majority, and started the decade of his governance. When the multiparty system began, Serbia had almost 600 registered political parties, but nowadays this number has substantially dropped. In 2012, for

\textsuperscript{314} Narodna Skupština Republike Srbije, supra n 164.
example, 45 political parties were represented in parliament. Since 2000, when Milošević and his associates in the Socialist Party of Serbia were removed from power, Serbia has had seven governments, seven prime ministers, four acting presidents and two presidents.

At the presidential elections of the 24 September 2000, Milošević was overthrown by the United Democratic Opposition candidate, Dr Vojislav Koštunica, who won slightly over 50 percent of votes. In the same year, at the parliamentary elections, the United Democratic Opposition won almost two-thirds of the parliamentary votes, and Dr Zoran Đinđić from the Democratic Party became prime minister. Between that time and 2014, no single political party won the majority in elections.

All governments since then have been post-election coalitions led by political parties that did not win the highest number of seats in parliament. For example, in the 2003 elections, the Serbian Radical Party had the highest number of seats – 82 (based on 27.6 percent of the total votes). Despite this result, the government was formed by a coalition of those political parties that were placed second, fourth and fifth in terms of numbers of votes. The Democratic Party of Serbia, which had won the second-highest number of seats (53), and for which 17.7 percent had voted, appointed Prime Minister Koštunica. In the 2008 election, the government was formed by a pre-election coalition led by the Democratic Party and the Socialist Party of Serbia. This was a big comeback for Milošević’s political party, less than a decade since it lost power. The Socialist Party of Serbia also stayed in the government through the next three elections held in May 2012, March 2014 and April 2016. In 2012, the Socialist Party of Serbia made a new Coalition, this time with the Serbian Progressive Party, and in return for this gesture, was able to name the Prime Minister – Ivica Dačić. This is how Milošević’s former spokesman became the Prime Minister in post-Milošević Serbia. The elections of 16 March 2014 were held two years early because of ongoing friction between the Serbian Progressive Party – the strongest party in the parliament – and the Socialist Party of Serbia, which provided the Prime Minister after the 2012 elections. The Serbian Progressive Party won 158 out of 250 seats in the assembly, the first time a single party had
won the majority in parliament since Milošević’s era. The Socialist Party of Serbia won 13.49 percent and 44 seats, while many opposition parties found themselves below the 5 percent threshold. The Progressive Party formed government with its leader Aleksandar Vučić as prime minister, and the leader of the Socialist Party of Serbia became deputy prime minister.\footnote{Republička izborna komisija, ‘Arhiva,’ Republička izborna komisija, \url{http://www.rik.parlament.gov.rs/arhiva.php} (accessed 3 July 2016).}

After the 2014 elections, new elections were due in early 2018. However, the Serbian Prime Minister Aleksandar Vučić decided to hold them much earlier, claiming that Serbia needed four more years of stability to do everything necessary to join the EU. According to some of my respondents, he wanted to capitalise on his high popularity and to enhance his majority in parliament. The elections were held on 24 April 2016. The Serbian Progressive Party, led by Prime Minister Vučić, won 131 of the 250 seats. Although it was still a majority, Serbia’s leading political party lost about 20 seats to different opposition parties. In contrast with the previous elections, seven opposition parties passed the 5 percent threshold, so the membership of parliament was diversified.\footnote{Ibid.}

During the last decade, all political parties have faced inter-party conflict. For example, the Liberal Democratic Party was formed in 2004, when its president Čedomir Jovanović was expelled from the Democratic Party. In 2008, the Serbian Radical Party faced similar problems, and in October that year split into two main factions: the Serbian Radical Party led by Dr Vojislav Šešelj and the Serbian Progressive Party led by Tomislav Nikolić and Aleksandar Vučić. In terms of their political programs and vision, parties such as the Serbian Radical Party, Dveri and the Democratic Party of Serbia are firmly in the centre of the right wing, while the Liberal Democratic Party is left wing. All other political parties, despite their declared pro-EU, pro-Unions, nationalistic and/or socio-democratic orientation, alter their statements, ideas and ideologies during election campaigns in order to win the majority of votes and to satisfy requests from the EU.

The high instability of governments and discontinuity of policies are significant characteristics of Serbian politics. From 2000 to 2016, Serbia had seven...
different governments, with none lasting a full term. Between 2000 and 2016, almost all political parties have been in power. I interviewed politicians and bureaucrats from all post-Milošević governments, and without exception, they agreed that the RTS workers are victims, and that their families should be compensated for their suffering. They do not, however, mention the victims’ of the NATO bombing and their redress in their official public speeches; nor are they referred to in any meeting documentation.\footnote{Based on my analyses of official speeches posted on the official website of the Government of Serbia (Vlada Republike Srbije, ‘Pretraživanje’, (2000 - 2016) http://www.srbija.gov.rs/ (accessed 18 September 2016).}

When government officials do refer to victims in their speeches, they do not mention the victims of the 1990s or the perpetrators. For example, in his 2003 inaugural speech, Prime Minister Vojislav Koštunica mentioned minorities living in Serbia who had been the victims in the past: National minorities are witnesses of the history of southeast Europe and, often, have been victims themselves.\footnote{Vojislav Koštunica, ‘Ekspoze,’ Balkan Investigative Reporting Network, (2003), http://www.meravlade.rs/wp-content/uploads/2014/04/Vojislav-Ko%C5%A1tunica-1.pdf (accessed 19 July 2017).} This is the only explicit reference to victims in his inaugural speech. He only referred indirectly to vulnerable groups as the ones who had experienced injustice. In this list he included the following vulnerable groups: a diaspora who lost property in Serbia as a consequence of unfair nationalisation, and later on, privatisation; political dissidents unjustly charged by Slobodan Milošević’s regime; Serbs from Kosovo who do not have the basic human right to follow their chosen religion; and people affected by operation ‘Storm’\footnote{Serbs refer to this operation as an ethnic cleansing, while Croats celebrate it every year as the beginning of Croatian independence.} in Croatia (more than 700,000 refugees). He made no mention of the victims of the NATO bombing, or of the RTS employees killed during the bombing.

Five years later, Prime Minister Cvetković gave a very similar speech, underlining slightly different state priorities, with no explicit reference to the victims or to specific vulnerable groups.\footnote{Mirko Cvetković, ‘Ekspoze,’ Balkan Investigative Reporting Network, (2008), http://www.meravlade.rs/wp-content/uploads/2014/04/Mirko-Cvetkovi%C4%87.pdf (accessed 19 July 2017).} Similarly, Cvetković spoke of the victims only once, this time in the context of ICTY. He highlighted Serbia’s efforts to cooperate with the Tribunal, and to ensure that Serbian victims were
also taken into consideration. He stated that ‘no victim is less important or worthy.’ In this way, he tackled the widespread feeling in Serbia (described above) that while Serbs are blamed for Bosnian and Croatian victims, Bosnians and Croats are not prosecuted for their victimisation of Serbs. He made no reference to the victims of the NATO bombing. Aleksandar Vučić, prime minister from 2014 to 2016, said nothing about the victims in his inauguration speeches in 2014 and 2016. Past issues were referred to in his inaugural speech in 2014 when he said that Serbia needed to turn to the future and stop debating the past: ‘Instead of mirrors to help us looking back we have to use binoculars.’ As Eric Gordy argues, this kind of push to move forward can be interpreted as a form of denial of past atrocities, and as a way to avoid facing the past.

Speeches by members of parliament provide a very similar picture. For instance, in parliamentary sessions held during the election campaign in the period from 1 January 2012 to 1 June 2012, only one member of parliament referred to the victims. Nikola Šarović from the Serbian Radical Party criticised the Srebrenica declaration in his speech in February 2012. He stated that by adopting the Srebrenica declaration, Serbia was acknowledging only the victims of Srebrenica, though there were many more Serbian victims. No representative addressed the issue of the victims and their redress in the last three months before the 2012 elections. This confirms the hypothesis alluded to earlier, that competing policy problems preoccupied policy makers during the 2012 elections.

In 2011, however, the issue of victimisation was raised in discussions much more often. An analysis of transcripts revealed a significant number of

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322 Eric Gordy, supra n 24.
323 Centar za istraživanje, transparentnost i odgovornost, Otvoreni Parlament. Speeches of members of parliament were searched and then analysed using search options from online database Otvoreni Parlament, ‘Pretraživanje’, http://www.otvoreniparlament.rs/ (accessed 19 July 2017).
325 Page 115 -118 of this thesis.
references to victims in the context of transitional justice. Government representatives avoided discussion about the victims of the 1990s, while opposition representatives actively elaborated on this issue. Some of my respondents suggested that the reason for this is that the opposition was not under the constant pressure of the international community for regional cooperation and collaboration, so they could play 'naming and shaming' without consequences. Conversely, government representatives avoided identification of prosecutors and discussion about victims in general. On that note, one respondent, a sociologist from the central government, said:

While the government always had to listen with one ear what citizens want and with the other what the EU wants, the opposition did not have to worry about this balance. They simply addressed issues future voters wanted to hear, hoping that it would help them to be in the next government.

Opposition party representatives criticised the government mainly for its attitude toward the victims. According to Bojan Mladenović from the Serbian Radical Party (22 February 2011), the Serbian government ignored the NATO atrocity and the 2000 victims of the NATO bombing in Serbia. During the same session, a representative of the Liberal Democratic Party, Zoran Ostojić, argued that the government treats the issue of Serbian victims as classified information, and said that the fact that Serbia does not know the exact number of victims has been used in various manipulatory ways. In the session on 14 March 2011, Srđan Milivojević also underlined that there were victims on all sides of the war, and explicitly mentioned Serbian victims in Bratunac. In the session on 8 March 2011, Mirko Čikiriz from the Serbian Resistance Movement (SPO) stressed that Serbia had still not punished the individuals responsible for fatalities committed during the 1991 demonstrations organised by the SPO. Boris Aleksić from the Serbian Radical Party (16 March 2011) confronted the international community and the ICTY, who, according to him, prefer to see Serbs as perpetrators and all other nations as victims. He further blamed the Serbian government for accepting this. In his opinion, Serbia was pressured by the EU to cooperate with the ICTY. In the same session, Riza Halimi, a representative of the national
minority political party, emphasised the importance of equal treatment of Albanian victims.

Members of parliament from the governing political parties spoke about victims only in response to their colleagues in the opposition. For example, in response to Zoran Ostojić’s accusation regarding information about victims being hidden, Minister of Defence Šutanovac said that no victim’s name was hidden, and that they have done everything they could to be transparent in this regard. His words were backed up by Prime Minister Cvetković’s speech (mentioned above), in which he focused on victims of other nationalities, and on the responsibility of Serbia towards all victims, regardless of their ethnicity and gender.

Members of parliament speak only on behalf of those that their political parties consider as victims. For example, the Serbian Resistance Movement advocates for people killed in protests against Slobodan Milošević, and for their members killed on the Ibar Highway (Ibarska magistrala). The Democratic Party focuses on victims of atrocities in the Former Yugoslavia, while the representatives of the Albanian party emphasise the interests of Albanian victims in Kosovo. They all agree, however, that the government has neglected victims. In the opinion of the more right-wing political parties, this is due to a world trend of blaming Serbs for everything. The left-wing parties believe this is due to the lack of lustration in Serbia, and to cohabitation with the perpetrators of Slobodan Milošević’s regime.

Independent member of parliament Zoran Ostojić referred to the RTS employees who died in the NATO bombing in a session held on 11 February 2013. He highlighted the problem of lack of transparency regarding the number of people who died, as well the absence of examination of the political background of the failure to evacuate the RTS building:

I think it really does not speak well of our country that on every anniversary of the NATO bombing on March 23, ‘Tanjug’ [News agency] says that the NATO killed between a thousand and two and a half thousand people. No one knows the exact number although the exact number exists, it is known and it was recorded. There is an evidence of
every soldier and every civilian who was killed during the NATO campaign. We do know exactly how many soldiers were killed, how many police officers were killed, how many civilians were killed. After 13 years, I think it was about time that this data were brought to light so that we can all see exactly how and where the sacrifices were made.

In Ostojić’s opinion, the number of people killed should not be the state secret it is currently. He thinks that some murders, such as those of the 16 RTS employees, Dada Vujasinović, Slavko Ćuruvija and Milan Pantić, would be solved if the government were to open its secret archives. He added:

Some people who were killed in the RTS building also deserve, or their families deserve to understand, to find out why these people were in the building at that moment.

According to Ostojić, Milanović was not the only one responsible. However, his speech did not lead to any further discussion. This was the only moment when the issue of the killed RTS employees was explicitly mentioned in the Serbian parliament.

Most respondents felt that the Government officials, both elected officials and the administration, intentionally avoided talking about the victims and perpetrators. For instance, an economist from the Central Government had the following to say:

It would be hard to name refugees as victims without identifying whose victims they were. For instance, refugees are victims of Croats or of the international community, or of the Serbian foreign policy. I did not want to conflict with anyone by declaring any of these three as perpetrators or human rights violators. It is just easier not to mention victims.327

As my respondent said, sometimes diplomacy carries the requirement not to acknowledge victims so as to avoid conflict with perpetrators who might also be potential partners. The other respondent similarly remarked that ‘It would be a

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327 Interview with an economist from the Central Government, Belgrade, 7 June 2014.
political suicide to declare that Serbs themselves were responsible for what has happened to them.\textsuperscript{328}

Nevertheless, although politicians did not mention RTS victims in their public speeches, in their conversations with me, they all acknowledged the issue of victimisation without being prompted, and all thought that the victims’ families should be redressed. They also believed that a lot had already been done in this regard. As a psychologist from the central government said:

> When it comes to the bombing of the Radio Television of Serbia building, the state usually observes beginning of the NATO bombing through different TV shows, speeches and articles. The very 23 April is observed by the families of the victims. And this is exactly how it should be.\textsuperscript{329}

Respondents agreed that commemorations, as well as apologies, have been very important at the symbolic level of reparation, because they acknowledge victims’ suffering. An economist from the central government noted that ‘It is important that we show to victims’ families that we understand their pain. That is why we go to put flowers on the graves of victims.’\textsuperscript{330} He also pointed out that the way commemorations and material reparations are managed in Serbia acknowledges victimisation, but does not identify the perpetrators: ‘It seems that Serbia is not ready yet to acknowledge responsibility of the government for the lack of evacuation.’\textsuperscript{331}

Many other respondents also addressed the issue of partial redress. They identified two reasons for the lack of full redress. The first is the lack of political will to acknowledge victimisation from the 1990s, due to the complicity of policy makers in former regimes. The second reason is that political affiliations have taken precedence over strategic policy. As one of my respondents noted:

> A political party membership has been more important and more relevant than any other group or individual affiliation in decision-making process in

\textsuperscript{328} Interview with a graduate of political science from the Ministry of Foreign Affairs, Belgrade, 12 September 2012.  
\textsuperscript{329} Interview with a psychologist from the Central Government, Belgrade, 18 March 2012.  
\textsuperscript{330} Interview with an economist from the Central Government, Belgrade, 7 June 2014.  
\textsuperscript{331} Interview with an economist from the Central Government, Belgrade, 7 June 2014.
Serbia. A political party is above the state, above the constitutions and above all of us.\textsuperscript{332}

The various interests of different political parties influence implementation of transitional justice policies. For example, one respondent stated the following:

Mr Zoran Đinđić [PM in the period 2000-2003] had done a lot in the short period. He delivered Slobodan Milošević to the Court. But he was killed by the self-called group “Stop to The Hague” [referring to the ICTY]. Since he was killed, very little has been done.

Most respondents acknowledged the efforts of President Tadić:

For example, he [Tadić] pushed for the declaration on Srebrenica that was positive but, unfortunately, an incomplete step. When Hadžić was arrested, Tadić also positively said that the dark pages of Serbian history were opened. Unfortunately, those positive steps were not followed by reforms of the institutions because of the cohabitation with the Socialist Party of Serbia.\textsuperscript{333}

Respondents agreed that political affiliation and political correctness are considered far more important than written policy in the process of policy creation in Serbia. Many respondents noted that due to the lack of discontinuity of the new governments with Slobodan Milošević’s regime, some of Milošević’s former party colleagues and close associates became the main players of post-Milošević Serbia. For example, in 2012, Aleksandar Vučić, minister of information when Slobodan Milošević was in power, and during the NATO bombing, became the first deputy prime minister of Serbia and the minister of defence. In April 2014, he became prime minister of Serbia, and still holds the position.

This lack of discontinuity with Slobodan Milošević’s regime and the lack of continuity of policy reforms, in combination with the assassination of Serbian Prime Minister Zoran Đinđić and the high turnover of government officials, marked the post-Milošević era of Serbian politics.

\textsuperscript{332} Interview with a historian from the Ministry of Education, Belgrade, 17 April 2012.\textsuperscript{333} Interview with a lawyer from a not-for-profit organisation, Belgrade, 18 September 2012.
4.4. Conclusion

In this chapter, MSF was applied to Serbian victims’ redress policy, and the different streams of these policies were explored to unwrap the process of policy making. Within the problem stream, widespread Serbian victimhood was identified, as were the lack of public discussion about the means of victims’ redress and the general dearth of citizens’ participation in policy making. Analyses of the problem stream revealed Serbian scepticism about the possibility of external support, and the belief that the international community dislikes them. Statistics and analyses of the election campaign have demonstrated that victims’ redress was neither a priority for politicians during the campaign, nor for citizens when deciding for whom they would vote.

Analyses of the policy stream of policies aimed at victims’ redress showed a high level of diversity among policy makers, including representatives of different local and international, government and non-government institutions. They all have in common a few characteristics: the strong influence of the international community, a lack of human and material resources, and the inability to learn from the previous period. Finally, the politics stream was identified as the most dominant, and is characterised by the continuity with Milošević’s regime. The next chapter explores whether and how each of these identified issues influence the formation and implementation of policies aimed at victims’ redress.
5. Policy windows/coupling of streams

Policies aimed at victims’ redress were implemented to varying extents between 2000 and 2016. This chapter analyses how different streams of Serbian public policy came together to create a positive environment in which some policies could be implemented. It also identifies the situation in which some streams obstructed the formation or implementation of some policies. This chapter draws on analyses of the separate streams in the previous chapter and explores the interaction between streams. This is then exemplified with various legal, material and symbolic redresses available to the families of the victims of the NATO bombing of the RTS.

The activities implemented to acknowledge the victimisation of the 16 RTS employees killed in the NATO bombing were concentrated at the beginning and end of the period 2000 to 2016. Responses to the deaths of the 16 RTS employees were intensive from 2000 to 2003; just after Milošević was forced to step down in 2000. Families of the victims received material reparation in 2000. In 2001, the president established a truth commission; former RTS Director Milanović was accused of failure to evacuate; the victims’ families built the Monument ‘Why’; and Janko Baljak made the film Anatomy of Pain. In 2002, Milanović was sentenced to 10 years in prison, while in 2003, the parliament passed the lustration law. After the election in 2003, the creation and implementation of policies aimed at redress slowed down and some completely ceased. The lustration law was never implemented and the truth commission never recommenced its work. Redress was put aside until 2011 when RECOM was established and the RTS apologised for spreading propaganda during Milošević’s time. This new wave of transitional justice activities was followed by the erection of the Savski Square monument in 2012, the establishment of the Commission for Exploration of the Murder of Journalists in Serbia in 2013, and the call in 2013 for ideas and designs for a new monument to commemorate the RTS employees.
From this timeline, it is obvious that the process decelerated after 2003, and intensified again after 2012. Serbian Prime Minister Zoran Đinđić was assassinated in March 2003, and research has identified a connection between his death and the deceleration of redress. Zoran Đinđić was in favour of transitional justice policies, and often reinforced the importance of facing Serbia’s autocratic and nationalistic past. During the period of his governance from 2001 to 2003, he was committed to establishing and supporting transitional justice institutions. In June 2001, he approved the process of Slobodan Milošević’s extradition to The Hague Tribunal, despite the lack of consensus within Serbia. To him, Serbia would not be able to move on as long as Milošević would not take responsibility for war crimes. Commenting on Milošević’s extradition, Đinđić stated the following:

This is the first time that Serbia did not do something when it was too late and without an external push. We extradited Milošević because we estimated that it was only reasonable and useful for Serbia.\(^{335}\)

Đindić added that although Serbia did not promise Milošević’s extradition to the international community, it did commit to full cooperation with The Hague Tribunal, and Milošević’s transfer to The Hague should be seen in that light. He argued that there should be no need for discussion about cooperation with The Hague, because when Serbia signed the UN declaration, it made a decision to cooperate, and no local resistance to cooperation with The Hague should problematise the issue.\(^{336}\)

Đindić channelled Serbian transition, but he did not have the support of the military elite, or of the then President of Serbia, Vojislav Koštunica. They were against cooperation with the international community and were keen on delaying the extradition of the Serbian war crime convicts. In November 2001, special forces of the Serbian Army protested publicly against cooperation with The Hague, and this was supported by President Koštunica.\(^{337}\) Although Đindić managed to negotiate these particular protests, he was aware that he was putting himself at risk with his official policy on the issue of cooperation with The Hague.\(^{338}\) He decided to continue, however, and consequently was assassinated by the same group on 12 March 2003.

Đindić’s execution was preceded by a failed attempt on 21 February 2003, which took place near Arena Hall on the highway from Belgrade to Zagreb. Members of the special operations unit were responsible for this attempt and for the actual assassination. Zvezdan Jovanović, a member of the special operations unit, carried out the assassination from the office on the second floor of the Institute for Photogrammetry located opposite the government building.

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338 See Sonja Biserko, supra n 336 at 247.
Aleksandar Simović and Ninoslav Konstantinović were with Jovanović, while Srećko Kalinić, Mile Luković, Vladimir Milisavljević and Milan Jurišić waited for them in front of the building. Three years later, Milorad Luković and Zvezdan Jovanović were sentenced to 40 years in prison, and Miloš Simović and Srećko Kalinić to 30 years, while the people who ordered the assassination have not yet been identified.

The witnesses, judges, medical and ballistics experts and others involved in the process experienced enormous pressure during the trials. According to many, the truth has never been discovered, nor any information about where the shooter was positioned, and who ordered the assassination and why. The prosecutors focused on operational details and revealed these to the public, but never investigated the ‘structure of conspiracy that brought the killing about.’

After Đindić, transitional justice processes in Serbia slowed down significantly, and as many agree, a lot of people in Serbia never had the commitment or political will to face the past and continue with reforms. This political attitude towards transitional justice in Serbia has been followed by the withdrawal of international support for transitional justice projects and processes, other than cooperation with The Hague. My respondents from not-for-profit organisations suggest that while there was a lot of support from international donors for projects aimed at facing the past in the first years of the decade beginning in 2000, this interest significantly decreased in the second half of the decade. With the exception of cooperation with the ICTY, international donors had no interest in providing further support to Serbian policy makers with the processes involved in the victims’ redress. This decline in international interest can be partially explained by the lack of openness regarding transitional justice projects on the part of the new government. Donor organisations did not want to jeopardise their positions in Serbia by directly opposing government interests, so decided to invest in equally pressing but less controversial areas of support.

340 Eric Gordy, supra n 24 at 87.
such as poverty reduction and civil society development. In this regard, a manager from an international not-for-profit organisation had this to say:

We [an international organisation the respondent is working for] still believe that Serbia is yet to face the past but if we push too hard they [the government of Serbia] can kick us out. It is better to prioritise the projects that we have common interest in.\(^{341}\)

A project officer from another international organisation offered another reason for such a decrease in support for transitional justice in Serbia. She said that her organisation decided to allocate less money to Serbia because of a global shift by her organisation to new geographical areas. The conflicts in Iraq and Darfur started in 2003, and therefore ‘Serbia lost its momentum.’\(^{342}\) International donors decreased their funding for projects aimed at victims’ redress in Serbia because of a lack of political will for cooperation and a geographical shift in international attention. Bearing in mind how important the international community agenda has been for local public policy, it is not surprising that activities aimed at victims’ redress almost vanished from the public policy agenda in the aftermath of Đindić’s assassination. Finally, the Serbian public was not keen on taking responsibility for the atrocities committed on their behalf; therefore, they were mostly tolerant towards the deceleration of Serbian transitional justice reforms.

The process of redress for the victims of the NATO bombing of the RTS building again intensified after the 2012 elections. First, the commission for investigating the murder of journalists in Serbia in the 1990s was established in 2013 to further explore the political background to the deaths of journalists in Serbia.\(^{343}\) The second relevant initiative was enacted by the city government. In early 2013, it decided to build a memorial to the RTS employees killed in the NATO bombing within the ruins of the RTS building.

\(^{341}\) Interview with an engineer from an international not-for-profit organisation, Belgrade, 11 May 2012.
\(^{342}\) Interview with a psychologist from an international not-for-profit organisation, Belgrade, 4 August 2012.
\(^{343}\) In addition to the RTS workers, this commission investigates the murder cases of Slavko Ćuruvija, Dada Vujasinović, Milan Pantić, all of which are still unsolved.
The third important initiative for victims’ redress was the submission of the draft law on the rights of veterans, disabled veterans, civil war invalids and their family members. In 2014, the Ministry of Labour, Employment, Veteran and Social Affairs prepared and submitted this new law to the parliament for adoption.\textsuperscript{344} Once again, the new law combined civilian and military war victims, and while it did improve the coverage of the military victims of the war, it did not improve the status of the civilian victims. Because of this latter situation, civil society actively argued that this law should be withdrawn.\textsuperscript{345}

Victims’ and civil society organisations wrote to the Prime Minister Aleksandar Vučić requesting the Ministry to withdraw the draft law, because more than 15,000 people – the families of missing persons, victims who were killed by force in the territory of other countries, and victims of sexual abuse and torture suffering from mental illnesses – would be left without government support if this law were adopted. Sima Spasić, representative of the association of families of people kidnapped and killed in Kosovo, told the daily newspaper Danas that this draft law was not an improvement on the 1996 law, because it did not provide better conditions for civilian casualties. He also emphasised the lack of consultation with the victims and their associations:

\begin{quote}

It is not fair, not fair. How is it possible that the draft law is for 15 days in the parliamentary procedure and that both the opposition and the government are familiar with it, but no one had talked to the representatives of victims’ families and presidents of associations?\textsuperscript{346}
\end{quote}

The Humanitarian Law Centre stated that the authors of the draft law created it with the sole motive of improving the status and rights of veterans, war invalids and families of fallen soldiers. According to them, the rights, needs and international standards regarding the protection of civilian war victims was


\textsuperscript{345} Supra n 13.

completely neglected. Also, Zibija Šarenkapić, from the Novi Pazar Cultural Centre DamaD, complained about the exclusion of civil society from the process of drafting law. She told Danas that Minister Aleksandar Vulin completely ignored everything that had been achieved regarding cooperation between civil society and the government in the last decade.

Of the opposition parties, only the Liberal Democratic Party (LDP) criticised the law, because it neglected and discriminated against civilian victims, families of victims, victims of sexual violence and victims suffering from psychological effects and physical injuries. Additionally, the draft law faced a lot of international criticism because it did not comply with Chapters 19 and 23 of the EU acquis. The Human Rights Subcommittee of the UN Committee against Torture and the UN Human Rights Commissioner of the Council of Europe pointed out that the draft law was contrary to international standards on the protection of victims of human rights violations, which are made clear in numerous UN and Council of Europe documents. The draft law was subsequently withdrawn from parliament because of all this criticism.

The Humanitarian Law Centre and CUPS prepared a new model law on civilian victims of human rights violations committed during, and in connection with, armed conflicts in the period 1991–2001. This aims to specify better protection for civilians. It was presented in 2015, but has not yet reached parliament.

Nils Muižnieks, the Council of Europe’s Commissioner for Human Rights, has recently complained that Serbia has still not enabled civilian victims of the wars to receive reparation. Minister Aleksandar Vulin explained that there was a new draft law that took into consideration all complaints of civil society as well as examples from other EU countries, especially countries in the region. In his letter to Muižnieks, Vulin wrote that the new draft law would significantly

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347 Their complaints were supported by the Coalition against Discrimination, consisting of: CUPS, CHRIS - Network of the Committees for Human Rights, Civil Rights Defenders, Gayten LGBT, Labris - Organisation for Lesbian Human Rights, Praxis, Regional Centre for Minorities, Association of Students with Disabilities, Youth Initiative for Human Rights; Independent Journalists’ Association of Vojvodina, Sandžak Committee for the Protection of Human Rights and Freedoms.
348 supra n 346.
349 supra n 346.
350 supra n 346.
351 supra n. 346.
improve the status of war veterans and war victims but it has not yet been submitted to the Serbian government. Vulin did not specify a time by which this new law should reach the level of parliamentary procedure. He said it would happen as soon as ‘the law has complied with all legal procedures.’ When asked what that actually meant, he chose not to explain.\textsuperscript{352}

The principal – and according to some of my respondents, the only – political actor in Serbia from 2014 onwards has been Prime Minister Aleksandar Vučić. With a majority in parliament and high popularity among citizens, Vučić leads the country in a very centralised way that stipulates that he be consulted about everything. Regardless of his popularity in Serbia, there is still some scepticism about his past career and involvement in Milošević’s regime. Vučić was the Minister of Information in Milošević’s last government and had the RTS within his portfolio. He was one of the key people in the most nationalist party during the 1990s. These past events and associations have had a negative influence on his international reputation. Thus, Vučić makes a special effort to demonstrate to the international community that his orientation is solely towards European values and EU accession. He says that Serbia will have no more wars while he is head of state. That is why he has supported different victims’ redress activities. He wants to satisfy the international community but he was also part of Milošević’s regime. He was a coalition partner with Milošević’s former party in the last three Serbian governments and he still cannot allow the truth to be disclosed. That explains why, to date, all three initiatives started in 2013 have been only partially implemented. As a consequence, there is again a situation in which some activities aimed at victims’ redress have reached the agenda and been formulated, but never implemented. It is hard to envisage whether the implementation of these activities is just slow, or whether they are not going to be implemented at all. While the MSF framework is a useful tool for explaining what is going on within the victims’ redress arena of public policy, it cannot predict which focusing ‘events or outcomes will occur’ and therefore, cannot be of much assistance in forecasting victims’ redress trends after 2016.

Yet, as Ackrill and Kay emphasise, ‘clarification of causal drivers and specification of testable hypotheses can improve not just the explanatory value of MSF but also its powers of prediction.’

These general trends in transitional justice activities implemented in Serbia will be further explored within the particular means of redress. The following sections analyse specific policies employed and policy outputs aimed at victims’ redress. The successes and challenges in implementation of each means of redress will be outlined. This will be followed by an exploration of the influence of the problem, politics and policy streams on their formation and implementation. It will be demonstrated that, due to interaction between different policy streams, educational policy was not used at all in the context of the victims’ redress, while other means of redress were established, and some employed.

### 5.1. Symbolic redress: examples of monuments and apologies

This section discusses how interaction between the abovementioned streams of victims’ redress in Serbia influenced the creation and implementation of symbolic means of redress such as monuments, memorials, and apologies. The analyses of victims’ redress in Serbia shows that while symbolic means of redress have been present on the government’s policy agenda, they have been only partially implemented. A description of the process of implementation of commemorative practices in Serbia will be presented. The chapter will conclude with a discussion of the interaction between the different streams that led to this implementation.

There was a consensus in Serbia that the victims of the NATO bombing should be recognised, and that monuments represented on effective way to achieve this recognition. The families of the victims of the NATO bombing, victims’ associations and not-for-profit organisations initiated the creation of different monuments to acknowledge the victims. Politicians also supported the idea of monuments as a visible and cost-effective way to satisfy the victims and the general public. Politicians were happy to support an idea favoured by a majority

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353 Robert Ackrill and Adrian Kay, supra 110.
of the population. From their point of view, acknowledgment of the NATO victims also addressed widespread Serbian victimhood and led to easy political gain. For instance, an economist from the Central Government said:

All Serbs, even those who were out of Serbia at the moment of the bombing are victims. The bombing attacked all Serbs, not only Milošević. Of course, we need to show people that we recognise how hard it all was for them. That’s why we build monuments, to show them that we care. And that’s why they should vote for us – because we do care.\footnote{Interview with an economist from the Central Government, Belgrade, 7 September 2014.}

This policy solution easily reached the policy agenda, and the public, policy makers and political parties joined to create a space for monuments as a means of commemorating the victims. When it came to monuments, the so-called policy window was wide open. According to a historian from the Ministry of Defence, there was nobody who did not agree with this form of commemoration:

Just an idiot would say that Serbs were not victims and just an idiot would question the need to have monuments to remember and mourn. Fortunately, I have not met nor heard from such an idiot so far.\footnote{Interview with a historian from the Ministry of Defence, Belgrade, 10 August 2012.}

Nevertheless, actual implementation appeared to be much more difficult.

Once monuments were placed on the policy agenda as a means of redress, the victims’ families, civil society and politicians held different opinions about how it should be done. Once the green light had been given and a budget allocated, politicians were not directly involved in the process of implementation. However, they had a very clear vision that the monuments would need to address as many victims as possible. One said:

All Serbs are victims and we cannot build one monument for every victim. That is why we need to respect all the victims and to dedicate every monument we build to all of them. That is how all citizens of
Serbia will feel rewarded and will be satisfied with the redress policies.\textsuperscript{356}

Aware of Serbian victimhood, politicians wished to speak to as many potential voters as possible through a single monument. Therefore, they decided to build a monument to commemorate all 1990s victims, including those of the NATO bombing.

This monument was built in 2012 on Savski Square in Belgrade to commemorate ‘all innocent victims of defensive wars in the 1990s.’ Following the wishes of the politicians, policy makers were aiming to acknowledge most of those Serbs who felt victimised during the 1990s. They also made an effort to make the process as participatory as possible by including citizens in decision making about the monument’s design. In this way, they were trying to acknowledge not only Serbian victimhood, but also the importance of public participation. One said:

\begin{quote}
We knew that people wanted to have a monument to remember the wars and the NATO bombing. And their wish was important to us. In order to show them how important it was, we decided to give them a chance to tell us what the monument should look like. That is why we opened the call for proposals for designs of the monument.\textsuperscript{357}
\end{quote}

The victims’ families, on the other hand, wished to acknowledge the individual victimisation of their family members. Consequently, in addition to those built to jointly commemorate all victims of the NATO bombings, a few monuments were constructed in Belgrade to commemorate individual victims of the NATO bombing events. For a number of reasons, the victims’ families were unsatisfied with the Savski Square monument. First, the monument’s plaque states that it is dedicated to both defenders and civilian victims (all innocent victims in Serbian defensive wars). In the opinion of the victims’ families, the government mistakenly equated military and civilian victims of the bombing. As a member of one victim’s family said:

\textsuperscript{356} Interview with a professor from the City Council, Belgrade, 20 August 2012.
\textsuperscript{357} Interview with a professor from the City Council, Belgrade, 20 August 2012.
‘It is not the same if some boy was killed in Vukovar in the war zone while fighting Croats and if my son was killed in his work station, creating a TV program.’

In her opinion, the former was clearly a military victim of the war, while the latter was a civilian victim. Second, the monument does not list the victims’ names, which one respondent thinks depersonalises the victims:

I do not think this monument has anything to do with my daughter. With due respect to all other victims, I want to see my daughter’s name, or picture, or anything else that would remind me of her, or tell a story about her to people who never met her. This monument does not tell her story. This monument does not tell any story. The city government tried to kill too many flies at once.

In the opinion of the victims’ families, every civilian victim should be acknowledged by name. There was no shared understanding between them and the city council on this issue.

Additionally, a representative of the group monument questioned the very idea of commemorating all the victims of the war. In his opinion, this kind of monument should not be built before Serbia accepts its share of responsibility for the wars in the 1990s. As long as Serbia continues to claim that Serbs were merely defending themselves, he thinks that Serbia will not be able to commemorate the victims. According to the representative, although the government had the good idea of including citizens in the monument’s design, it faced two rounds of unsuccessful calls for the proposal because civil society did not want to be involved in what it perceived to be a limited commemoration effort:

This monument is merely a mark of incompetence and failure of the government policy to denote its involvement in the breakup of Yugoslavia.

358 Interview with a teacher, victim’s representative, Belgrade, 2 April 2012.
359 Interview with a victim’s family member from a local not-for-profit organisation, Belgrade, 4 August 2012.
360 Interviews with victims’ families, Belgrade, 2 April 2012, 4 August 2012, 11 August 2012 and 17 August 2012.
during the 1990s. Such a monument sends two messages: Serbs are victims of historical wars; we only waged defensive wars.

Likewise, the sociologist Janja Beč emphasised that it is highly problematic that the monument relativises the victims by labelling them on the monument as ‘innocent victims.’ She wondered who decides whether the victims were innocent or not, and stressed the need to commemorate the victims with monuments that are as personalised as possible:

War victims are not numbers. They have their names. For instance, there is a monument in Sarajevo that lists 1536 names of the children killed during the Sarajevo siege. In Berlin, there are plaques with members of parliament victimised in the concentration camps. The monuments need to be personalised.³⁶¹

The victims’ families believe that the location of the monument built at Savski Square is inappropriate. The land where the monument was built belongs to the main railway station in Belgrade, which is known as a popular place for prostitutes and their clients. The park is referred to derogatorily, as the ‘pica park’ (‘pica’ is the Serbian colloquialism for a vagina). The victims’ families felt that the area where prostitutes and their clients get together was certainly not a good place to commemorate the victimisation of their family members. In their opinion, it was disrespectful, and showed once again how thoughtless the government was about the issue of commemoration.³⁶² Therefore, the families of the bombing victims suggested to the city government that a new monument should be built in a more appropriate location that would be dedicated only to the civilian victims of the NATO bombing. The victims’ families suggested the Youth Park/Pionirski Park as an adequate place, and met with the deputy mayor of Belgrade at the time, Radmila Hrustanović, to discuss this idea. Even though she accepted the idea and agreed with the need to build a new monument, this

³⁶² Interviews with victims’ families, Belgrade, 2 April 2012, 4 August 2012, 11 August 2012 and 17 August 2012.
initiative was never realised. In the opinion of one of the grieving mothers, this was because someone higher in the political hierarchy did not like the idea.\footnote{Interview with a teacher, victim’s representative, Belgrade, 2 April 2012.}

The victims’ families expressed their dissatisfaction with the monument on Savski Square on the 11\textsuperscript{th} anniversary of the bombing on 24 March 2012, when officials from the city administration, led by the mayor, wanted to pay respect to the victims of the bombing and lay flowers at the monument. The victims’ families surrounded the monument and would not allow them to come any closer, or to lay flowers.\footnote{D. Pandurović, ‘Đilas sprečen da položi venac na spomenik žrtvama ratova od 1990 do 1999 godine’, Blic, (2002), \url{www.blic.rs/vesti/beograd/djilas-sprecen-da-polozi-venac-na-spomenik-zrtvama-ratova-od-1990-do-1999-godine/lhj3pp1} (accessed 19 July 2017).} They wanted to show that in no way should this monument be used to remember and acknowledge the victimisation of their family members. As already stressed by Neumann, it is important to acknowledge victimisation in the process of commemoration, but also to explore who should be responsible for these commemorations, and how they should be done.\footnote{Klaus Neumann, supra n 21.}

As shown, the policy problem was conceptualised to address the victimhood of the entire Serbian nation. On the one hand, the politicians wanted to acknowledge this feeling of victimhood of the whole Serbian nation, while on the other, they wanted to show the world that they were also victimised. A psychologist from the central government said, ‘That was a win-win situation. Serbs will feel that we understand their victimisations while the ambassadors and other foreigners will understand that Serbs were victims, too.’\footnote{Interview with a psychologist from the Central Government, Belgrade, 18 April 2012.} The families of the people who died during the NATO bombing were not asked what they wanted this monument to represent, and they were not happy with the way it was done. This is the reason why the victims’ families have ignored the monument.

Similarly, two monuments were built in Niš (the largest town in the south of Serbia) – one by the Socialist Party of Serbia and the other by the Church.\footnote{M. V., ‘I spomenici žrtvama NATO agresije dokaz naše nesloge,’ Južne vesti, (24 March 2016), at \url{http://www.juznenvesti.com/Drustvo/i-spomenici-zrtvama-NATO-agresije-dokaz-nase-nesloge.sr.html} (accessed 5 October 2016).}
The monuments are just a few metres apart and are dedicated to the same victims of the NATO bombing. According to Nebojša Ozimić, a historian from Niš, this shows the lack of consensus in Serbia about what should be remembered, how, when and where. Policy creators have not often involved either the individual victims or the general public in the process of design, location and budget allocation for the monuments. The decision makers with whom I talked do not even agree on the importance of public debate about the commemoration process. For example, an official from the central government said that there should be consensus around what Serbian citizens need to remember. She stressed that even the communist regime was better in this regard, because at the time of Tito, ‘we all knew about our official history and about, for example, the importance of 6 April as the day of the bombing of Belgrade in World War II.’ She felt it was better to have a top-down approach and to seek a compromise between alternative opinions than to lack collective remembrance.\footnote{Interview with a psychologist from the Central Government, Belgrade, 18 April 2012.} An economist from the central government also believed in citizens’ participation:

> It is important to follow the will of the majority. It is logical from a political perspective because that is how we ensure the majority in the parliament, but also, friendly speaking, while I am sorry for those who do not agree, it is normal that someone will always disagree. What we need to do is to ensure that the majority agrees with what we are doing. And we ensure that by asking them what to do.\footnote{Interview with an economist from the Central Government, Belgrade, 7 September 2012.}

This partially explains why such a wide framework was set for symbolic reparation in Serbia. Politicians and policy makers did include citizens in the process of the monuments’ design; however, they did not specifically focus on the victims, but rather addressed widespread Serbian victimhood. Similarly, while they encouraged participation by general citizens, they did not prioritise the victims’ voices.

Thus, the victims’ families took the initiative and responsibility for commemorating individual victims, and for remembering specific victimisation,
including the children who were killed during the NATO bombing, and the
deaths of people in the bombing of the hospital and RTS buildings. For
example, a NATO bomb killed three-year-old Milica Rakić on 17 April 1999 at
her home in the Belgrade suburb of Batajnica. The Batajnica citizens’
movement and the Zemun municipality built a memorial fountain to
commemorate Milica, and to remember her victimisation.

Image n. 7: Memorial fountain for Milica Rakić

Her father supported this means of commemoration, but added that he has
been hurt many times since the bombing by insincere attempts at remembering
Milica. He described the principal example of this was the displacement of
Milica’s statue from the monument for the child victims of the bombing built in
Tašmajdan Park. The daily magazine Večernje Novosti created this monument
to commemorate Milica and other children who died in the bombing.

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370 Interview with a victim’s family member, Belgrade, 4 August 2012.
monument is in the shape of a butterfly, symbolising children’s energy, and the butterfly wings were meant to hug Milica’s statue. A stonemason by the name of Živan Jezdimirović built the monument, and the statue was designed by sculptor Ostoja Balkanski, and made by the Radović brothers in the philanthropic workshop of the Jeremić brothers. A girl from Kostolac named Ana Golubović created the epitaph, and won a public competition run by Večernje Novosti for the best epitaph. The plaque on the monument states: ‘We were only children.’ It was installed on 24 March 2000 on the first anniversary of the NATO bombing, and commemorates the deaths of 79 children, who were symbolised by a statue of little Milica. As can be seen, this monument, initiated by the news agency, was much more perceptive of victims’ needs and open to victims’ voices. It also included general citizens in the process through the public call for proposals for the epitaph.

Image n. 8: Monument in Tašmajdan Park (2016)
In the same year, however, the statue of little Milica disappeared, and was never replaced. There has been much speculation on who removed the statue and why. While some thought thieves did it, others believed that the local government did not want to allow such a personalised commemoration, and therefore removed the statue of the little girl. In September 2015, 15 years after its removal, a newly-made statue was put back with the monument and registered as an article of the city’s cultural heritage. Belgrade City Manager Goran Vesić told reporters that by putting it back, the city government was correcting 'a great shame’ – the removal of the statue by vandals.

The statue was made at no cost by the Jeremić foundry, and after thanking them for this donation, Mr Vesić said: ‘I hope that we will all take care of the monument recess and maintain memory of the victims of NATO bombing.' Although Mr Vesić placed Milica’s death in the wider context of the NATO victims, the monument’s design does have the personal touch sought by the victims’ families.

Image n. 9: Monument in Tašmajdan Park (2012)

371 Interview with a victim’s family member, Belgrade, 4 August 2012.
Families of those who died in the NATO attack on the hospital Dragiša Mišović initiated and built a monument to commemorate the deaths. The monument symbolises 10 victims, and officials and the victims’ families gather every year on 20 May, the anniversary of the NATO bombing of the hospital, to pay respect to the victims by visiting this monument.

Image n. 10: Monument in front of the hospital

The victims included soldiers Aleksandar Bajin, Goran Verežan, Predrag Ignjatović, Branimir Krnjajić, Slavica Veljković, Vojin Pejčinović, Dragan Tankosić, and civilians Branka Bošković, Zora Brkić and Radosav Novaković. Their names are carved on the marble slab, and in this way, individual victims are acknowledged.
Finally, families of the RTS workers built the monument ‘Why?’ (Zašto) to commemorate their lost family members. The families initiated this monument and ‘owned’ the whole process. They said where it should be built, when and how, and decided who should build it. Politicians supported it financially and negotiated the location, but the victims’ voice was the most important.

The families of the RTS victims also wish to preserve the building where their relatives died as another monument to the RTS employees who were killed. According to them, in this way the memory of the victims will remain with the

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373 Interviews with victims’ representatives, Belgrade, 2 April 2012, 11 August 2012 and 17 August 2012.
people of Belgrade, and for every resident or tourist who sees it, it will serve as a reminder of the victimisation of the RTS employees. Victims’ representatives have met with government representatives many times on this issue. According to the mother of one of the victims, Mayor Dragan Đilas has assured them several times that the city government would not take any steps to demolish this building without first consulting the victims’ families.

The RTS building is the property of the city, and officials plan to ensure that the victims’ families participate in its reconstruction. Representatives of the families trusted Đilas, but were also worried about the change in the city’s government as well as possible political influence on the mayor. Although the government did change after the 2012 elections, the new government decided in 2013 to build a memorial to the RTS employees killed in the NATO bombing within the ruins of the RTS building. The agency for investment and housing in the City of

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374 Mayor of Belgrade from April 2008 to November 2013.
375 Interview with a teacher, victim’s representative, Belgrade, 2 April 2012.
Belgrade announced a two-stage public competition for the memorial’s design, with the aim of finding the highest-quality programming and conceptual design for the development of the memorial in Aberdareva Street.\(^{376}\)

As published on the City of Belgrade’s website, the city government wanted to mark the scene of the tragedy of the RTS workers in an artistic way, and offered approximately AUD 8,000 for the best three works. The deadline for submission was the end of September 2013, and three months later, the government issued a catalogue of works submitted for the competition, and organised a 10-day public exhibition of the submitted proposals in the gallery of the hall of the new RTS building in Takovska 10. General Director of the RTS, Nikola Mirkov, and Professor Spasoje Krunić, the architect who was president of the jury, opened the exhibition.\(^{377}\)

The winner of the competition’s prize of $3,700 was Snežana Vesnić, an architect from the Neoarhitekti studio.\(^{378}\) A public discussion was held following the jury’s announcement of the winner, which provided the public with an opportunity to hear about the process of selection. While on this occasion, the city government tried to be transparent about the selection process, neither the general public nor the victims’ families were actually involved in that stage. However, the victims’ families were quite satisfied with the basic idea of preservation of the ruins of the RTS building, and with the establishment of the memorial within them. Unfortunately, work on the memorial had still not commenced two years after the competition. The public was not told about the reasons for the delay. Milutin Folić, chief town planner of the City of Belgrade, issued a statement that the city would do whatever necessary to overcome the


\(^{378}\) The second prize of about AUD 2,500 was given to an architect Andela Karabašević. The third prize of about AUD 1,800 dollars was given to architects Ivana Barandovski, Branko Belačević, Vladimir Cvejić and Petar Stelkić.
administrative problems so that work on the memorial could start.\(^{379}\) He did not, however, provide a description of the nature of the administrative problems; nor did he specify a date by which they would be resolved.

As discussed, many initiatives have been implemented in Serbia to commemorate the victimisation of RTS employees. Nevertheless, the problem has been conceptualised differently by the victims’ families on one side and the general public on the other. While victims’ families defined the policy problem as insufficient redress for the victims of the bombing of the RTS building, the general public conceptualised the problem as victimisation of the Serbian nation by different external enemies. Policy makers suggested different commemorative practices as solutions to the policy problems identified. In the end, the policy entrepreneurs from the city government came up with a policy solution that would commemorate both victimisation and victimhood. They aimed to address both problems with one solution, but ended up supporting different commemorative practices in order to satisfy all stakeholders, including the general public, victims’ families and politicians.

The victims’ families had a double role. They were formulating the problem of lack of acknowledgment of their family members’ victimisation, and they were also the policy makers seeking adequate policy solutions. This merging of the problem and policy streams created the opportunity for individual commemorations, while other official state-owned commemorative practices did not take into account victims’ voices, and instead have addressed Serbian victimhood more generally.

5.2. Apologies as ‘tools for empty discussions’

As identified earlier, apologies also constitute an internationally-recognised means of symbolic redress for victims and their families.\(^{380}\) In Serbia, the issue


of apologies has only partially hit the agenda, and no apologies have been offered for the failure to evacuate the RTS workers. To explore the reasons for this, I undertook a further analysis of all three streams of redress for Serbian victims. First, I examine how the problem was formulated so that it would reach the policy agenda. This will be followed with a discussion of the apology as a policy solution to the problem identified. Finally, a review will be provided of situations in which politicians have used apologies as a mean of victims’ redress.

Apologies have been recognised by scholars as a multifunctional means of victims’ redress.\(^{381}\) For instance, Rhoda Howard-Hassmann emphasised the need for apologies. She argued that the benefits of apologising to crime victims should take priority over the wounded dignity of individuals from the nation making the apology, whose inhabitants do not feel individually guilty or at fault. In her opinion, belonging to a nation carries with it responsibility for the nation’s collective actions and misdeeds.\(^{382}\) Stephen Winter similarly argues for institutional apologies, stressing that it is the responsibility of institutions rather than of individuals or nations.\(^{383}\)

In Serbia, however, most people believe that they were also victims, and either do not want to take responsibility for what was done on their behalf, or fail to acknowledge that the crimes occurred at all. In addition, most people do not believe that apologies are helpful.\(^{384}\) Research by the OSCE and IPSOS confirms this, demonstrating that in 2011 only 34 percent of Serbian citizens believed that apologies help the process of reconciliation. Apparently, the number of people who feel that apologies are not useful has increased from 34 percent in 2011 to 42 percent in 2009 to 57 percent in 2012.\(^{385}\) More than half of my respondents are of the same opinion and do not think that apologies are useful. Similarly, a representative of the Serbian cultural elite – a poet and a


\(^{382}\) Rhoda Howard-Hassman, supra n 394.

\(^{383}\) Stephen Winter, supra n 380.

\(^{384}\) Interview with an economist from the Central Government, Belgrade, 7 June 2014.

\(^{385}\) IPSOS Public Affairs, supra n 232 at 69.
member of the Academy of Science – said that apologies have been devalued lately, and that he considers them as a tool for empty discussion in debates among high officials.\(^{386}\)

Žanka Stojanović, whose son died in the RTS building, said that apologies would have had a positive impact if they had been made at the right time.\(^{387}\) In her opinion, the Socialist Party of Serbia, which was Milošević’s party, should have apologised for the policies it imposed in the 1990s. According to her, if they had done this, they would have been proclaiming discontinuity with Milošević’s politics and ideology. She stated that the SPS has never apologised. Further, Stojanović told me that Dačić (President of the Socialist Party of Serbia, and then deputy prime minister who became prime minister in 2012) attended the 12th commemoration of the death of the RTS workers in 2011. He apparently brought flowers, but had no intention of apologising for what his party had done in 1999. Moreover, Mr Krkobabić (Dačić’s coalition partner and former deputy prime minister of Serbia), who was also present, laughed and yelled at her when she asked Mr Dačić why the regime neglected to evacuate the RTS workers and why the SPS had not apologised for the crime. She said that Krkobabić told her she was not supposed to know why.\(^{388}\)

It is obvious that the victim’s mother would have appreciated it if the SPS, as the governing political party at the time of the bombing, had taken responsibility and apologised for the lack of evacuation and for the bombing. This confirms Winter’s\(^{389}\) idea regarding the institutional apology, and shows that although, as Dimitrijević and Banjeglav highlight, apologising should not be the only way to address victims,\(^{390}\) it is still a relevant means of redress.

However, the general public’s negative opinion about apologies apparently influenced politicians into non action. According to an economist from the central government, people would not welcome apologies on their behalf, and

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\(^{387}\) Interview with a teacher, victim’s representative, Belgrade, 2 April 2012.

\(^{388}\) Interview with a teacher, victim’s representative, Belgrade, 2 April 2012.

\(^{389}\) Stephen Winter, supra n 380.

\(^{390}\) Nenad Dimitrijević, supra n 31, Tamara Banjeglav, supra n 32.
therefore politicians avoid apologising: ‘Honestly, it would be a political suicide to apologise for what Slobodan Milošević did. As always, politicians are not keen to act in a way that is unpopular among voters.’ Additionally, some respondents said that in the case of the RTS bombing, the government is not ready to establish the truth and offer an apology because this would mean that they take responsibility for the intentional sacrifice of the RTS employees. Being multifunctional, as Dimitrijević highlights, apologies not only acknowledge the crime, but can also suggest that responsibility is being taken for it. On that note, a psychologist from the central government had this to say:

If we apologise for the lack of evacuation, it would automatically mean that we take responsibility for that event. And we cannot do it because the NATO is the only one responsible for these murders.

Although the international community pushed for them, apologies to the families of the RTS employees were not externally enforced. As can be seen, the issue of apologies was never well established on the government agenda. Because of public resistance and the political stream, the policy opportunity was never created for apologising to the victims of the RTS bombing, despite the wishes of the victims’ families.

Redress was achieved to some extent, as can be noted from both examples of symbolic redress, but policy was not targeted at the victims but at Serbs in general because of the dominance of political interests over the policy agenda. Serbian victimhood was acknowledged to a degree, but only because politicians wanted to ensure the support of the general public. However, they were neither ready to proclaim discontinuity with the past regime, nor to take responsibility for what that regime had done.

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391 Interview with an economist from the Central Government, Belgrade, 7 August 2012.
392 Nenad Dimitrijević, supra n 31.
393 Interview with a psychologist from the Central Government, Belgrade, 18 March 2012.
394 For example, apology for the Srebrenica genocide and the RTS apology for spreading propaganda.
5.3. The failure of the education system to recognise the victims of the NATO bombing

One way of proclaiming discontinuity with the past regime and facing the past in order to move forward is to acknowledge victimisation and remember it, not only through commemoration but also through the education system. As shown earlier, several scholars, including Jelena Subotić, Ana Pešikan and Dubravka Stojanović, have advocated for using textbooks as a tool for transitional justice. 395 Victims’ families told me that they do not think the deaths of their family members and their resultant suffering are being appropriately remembered. One said:

My son’s victimisation has been invisible to citizens of Serbia. My misery has been invisible to Serbian politicians. And because this generation of politicians does not want to recognise the victims and admit that the previous regime sacrificed people, new generations will not hear the truth about it. In a couple of years, only the victims’ families will remember what happened. 396

The respondents in this research, along with many local and international scholars and institutions, agree that inclusion of history education in the transitional justice process could be a positive step towards redress. It could shift the transitional justice debate from the academic elite to wider society, including parents, teachers, principals and students. 397 Serbia has faced an overflow of government initiatives and policies relating to education in the last decade. It has been an area of significant policy reform during the period explored, but the step of including education about the history of the transitional justice process has not yet been taken. Redress through education has not been implemented or publicly discussed in Serbia.

395 Jelena Subotić, supra n 28.
396 Interview with a teacher, Belgrade 2 April 2012.
397 Interviews, Belgrade, 2 April 2012, 18 March 2012, 15 March 2012, 15 May 2012, 13 August 2012, 17 April 2012 and 7 August 2012. In addition, for example, at the conference ‘Unite or Divide?’ in 2006, the United States Institute for Peace made a public call for the inclusion of education into post-conflict development. For more details see Elizabeth Cole and Judy Barsalou, Unite or Divide? The Challenges of Teaching History in Societies Emerging from Violent Conflict (Washington, DC: United States Institute for Peace, 2006).
Applying MSF to the educational arena in Serbia, I argue there are two reasons why history education has not been used as a means of redress: the dominance of political interests over public policy; and imitation of EU policies without considering their relevance to the local context of Serbia. Below I demonstrate what has been done in Serbia over the last decade regarding educational policy, and how education policy has been implemented. An analysis of the influence of local and international political interests on educational policy in Serbia will then be provided.

In 2001, the first post-Milošević government planned and partially implemented comprehensive education reforms, led by the Minister of Education, Gaša Knežević, and his team. Curriculum reforms were also initiated, with the introduction of two new courses: Civic Education and Religious Education, as well as Science, a new subject that combined the previous syllabuses of Biology, Chemistry and Physics. In addition, a second foreign language was introduced at first grade level. The reform was notable for the freedom it gave schools in curriculum planning. Schools received autonomy to plan 70 to 90 percent of curricula in line with centrally determined standards. It was intended that schools should take into consideration the individual learning objectives of all students. This was a radical change when compared with the former style of strictly centralised curricula planning. Only 10 to 30 percent of curricula remained prescribed.

Schooling was also split into three stages (preschool, primary and secondary) replacing the two existing levels (primary and secondary). These reforms were regulated by an umbrella education law adopted in 2003 and repealed in 2009. The textbook market was also opened to independent publishers. Until 2003, only one publisher had been certified – the Institute for Textbook Publishing and Teaching Aids (the Institute), established in 1957. Although this reform did not explicitly relate to redress, the liberalisation of the textbook market had the potential to address victim’s redress issues as well.

Different actors have evaluated this reform in different ways. While some experts saw reform as a big step towards a free, tolerant, knowledge-based society, others were more critical. This discrepancy in opinion reflects not only
the political affiliations of individual experts, but also the internal conflict between two principal experts in the field of education in Serbia. My respondents from the Ministry of Education said that this conflict has been going on over the last decade, and that it has nothing to do with policy, but rather with personal and material issues, and with egos of the two experts. Although they have always been opponents, their political aspirations and ideas have not been far apart. Since they each have large teams of associates, their conflict has split the community of experts. This conflict is mentioned merely to illustrate the presence of obscure decision-making factors in Serbia. Most actors who were not part of the government did not support the government, and were negatively-oriented toward this reform. However, individuals who participated in the government between 2000 and 2003 believed that this reform was the best Serbia has witnessed in two decades. According to one respondent:

    Serbia has to work on the political culture of its citizens and politicians. Our education system has to work towards that, but it was so only during Gaša Knežević’s time. Then and never again.

Similarly, another respondent stated: ‘In the time of Gaša Knežević very important reforms started. That improved the quality of the system but unfortunately only for a short period of time.’

In contrast, professors Ivan Ivić and Ana Pešikan negatively evaluated the reform led by Gaša Knežević, underlining the lack of strategic clarity and the top-down approach to its implementation. They pointed out the lack of systematic preassessment, describing the reform as a very uncritical ‘copy and paste’ of some European practices, without adaptations to the local context.

    The idea of ‘modern European education’ is not very clear and requires further explanation. Although there are education systems of individual EU member states, there is no single model of ‘European education.’

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398 Interview with a public servant from the Ministry of Education, Belgrade, 17 April 2012.
399 Interview with a teacher, victim’s representative, Belgrade, 4 April 2012.
400 Interview with a historian from the Ministry of Education, Belgrade, 17 April 2012.
Post factum analysis of what the MES (Ministry of Education and Science) actually did leaves us with the impression that there really was not a single, clear and coherent idea of what ‘modern European education’ meant.\footnote{Ibid., 34.}

They added that schools, as the reform’s principal implementers, would not have the capacity to realise the new measures. For example, even though new subjects had been introduced, there was no prior assessment of the capacity and ability of schools to add them to the curriculum. There were no suitably trained teachers available. In addition, they underlined that the budget allocation for education – 3.4 percent of the total budget – was insufficient to roll out these reforms. In fact, it was even less than allocations made by Milošević’s government (for example in 1997 it was 4.5 percent, and in 1998, 3.79 percent).\footnote{Ibid.} The reform was unlikely to be successfully implemented without sufficient funding.

A new Ministry of Education was established, and Liljana Čolić appointed as education minister, shortly after the Koštunica government was formed in 2004. Almost all the reforms initiated in the previous period were cancelled. The syllabus was again fully defined and uniformly implemented by all schools in Serbia. As with the first wave of reform, there were different opinions about the efficiency of the actions implemented by Čolić. Some claimed that strategies of the new Ministry of Education were more structured and clearer, albeit conservative. Others were frightened by the traditional nature of the reforms, claiming that the only purpose of the new set of actions was to stop everything that had been initiated by the previous government. As one respondent noted: ‘The DSS just wanted to annul everything as if their goal was to return Serbia back to the Medieval Age.’\footnote{Interview with a psychologist from the Central Government, Belgrade, 18 March 2012.} However, others appreciated the clarity of the goals of the new Ministry led by Ms Čolić:

The Ministry clearly articulated that one of the main goals of a child’s education and socialisation should be to develop awareness about one’s own national being and statehood, to cherish and appreciate Serbian
culture and traditions, as well as traditions and cultures of other ethnic and national minorities, and to develop an interest in and openness towards the cultures of various other traditional religions.\(^{405}\)

In the opinion of Ivić and Pešikan, it was good that the Ministry of Education made an effort to document their approach, though these documents were of poor quality and lacked clarity.\(^{406}\)

There have been no further reforms since those implemented by Ćolić and her successors Vuksanović and Lončar. Education policy has not significantly changed since 2005, despite Zoran Lončar being replaced by Željko Obradović as minister of education. The new umbrella law was adopted during Obradović’s mandate, as well as the Strategy of Education until 2020, and a comprehensive document about the indicators of success of the Serbian education system.\(^{407}\)

Based on the history curriculum and textbook analyses and interviews with different policy makers, it is obvious that none of these strategic reforms made a significant difference at the level of victims’ redress. Although policy makers from the Ministry of Education agree that the history curriculum should acknowledge the victims of the 1990s, the curriculum in Serbian primary and secondary schools has not been changed at all in the post-Milošević era. Consequently, there was no significant transformation of the content of history textbooks either, regardless of statements recommending it, the liberalisation of the textbook market and political fluctuations.

In addition to history subjects, two others – Civic Education and Serbian Language and Literature – have been identified by my respondents as potentially important for acknowledging the victims. As one respondent said:

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\text{We need to introduce students to so-called education for democracy, if we want them to recognise the victims and understand their pain. This}
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\(^{405}\) Ivan Ivić and Ana Pešikan, supra n 401 at 26.  
\(^{407}\) Ministarstvo prosvete i nauke, supra n 123.
can be done not only by history classes but by Serbian language and Civic education classes, too.  

Despite this, it is only the history syllabus that addresses contemporary issues, albeit briefly and sketchily. The history curriculum is framed by goals, objectives, operative objectives and learning outputs for each grade in primary and secondary schools. Lessons are supposed to support the individual learner and contribute to the formation of national identity. Under the umbrella law, the Institute’s Centre for Curricula and Textbooks develops a curriculum and submits it to the Council for approval. Following approval, the Ministry of Education formally authorises the curriculum. The Council then decides if there is a need for a new textbook for a particular subject, and if so, creates a new textbook plan. It makes this decision based on the Institute’s proposal, and publishes it in the Education Gazette. According to Article 10 of the Law on Textbooks, each textbook plan must include the title and the number of copies. Publishers can be public or private bodies, and must hold a licence to publish textbooks, which is issued by the Ministry of Education only to Serbian-based publishers with a publishing plan and an editor for the particular book subject. These conditions are regulated by Article 6 of the Law on Textbooks. Articles 10 to 13 describe the steps publishers must follow: for example, there should be a public call for authors and a minimum of two independent reviews of each textbook. Publishers must submit the textbook to the Ministry of Education for approval, whereupon the Ministry refers the submission to the Institute for expert opinion. The Institute evaluates the textbook with the quality standards in mind. Based on the Institute’s opinion, the Council accepts or rejects a new textbook.

Currently there are five publishers of history textbooks for primary schools and only one for secondary schools. Each teachers’ council (within each of the schools) selects textbooks for use in the following school year based on the

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408 Interview with a teacher, victim’s representative, Belgrade, 4 April 2012.
409 Ministarstvo prosvete i nauke, supra n 200.
411 The Institute does not make suggestions regarding content.
412 Zavod za udžbenike i nastavna sredstva, Klet, BIGZ, Freska and Logos.
suggestion of its history teacher. In the case of secondary schools, this is only a theoretical possibility, bearing in mind that there is only one book available. Teachers then further develop their teaching plans for the next school semester. Often these plans are merely copied from the syllabus with the timing of the actual class included.

Theoretically, teachers have the legal right to shape history classes and offer alternative approaches, but this has not been exercised in Serbia, and textbooks remain almost the only tool for teaching history. In line with Article 14 of the umbrella law, the set of standards for all textbooks was created by the Institute and adopted by the National Education Council.\textsuperscript{413} The document relating to standards defines the main standards for textbooks, and provides a set of indicators for each. Based on these standards, textbooks must relate to the syllabus, and be knowledge based and language and age appropriate. They also need to fulfil specific ethical, graphic and technical conditions. If textbooks offer information that is not empirically confirmed, they must include a disclaimer to indicate this.\textsuperscript{414} Article 37 of the Law on Textbooks gives the Institute the responsibility and autonomy to evaluate all textbooks against these standards.\textsuperscript{415} However, some of my respondents maintained that these regulations have not been fully implemented in practice. According to the Ministry of Education representative:

\begin{quote}
It [a textbook] should be evaluated against all standards and if pupils do not get enough knowledge at the end of the school year, the textbook should be dismissed or improved. Unfortunately, there is a constant absence of systematic evaluation and even when evaluation happens there is no penalty in the case of underachievement.\textsuperscript{416}
\end{quote}

Interviews with other representatives of the Ministry of Education show that even though the standards are clearly set out, it seems that the evaluation criteria are rather unclear to some of the respondents: In the last 13 years, only

\textsuperscript{413} Ministarstvo prosvete i nauke, supra n 200.
\textsuperscript{414} This was stated at number four of the second standard of the Quality Standards for Textbooks, Nacionalni prosvetni savet, ‘Standardi kvaliteta udžbenika,’ Beograd: Nacionalni prosvetni savet, (2010), 2.
\textsuperscript{415} Ministarstvo prosvete i nauke, supra n 410.
\textsuperscript{416} Interview with a pedagogue from the Ministry of Education, Belgrade, 15 March 2012.
one approved history textbook was problematic. It was published in 2003 and had very nationalistic oriented language.\textsuperscript{417} When asked why this book was evaluated positively, the respondent said: ‘The paper that the book was printed on was of very good quality. Also, there was a lot of photos and illustrations. It was easy to read.’ When questioned about historical interpretations, the respondent replied: ‘Oh, well, that was not ok, but everything else was.’\textsuperscript{418} The liberalised textbook market and a set of standards for textbooks did not automatically lead to quality improvement.

Students in primary and secondary schools are entitled to 97 periods of history annually (three periods per week), with classes 90 to 95 being devoted to the last decade of the 20th century. This is also reflected in the history textbooks. The last sections of the textbooks for the eighth grade of primary school and the second to fourth grades of high school cover Yugoslavia after World War I. This encompasses the post-Yugoslavia period relevant to this research, including the defeat of the idea of Yugoslavia and the breakup of the Yugoslav state; the wars in Slovenia, Croatia and Bosnia and Herzegovina; internationalisation of the conflict and the NATO intervention in 1999; and establishment of the new states and their main political characters. The textbook for the eighth grade of primary school describes the post-Yugoslavia events on only four out of a total of 147 pages. The secondary textbooks do so on six pages out of 253.\textsuperscript{419} Although the number of classes devoted to the post-Yugoslavia period was adequate according to scholars who surveyed Serbian history education, there was a lot of criticism about the content of the textbooks. In the eyes of these scholars, Serbian history textbooks maintain the stereotypes of Serbs as victims and other nations as perpetrators.\textsuperscript{420} Victimhood underpins all topics, which not only gives students the wrong perspective, but more importantly, does not inform students about the people who suffered mental or physical harm in the wars during the 1990s. This overall sense of Serbian victimhood might cause victims to feel as if their experiences had been undermined and neglected.

\textsuperscript{417} Interview with a historian from the Ministry of Education, Belgrade, 17 April 2012.
\textsuperscript{418} Interview with a historian from the Ministry of Education, Belgrade, 17 April 2012.
\textsuperscript{419} Kosta Nikolić et al., Istorija za 3. Razred gimnazije priorodno-matematickog smera i 4. razred gimnazije opšte i društveno-jezičkog smera (Beograd: Zavod za udžbenike, 2002).
\textsuperscript{420} Jelena Subotić, supra n 58 at 270; Vojin Dimitrijević, supra n 58 at 22-97; Sabrina Ramet, supra n 58 at 10; Dubravka Stojanović, supra n 64 at 141.
Sections in primary and secondary school history textbooks covering the Kosovo crisis mention only foreign perpetrators: NATO and the Kosovo army. They state that the NATO bombing resulted in 2,500 civil victims including 88 children. They avoid the topic of the Serbian government’s possible culpability through, for example, the occupation of Kosovo or the failure to protect civilians. The textbooks refer to the main demonstrations organised in Belgrade during the 1990s, and to the fact that the Serbian media was a one-man show run by Slobodan Milošević. They do not mention any human victims related to these activities, such as murdered journalists and protestors, and other individual victims of Slobodan Milošević’s regime and the NATO bombing campaign.

This research has identified two main reasons for the content of these history books. First, policy makers have made it clear that donor interests have driven activities aimed at victims’ redress. As demonstrated in an interview, a psychologist working for the Ministry of Education believes that the lack of interest on the part of donors in the link between education and transitional justice led to its lack of recognition at the level of public policy in Serbia. Many respondents emphasised that without any external pressure, transitional justice policies will stay off the local policy agenda.

In 2012, the Serbian government adopted the Strategy of Education until 2020. The strategy identifies the main objectives for education in Serbia. It stresses the importance of links between the education system and other subsystems of Serbian society. This strategic orientation could potentially provide an opportunity for a link between the education system and the systems of peace and reconciliation and social cohesion and inclusion. However, this opportunity was not taken. Instead, the strategic orientation appropriated international standards and interventions without adapting them to the local context. For instance, in the document ‘Indicators for Monitoring Education in Serbia,’ the

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422 Kosta Nikolić et al, supra n 419 at 251.
423 Kosta Nikolić et al, supra n 419 at 249.
424 Interview with a psychologist from the Ministry of Education, Belgrade, 7 August 2012.
425 Page 119-123 of this thesis.
426 Ministarstvo Prosvete i Nauke, supra n 136 at 19.
'other subsystems’ were narrowed down to the labour market and future employability of students.

While I agree with the need to draw on examples of good practice from Europe, I argue that it only works when the systems concerned are relatively similar.\textsuperscript{427} In the case of victims’ redress, there is insufficient synchrony between Serbia and the EU, because the victims and their status are quite specific to the Serbian context. Victims’ redress in Serbia also includes their social exclusion, the invisibility of victims of previous regimes, the broken connection between these victims and the system of justice, and the general lack of awareness about the victims’ suffering because of the amount of classified information, the number of taboo themes, in combination with the widespread sense of Serbian victimhood. Policy borrowing could help Serbia to align its rules and procedures with those of the EU, but it will not help Serbia to become a truly inclusive, knowledge-based society, which Serbia’s education strategy declares is the ultimate goal. Because of a strong foreign influence on Serbian education policy, the policy stream of victims’ redress was not in favour of changes in the history textbooks and curriculum.

As the second contributing factor, the politics stream was also not in favour of educational policy as a tool for redress. Although the key players in the formulation of history education in Serbia are not supposed to be political appointees, all respondents said that they are selected based on political affiliation and not on their expertise and education.\textsuperscript{428} Respondents stated that members of the National Education Council (the Council) are supposed to be selected from different institutions based on their expertise, regardless of their political beliefs and affiliations. The research shows that, de facto, the political party currently in power must at a minimum approve these individuals. The political affiliation of the Council is an issue on which all interviewees agreed. In their opinion, the political partisanship and the lack of autonomy of the Council’s members exist despite the law. Political parties determine rules and set policies


\textsuperscript{428} Interview with a psychologist from the Ministry of Education, Belgrade, 7 August 2012.
that generate benefits for them. As one respondent from the Ministry of Education said, a political party is more important than any individual. The fact that all Serbian governments since 2000 have been coalitions means that policy making in Serbia is even more complex. Over the last 16 years, there have been constant negotiations between political parties with different interests. Thus, it is not realistic to expect that those responsible would acknowledge past atrocities and the victims of past atrocities in history books or in any other way. For instance, while talking about the problem of the outdated history curriculum, I asked a Ministry of Education representative why the Council had not revised the history curricula. The respondent highlighted that the Council has power only in theory:

In general, the Council has theoretical power but in practice usually the assistant minister comes and persuades the Council to whatever matches an official political agenda. They vote as the Ministry of Education tells them to vote and that's it.

The assistant minister is a political appointee.

Another respondent from the Ministry of Education pointed out that textbooks must align with the political agenda:

Still, there is so much political influence and we [staff within the Ministry of education] do not have freedom in the creation of textbooks. Textbooks are always politicly instructed and textbook manuscripts have to line up with the main political ideas.

The consequences to be faced for inconsistency with the agenda of a ruling political party can be severe, and therefore ‘it is smarter not to rock the boat,’ she said. The government representative in charge of the development of history curricula agreed:

It has been very difficult to create an appropriate text for history textbooks because writing about the war victims would mean an

\(^{429}\) Interview with a psychologist from the Ministry of Education, Belgrade, 7 August 2012.

\(^{430}\) Interview with a graduate of the Faculty of Serbian Language and Literature, now working at the Ministry of Education, Belgrade, 19 August 2012.

\(^{431}\) Interview with a historian from the Ministry of Education, Belgrade, 17 April 2012.
admission that Serbia did participate in these wars. Serbia is still in denial of these wars and this denial has been reflected in the textbooks. There was a draft of the proper history syllabus but it got ‘lost’ somewhere in the Ministry [the interviewee used air quotes for the word ‘lost’].

In summary, despite agreement that educational policy can be useful for the process of victims’ redress, it was never developed in the form of a policy solution aimed at victims’ redress. Politicians were not in favour of this means of redress for the families of RTS employees killed in the bombing. The policy stream revealed uncritical policy borrowing from the west, while the politics stream showed a lack of acknowledgment of the victims through history books due to the lack of discontinuity with Milošević’s politics of post-Milošević governments. Moreover, this research supports the argument of some scholars, including Subotić, Obradović-Wochnik, Vojin Dimitrijević, Ramet, Logar, Bogosavljević and Gordy, regarding Serbian denial of responsibility for past war events. Textbooks only reflected Serbian denial.

5.4. Legal forms of redress and weakness of democratic changes in Serbia

The concerns of the victims of the NATO bombing were partially addressed by legal means, including the Milanović trial and the lustration process. This section explores why these solutions were selected, by whom, and the factors that influenced their implementation.

Milanović was the only person charged for the failure to evacuate RTS employees. While the general public did not appear to have a strong opinion about Milanović’s trial, the victims’ families expressed their dissatisfaction with it. In their opinion, the RTS workers were sacrificed, and it was not only Milanović who was responsible, but also Ministry of Defence officials, and ultimately the Serbian president and his wife Mirjana Markovic, known also as a leader of the Yougoslav Left Party (Jugoslovenska Levica), which closely

432 Interview with a psychologist from the Ministry of Education, Belgrade, 17 April 2012.
433 Supra n 58.
cooperated with Milošević’s Socialist Party of Serbia. The victims’ families expressed these views in many statements, and have been unhappy that no one was charged for ordering these victimisations. The families believe that Milanović was just one of many who knew that the RTS building was to be bombed on 24 April 1999. They think that Milanović is guilty, but also that he was just ‘a screw that party comrades sacrificed (šraf koga su partijski prijatelji žrtvovali),’ and that the state leadership was ultimately responsible.434

After Milanović was sentenced, the Court allowed him to go to the seaside to rest, and to report to prison after that. On that occasion, Slobodan Šišić, the lawyer who represented the victims’ families said:

This decision is an unpleasant surprise to the families of the dead who consider that with the permission to go on holiday Milanović was rewarded instead of punished.

He also thought that judge Đičić took a big risk in allowing Milanović a break before going to prison for his 10-year sentence, because of the possibility that he might not return to Belgrade from Montenegro. Such a decision could have been harmful, especially given the potential for people to travel illegally from Montenegro to Italy by powerboat in two hours for 1,000 Deutschmarks: ‘I’m afraid that Milanović will end up in Bari [Italy] instead in Bar [Montenegro],’ said Šišić.435

The victims’ families also found this court decision outrageous, and believed he would use the opportunity to escape, which was exactly what happened. Milanović did not report to prison as ordered, and was arrested in Montenegro only after his name was placed on Interpol’s list of wanted persons. Parents of the killed RTS employees were furious that he had the opportunity to run away. One victim’s parent, Žanka Stojanović, blamed many people within the government for this:

Psychologists in the panel of judges have failed, the Supreme Court failed, the Third Municipal District Court failed, this government failed, they are all guilty. Each one of them individually.

Another victim’s parent, Dragan Medić, blamed the Ministry of Police and the judge.\(^{436}\)

When he reached prison, Milanović was put in an open area, and had many privileges. The victims’ families protested against this, and consequently he was allocated to a department with more rigorous rules. The initial privileges made the victims’ families even more dissatisfied. Milanović and his supporters, however, were not satisfied either, claiming that Milanović was also a victim of NATO, and that the trial was fake because Milanović himself was sacrificed.\(^ {437}\)

The victims’ families tried to lobby the Office of the War Crimes Prosecutor (the Office) to further investigate the political background of Milanović’s behaviour. However, the Office never dealt with this case, and neither the victims’ families nor the general public believe that the Office has the courage to prosecute all criminals or to explore the political background of the crimes.\(^ {438}\) Most members of the general public feel that this office is ineffectual, though 47 percent of respondents said that they do not have enough information about the work of the courts to have an opinion.\(^ {439}\)

Similarly, although the Prosecutor’s Office is supposed to work independently, a lawyer from the Office said in an interview that a lot of pressure is applied on them.\(^ {440}\) According to this lawyer, many local and international officials attempt to advocate for their interests through this office. All other respondents also questioned the transparency and independence of the Office. For example, in the opinion of a representative of the non-government organisation, the Fund


\(^ {438}\) IPSOS Public Affairs, supra n 232 at 94.

\(^ {439}\) IPSOS Public Affairs, supra n 232 at 93 and 91 respectively.

\(^ {440}\) Interview with a lawyer from the Office of the War Crimes Prosecutor, Belgrade, 6 June 2012.
for Humanitarian Law, charges were often politically instructed and motivated. In addition, according to a report published by the Fund in April 2012, most high-ranking officials were not prosecuted, while others were released with no valid explanation.\textsuperscript{441} During the interview, the director of the Fund highlighted that the biggest problem is that the Office has not prosecuted any army or police individuals for the command responsibility.\textsuperscript{442} The Fund’s director said that the convicts were direct perpetrators of the crimes, and although it is a good thing that these criminals were punished for the atrocities they committed, the people who ordered them should also be convicted.\textsuperscript{443}

This makes it clear that the exclusive prosecution of Milanović for the murders of the RTS workers was a rule rather than an exception. One respondent said that only one policeman so far had been convicted by the Office, but he was freed after a while. She maintained that there is no wider political will for the exploration of command responsibility. In her opinion, this lack of political will is logical, given that Slobodan Milošević’s Socialist Party of Serbia still holds the majority in power. She stressed that most people who ordered the atrocities were Socialist Party of Serbia members in the 1990s.\textsuperscript{444} Therefore, in the opinion of many, unless Milošević’s former associates are removed from government and from public life in general, there will be no political will for victims’ recognition and redress. The policy window for exploration of command responsibility will not open as long as there is no proper lustration.

\subsection*{5.4.1. Lustration}

The idea of lustration was initiated in Serbia in 2000, and opened a discussion between different political parties and scholars. Opponents of lustration in Serbia draw on the religious origin of the word ‘lustration,’ and believe that lustration denies the rule of law because the law cannot be retroactively

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\textsuperscript{441} Fond za humanitarno parvo, \textit{Učesće fonda za humanitarno pravo u procesuiranju ratnih zločina u Srbiji} (Beograd: Fond za humanitarno pravo, 2012).
\textsuperscript{442} Interview with a lawyer from a not-for-profit organisation, Belgrade, 16 May 2012.
\textsuperscript{443} Interview with a lawyer from a not-for-profit organisation, Belgrade, 16 May 2012.
\textsuperscript{444} Interview with a lawyer from the Ministry of Education, Belgrade, 15 May 2012.
\end{flushright}
implemented and therefore the concept represents pure political revanchism.\textsuperscript{445} Supporters of the lustration process in Serbia see these criticisms as misconceptions.\textsuperscript{446} They believe that lustration is essential to Serbian transition from an authoritarian regime to a democracy.\textsuperscript{447}

The Centre for Advanced Legal Studies (CUPS) created the model for the lustration law.\textsuperscript{448} The Centre’s experts drew on the experience of other countries (for example, Poland and Germany), and they were morally and financially supported by international donors. With the significant influence of international actors, the law on lustration was adopted in 2003. There was also the political will to face the past during Đinđić’s time in cabinet. As a consequence of the coupling of the policy and politics streams, the law was adopted.

However, in the aftermath of Đinđić’s murder, the political will vanished, and the law was never implemented. Donors also lost interest in lustration and prioritised other issues. Consequently, the lustration process stopped in Serbia before it really started. Civil society has been interested in continuing lustration efforts, but they have not had sufficient budget to do so. In addition to the creation of the law, CUPS tried to educate members of parliament about the importance of such a law. They distributed a short publication that contained not only the law itself, but also an article about the common prejudice against lustration. This was their attempt to combat resistance to lustration.\textsuperscript{449} They also dedicated one issue of the peer-reviewed journal \textit{Hereticus} to the topic of lustration and the different views on the concept.\textsuperscript{450} After international donors’ interest in lustration dwindled, however, CUPS did not have the funds to print a new edition of the law and continue familiarising members of parliament.

\textsuperscript{445} See, for example, Jovica Trkulja, supra n 24; Nebojsa Šarkić, supra n 24; Kosta Čavoški and Mirjana Stefanovski, supra n 24. \textsuperscript{446} See, for example, Vladimir Vodinelić, supra n 27 at 56. \textsuperscript{447} See, for example, Miodrag Radojević, supra n 24; Slobodan Beljanski, supra n 24; Zoran Ivošević, supra n 24. \textsuperscript{448} Vesna Rakić-Vodinelić, supra n 171. \textsuperscript{449} Interview with a professor of law, Belgrade, 27 July 2012. \textsuperscript{450} Jovica Trkulja, supra 24.
My respondents think that the law on lustration was only adopted to satisfy donors, while the real political will for implementation was never present. As one said:

The lustration law was adopted only to formally satisfy donors’ requests without a real political and citizens’ engagement and discussion and moreover, with no intention to implement them.\(^{451}\)

Similarly, a lawyer from the Ministry of Education stated:

They [the Government of Serbia] adopted the law on lustration only because they had to align with the EU practices but, honestly, there was never a political will for that law to be implemented.\(^{452}\)

Another respondent, a professor of constitutional law, added that even when the law was in operation, there was strong resistance by some policy makers.\(^{453}\) For example, an official of the Serbian Radical Party, Zoran Krasić, started a procedure to check the constitutional legality of the law on lustration because it dealt with something that had already happened. While it is true that a law only refers to events that occur after it is adopted, by its nature, lustration refers to the past; therefore, the lustration law should be an exception to this rule.\(^{454}\)

Although civil society put significant effort into the drafting of this law, and advocated for its implementation, government institutions were not interested in implementing it, and did not do so.

Most of my respondents believe that lustration was not implemented in post-Milošević Serbia because of the government officials’ complicity with the atrocities of the 1990s. As an attempt at dealing with the complicity of policy makers in past atrocities, lustration was seen as a direct attack on some public officials, and not surprisingly, they prevented it from happening.

An architect from the central government told me that the cohabitation of the Democratic Party with the Socialist Party of Serbia did not help, because implementation of the law would directly influence many officials of the Socialist

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\(^{451}\) Interview with a sociologist from the Central Government, Belgrade, 22 March 2012.
\(^{452}\) Interview with a lawyer from the Ministry of Education, Belgrade, 15 May 2012.
\(^{453}\) Interview with a professor of law from the University of Belgrade, Belgrade, 20 July 2012.
\(^{454}\) Interview with a professor of law from the University of Belgrade, Belgrade, 20 July 2012.
Party of Serbia. It would mean that they could no longer participate in public life. The Socialist Party of Serbia supported the government in 2004, and after that nobody wanted to deal with lustration. ‘In Serbia, all politicians have blood on their hands or their hands in the honey pot – whatever sounds nicer,’ my respondent said. The implementation of this law was supposed to remove from public life all accomplices to the atrocities committed during Slobodan Milošević’s regime. This would also mean that they could not apply for government or political positions. According to Professor Vodinelić, lustration is possible only when there is a clear division between the victims and the perpetrators. In his opinion, there is no such division in Serbia, because even nonresistance to human rights violations makes one an accomplice. Thus, many people in Serbia were both victims and collaborators, as Vodinelić highlighted.

Professor Vodinelić thought that lustration did not succeed in Serbia because of the nature of the breakdown of the previous system of governance. The first post-Slobodan Milošević Government should have proclaimed discontinuity with the previous regime, as was done in Hungary, but this did not happen. The representative of the Serbian not-for-profit organisation Fund for Humanitarian Law maintained that while Slobodan Milošević was removed from power, the national security, police and the army were not: ‘The same people stayed within those systems. Those systems were never expelled and [SPS president] Dačić did not pronounce any discontinuity with Slobodan Milošević’s politics.’

The Serbian government is still staffed by people who participated in the regime that committed human rights violations during the 1990s. According to many respondents, political party affiliation in Serbia is more important than expertise and/or experience. An absurd example of this is Veljko Odalović, who is head of the Commission for Missing Persons, even though he was head of the Kosovo

455 Interview with an architect from the Central Government, Belgrade, 26 April 2012.
456 Interview with an architect from the Central Government, Belgrade, 26 April 2012.
457 Vladimir Vodinelić, supra n 27 at 86.
458 Vladimir Vodinelić, supra n 27 at 107.
459 Vladimir Vodinelić, supra n 27 at 95.
460 Interview with a lawyer from a not-for-profit organisation, Belgrade, 16 May 2012.
district in the time of the terror (over the citizens of Albanian ethnicity) in the
territory of Kosovo.\textsuperscript{461} In the opinion of the Fund representative, bearing in mind
the position Odalović had in the 1990s, he should be considered responsible for
these disappearances (mainly of non-Serbs) in the 1990s, and should not be
permitted to hold any public role.

This situation is not confined to Serbia. In discussing the conditions that
complicate the reform of history education worldwide, Elizabeth Cole refers to a
similar idea. She points out that because current policy makers are complicit
with regimes accused of human rights violations, they promote amnesia as a
means of reconciliation with the past.\textsuperscript{462} For example, Macedonia implemented
lustration through two key laws aimed at disclosing the crimes of the communist
regime: the law relating to the handling of personal files in 2000, and the law on
the establishment of an additional condition for the performance of public office
in 2008. According to Despina Angelovska, these laws failed because lustration
often led to political revenge.\textsuperscript{463} Lustration turned into a tool for discrediting
political opponents and, as Angelovska states, became an object of distrust and
parody. For instance, in Macedonia, certain secret files were falsified to
discredit a member of the Democratic Union for Integration Party (the Albanian
political party). As does Angelovska, Lavinia Stan explores the issue of
lustration in Romania.\textsuperscript{464} She portrays problems relating to party affiliation in the
process of lustration. Regarding the Romanian Senate’s amendments to the bill
on access to files, Stan writes:

Personal files were made public only if their contents did not endanger
national security, which was exclusively defined by the Romanian

\textsuperscript{461} Interview with a lawyer from a not-for-profit organisation, Belgrade, 16 May 2012.
\textsuperscript{462} Elizabeth Cole, ‘Transitional Justice and the Reform of History Education,’ \textit{International
\textsuperscript{463} Despina Angelovska, ‘The Failure of Macedonian Post-Communist Transitional Justice:
Lustration, Between Cleansings and Parody,’ in \textit{Transitional Justice and Civil Society in the
\textsuperscript{464} Lavinia Stan, ‘Civil Society and Post-Communist Transitional Justice in Romania,’ in
\textit{Transitional Justice and Civil Society in the Balkans}, ed. Olivera Simić and Zala Volčić (New
Information Service, recognised for its vested interest in keeping as many files as possible out of the public eye.\footnote{Ibid., 24.} If the process of lustration got underway, it is logical to assume that Serbia would face very similar problems to those of Macedonia and Romania, because political affiliation has been crucial to the process of decision making in Serbia. It is only logical that the prime minister would not support a law that would not allow him, as former minister of information, or his deputy, as Slobodan Milošević’s former right-hand man, to apply for any public job. It is not surprising that the senior public officials who were in power during Milošević’s regime are not in favour of exploring the command responsibility for the failure to evacuate the RTS building. If they did, they might find themselves behind bars. My respondents agreed that they would not do that to themselves.

It is difficult to ascertain whether the lack of lustration is caused by political dominance in the decision-making processes in Serbia, or whether political partisanship prevailed because of the failure of the lustration process. Nevertheless, political partisanship and the lack of lustration significantly obstruct the process of victims’ redress in Serbia.

For instance, as previously mentioned, a commission for investigating the killing of journalists in Serbia in the 1990s was established in 2013. By late 2016, however, none of the cases before this commission have been solved. In June 2016, in spite of this poor result, the President of the Commission, Veran Matić, said there were no delays in investigating the murders of journalists, and that they were on track with all the investigations.\footnote{Veran Matić also reiterated that there was new information related to the murder of the journalist Milan Pantić, but that he could not disclose it because it would jeopardise the investigation. He also pointed out that there had been some progress made in solving the case of the murder of Dada Vujasinović.} He added there were significant positive movements in the direction of solving the murders of Slavko Ćuruvija and Milan Pantić.\footnote{Beta, ‘Matić: nema zastoja u istragama ubistava novinara,’ Blic, (2016), \url{http://www.blic.rs/vesti/drustvo/ubistva-novinara-matic-nema-zastoja-u-istragama/e962vgh} (accessed 15 October 2016).} Matić further highlighted that the establishment of the commission says a lot about the political will to resolve the murders of the journalists. He said that he had suggested long ago that a commission of this
kind should be established, but that previous governments had sadly not done so. In his opinion, the political will was not strong enough before 2013.

Although Matić claimed that there was a high level of political support for the commission, a police representative on it, Dragan Kecman, was recently fired from the police service. As part of the explanation, his former boss, Acting Police Director Vladimir Rebić, stated that Kecman was fired so that there would be more time to investigate the murders of the journalists. However, according to the commission’s president, Kecman was a dedicated member, and through his support, the investigation of Slavko Ćuruvija’s murder had progressed significantly. Matić said there had also been major advances in the second case – that of the murder of Milan Pantić – once Kecman took over the leadership of the working group, and applied his experience from the Ćuruvija case. Despite all this – or maybe because of it – Kecman was removed from the police service.

As with previous commissions, in spite of the commission’s mandate and the seductive statements of its president, there were no tangible results of its work. While the commission’s president claimed political support, the Kecman case demonstrates that this was limited to the establishment of the commission, while its actual investigative work was not welcomed.

5.5. The flow of Serbian victims’ redress policy

All three streams of Serbian public policy influence agenda setting, and the formulation and implementation of victims’ redress policies, but do so with different levels of power. As MSF theory suggests, the streams connect with each other to create a stronger, more powerful influence in the policy arena. The influence of different streams prevailed at certain periods, leading to some policies reaching the agenda and being formulated and implemented, while others did not. For instance, Milanović was arrested, accused and sentenced to

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469 Inspector Kecman led the working group that resulted in an indictment for the murder of Slavko Ćuruvija.
10 years in gaol; a lustration law was created and adopted but was never implemented; and education policy never encompassed the idea of addressing victims’ redress through history textbooks.

While trials and lustration easily reached the policy agenda on the wings of widespread Serbian victimhood, the use of history textbooks for victims’ redress did not. Firstly, almost every Serb identifies as a victim of someone or something. This victimhood has relativised victimisation of the people who lost their lives during the NATO bombing. They became symbols of Serbian victimhood, but were not recognised as individual victims. A common belief in Serbia is that in a country where everyone is a victim, there is no need to acknowledge individuals with names and photos. Milošević and his successors nurtured this general attitude through history textbooks underpinned by victimhood. This has been true in post-Milošević Serbia, because politicians follow the general mood of the population, but also because there is no political will to face the past, name and shame the perpetrators and accept responsibility for failing to protect civilians during the 1990s, and particularly during the NATO bombing. On the other side, while transitional justice scholars recognised education policy as an important tool for dealing with the past and for social inclusion of victims, it has not been prioritised on the agenda of international donors operating in Serbia. There was no external pressure on Serbian policy makers to change the history curriculum in the post-Milošević era, so it did not happen. As can be seen, some reforms occurred, but none of these related to history textbooks and inclusion of victims in society. In summary, in the imaginary flow of the streams\textsuperscript{470} of public policy regarding redress for Serbian victims, education policy was blocked by a dam at a very early stage, and has not reached the policy agenda.

\textsuperscript{470} Analysing the victims’ redress policy and its influence on streams, this research has established a few new metaphors that support further those developed by Kingdon (see the table n. 2).
Free flow
Obstructed flow by a dam or a natural obstacle/dried up
Stagnant water

Table n. 2 - The imaginary flow of Serbian victims’ redress policy

<table>
<thead>
<tr>
<th>Policy</th>
<th>Problem stream</th>
<th>Policy stream</th>
<th>Politics stream</th>
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<tbody>
<tr>
<td>Education policy</td>
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<td>Agenda setting</td>
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<td>Policy formulation</td>
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<td>Policy implementation</td>
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<tr>
<td>Monuments</td>
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<td>Agenda setting</td>
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<td></td>
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<td>Policy formulation</td>
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<td></td>
<td></td>
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<td>Policy implementation</td>
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<tr>
<td>Lustration</td>
<td></td>
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<td>Agenda setting</td>
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<td></td>
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<td>Policy formulation</td>
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<td></td>
<td></td>
<td></td>
<td>Policy implementation</td>
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<tr>
<td>Trials</td>
<td></td>
<td></td>
<td>Agenda setting</td>
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<td></td>
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<td></td>
<td>Policy formulation</td>
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<td></td>
<td></td>
<td></td>
<td>Policy implementation</td>
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<tr>
<td>Truth Commission</td>
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<td>Agenda setting</td>
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<td></td>
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<td>Policy formulation</td>
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<td></td>
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<td>Policy implementation</td>
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<tr>
<td>Apologies</td>
<td></td>
<td></td>
<td>Agenda setting</td>
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<td></td>
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<td>Policy formulation</td>
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<td></td>
<td></td>
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<td>Policy implementation</td>
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</tbody>
</table>
By comparison, in the case of monuments, all three streams joined together to form a river. Monuments are internationally-recognised means of commemoration, and local policy makers felt that building monuments not only obeys international practices, but also provides comfort to the majority of the Serbian population with their sense of victimhood. The general public was pleased that their suffering was recognised and therefore supported this method of victims’ redress. Politicians also looked benevolently on this practice of victims’ acknowledgment, considering it to be good value for money. As an architect from the central government said:

Monuments are not expensive and can also be decorative if they are built nicely. Most importantly, one monument can commemorate millions of victims at once. It is much easier and more useful to build a monument than, for example, give money to the victims.

All three streams joined to reach the victims’ redress agenda. This wide support, however, proved to be a problem at the level of design and implementation, as was shown earlier in this chapter. Policy makers encouraged citizens’ participation through public calls for proposals, but they have not made additional efforts to hear from the victims about their specific requirements. Widespread victimhood and broad support for monuments meant that the dedication of the monuments was of a general nature only. They were built for all victims of the war; therefore, the families of the victims who died in the NATO bombing were not satisfied. They wanted recognition and acknowledgment of individual victimisations. This is why the victims’ associations built monuments to commemorate individual events and victimisations.

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471 Interview with an architect from the Central Government, Belgrade, 26 April 2012.
As image n. 13 shows, this research demonstrates that commemorations were recognised and used for victims’ redress in Serbia in the period 2000 to 2016. While they were efficient, it is debatable whether they were relevant and effective.

Lustration was strongly advocated by conventions and by the international community. With the financial support of international donors, local not-for-profit organisations and academics joined and designed the law. The first post-Milošević government was also supportive of a lustration law, so that it easily entered the policy agenda and was adopted in 2003. There were some opponents of lustration, but the debate remained within the intellectual elite, and the public was hardly involved at all. Lustration is not even a very familiar word among the general population in Serbia, meaning that people were generally
neither for nor against lustration. According to a psychologist from the central government:

People think that lustration is something that Čeda [Čedomir Jovanović, leader of the Liberal Democratic Party] mentions here and there. They have no idea what that means and if it can bite you [laughs].

Once the political will for lustration disappeared and the international community stopped investing in it, no one continued to push for its implementation. Therefore, as shown on image n. 14, lustration faced a neutral and passive public at the level of implementation, and strong opposition from Milošević’s former collaborators.

Image n. 14 – Illustrative map of public policy streams in the case of lustration

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474 Interview with a psychologist from the Central Government, Belgrade, 18 March 2012.
In addition to lustration, the other legal form of victims’ redress was the trial of the former RTS director Milanović, and thus at least one of the perpetrators was punished. Although all three streams came together once again at the levels of agenda setting and policy formulation, in this case all three streams continued their support throughout the process. Milanović was found responsible for the lack of evacuation. However, the victims’ families remained unsatisfied with the fact that no one was accused of command responsibility for the failure to evacuate. The trial was also closed to the public, and the general public stayed out of the redress process, just as they did in the case of lustration. With the exception of sporadic media releases about the trial, it was not until three years later with the publication of the book *Silence in Aberdareva* that the public learned some details of what happened in the courtroom.475

475 Based on interviews with Žanka Stojanović, mother of Nebojša Stojanović, who was killed in NATO bombing.
Finally, the period from 2000 to 2012 witnessed the establishment of a few truth commissions. In 2001, the policy and politics streams again merged to enable commission members to explore the truth about various atrocities from the recent past. As represented in image n. 15, however, in the case of truth commissions, this coupling had a short life, and since the change of government in 2003, the commissions have not commenced their work. The political stream was no longer in favour of this idea, and the public was indifferent once again. The next commission in 2011 included the public much more, and ensured that victims’ voices were heard. This time, however, the state was not consulted enough, and although this commission was regional, it remained almost exclusively a civil society attempt at victims’ redress.

This research has not identified other commemorative practices relevant to the NATO bombing of the RTS building. Although the victims asked for an apology for the failure to evacuate their family members from the RTS building, this issue never reached the policy agenda. This is mainly because the Serbian government refused to accept any responsibility for the bombing; they thought it was only NATO that should apologise. The public was also not in favour of making this kind of apology, because of the widespread belief that it was unfair that Serbia was always under pressure to apologise to others. Thus, although apologies have been recognised as an effective way of victims’ redress at the level of the policy stream, apologies have not been used in the redress of victims of the NATO bombing of the RTS.

Similarly, although the Department for Contemporary Creativity of the Ministry of Culture supports remembrance projects that relate to the First and the Second World Wars, it has not supported any projects dealing with recent history. According to a manager from the Ministry of Culture, their work is driven by project proposals received from institutions, non-government organisations and museums, and none of these submitted a project relating to the NATO bombing. While the Ministry of Culture, as the main policy maker in this field,  

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476 Interview with a psychologist from the Central Government, Belgrade, 18 March 2012.  
477 The Ministry works with different stakeholders through the annual call for proposals. The Ministry sets the selection criteria for annual tenders, selects the members of the selection commission, and monitors the implementation of projects selected. These tenders have the potential to address the issue of the recent past and victims in Serbia. Out of 13 selection
have established mechanisms that could have been used to acknowledge the victimisations resulting from the NATO bombing, these have not been used because of lack of public interest and lack of active encouragement on the part of the government.

5.6. Conclusion

Both individually and in combination, three streams of public policy in Serbia have influenced policy responses created by successive administrations to redress victims. It has been demonstrated in this chapter that these responses were most frequent in the period between when Slobodan Milošević stepped down from power (2000), and 2003 when the subsequent prime minister was assassinated. During that time, the victims’ families received material reparation, the truth commission was established, Dragoljub Milanović was sentenced to 10 years in jail, monuments were built to commemorate the RTS employees who were killed, and the lustration law was adopted. This window was an active period for policy relating to victims’ redress. Prime Minister Đinđić prioritised the issue of victims’ redress, and at the same time, international donors invested in transitional justice in Serbia, as it was their priority to ensure stability in the region. Finally, the general public also accepted victims’ redress, as long as the victims were defined in such a way that addressed their own feelings of victimhood. As a consequence of the alignment of support from all three streams of public policy, both symbolic and legal means of victims’ redress easily found a position on the relevant policy agenda.

Following Đinđić’s assassination, the ongoing lack of political commitment to the problem of victims’ redress placed this issue on the margins of Serbian public policy. In parallel, international donors ceased to prioritise the issue of transitional justice in Serbia, and decreased funding activities aimed at victims’

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criteria for the projects that would be supported by the Ministry, two are particularly relevant to the issue of coming to terms with the past in Serbia. Criterion number four evaluates the contribution of the project to social cohesion and support of the welfare of marginalised people in Serbia. Bearing in mind the vulnerability of victims and their families, as well as their social exclusion, clearly this could be an arena for the acknowledgment of victims and their suffering by different cultural means. Similarly, criteria number nine relates to support for retrospective projects; this can apply to any memory project in Serbia (Dimitrije Tadić, Galleries and Exhibition Venues of Contemporary Visual Art in Serbia (Belgrade: Citizens’ Association, 2012), 37.)
redress. Although the general trend of the public mood did not change, the widespread feeling of victimisation was not enough to keep the issue of victims’ redress on the agenda. Thus, in the post-Đinđić period, there were few new victims’ redress policies discussed, and those that had already been formulated were not implemented. Between 2004 and 2012 the lustration law was recalled, as was the truth commission. Some monuments were built, but they addressed the widespread sense of victimhood rather than individual victims. Apologies and education policy were not used as tools for victims’ redress, though both are internationally recognised as a possible transitional justice mechanism. In addition, the political background to the lack of evacuation was not investigated further because of the lack of lustration, and the fact that many of Milošević’s former associates remained among the main policy makers.

In summary, while history textbooks and apologies were halted by the damming up of the politics stream at the level of agenda setting, lustration and truth commissions were confronted by the dam within the politics stream at the level of implementation. There was a trial and there were monuments constructed, but both of these forms of redress faced significant criticism because of the failure to address command responsibility and individual victimisation.

As this research demonstrates, the Multiple Streams Framework (MSF) is applicable in the Serbian context of victims’ redress. The Serbian policy arena has been characterised by three different segments – the MSF’s problem, policy and politics streams. Kingdon’s theory of the coupling of streams and the creation of policy windows has also been suitable for the Serbian context. In this research, however, the original concept has been modified. The streams have different strengths, and in Serbia the politics stream has been so dominant that it has sometimes been sufficient for this stream to be behind an idea to have it implemented, without the need for the other two. Also, if the politics stream wants to ‘dam up’ an idea, as in the case of lustration in Serbia, it can definitely influence whether or not a policy is developed, regardless of the flow of the other two streams. Sometimes a coupling of streams is not necessary; a strong push from one stream along with the stagnation of the other two can also lead to acceptance of an idea (refer to the imaginary flow of the streams of public
policy table above: Table 2). This was the case with truth commissions in Serbia. In addition, the demarcation lines between the streams have not necessarily been strict, and the policy and politics streams are often so interwoven that they cannot be analysed separately. Finally, the concept of the three streams has been a useful tool in analysis, and this research has demonstrated its applicability to other phases of public policy, as well as to agenda setting.
6. Conclusion

This final chapter summarises the responses to the key research questions and the principal findings of this research. This study has explored the redress delivered to the families of people who died during the 1999 NATO bombing of the RTS building. NATO launched the bombing to stop Serbia’s brutality towards Albanians in Kosovo. It started in March 1999 and continued for 78 days, resulting in the withdrawal of Serbian forces from Kosovo, many Serbian military losses and over 2,000 civilian victims. NATO identified the RTS building as a legitimate target because it had been responsible for spreading pro-Milošević propaganda. The RTS building was bombed in the early hours of 23 April 1999, and resulted in the deaths of 16 RTS workers – all civilians. The main aim of this research was to examine the policy response of policy makers in Serbia to these victimisations, exploring how policy makers in Serbia conceptualise and operationalise the redress of people who died during the NATO bombing of the RTS. The study also identified issues that have hindered or contributed to the formulation and implementation of policies aimed at the victims’ redress.

I identified and interviewed 56 policy makers, and conducted analysis of the relevant legal and strategy documents, newspaper and Internet articles, and textbooks. I also monitored election campaigns, analysed parliamentary debates and media outlets, and observed relevant commemorations and other events.

Policy makers agree that the victims of the RTS bombing need to be acknowledged, and list various practices they have employed aimed at the victims’ redress. So far this list includes administrative and symbolic reparation, as well as legal means of redress. The most relevant law that regulates the rights of civilian victims in Serbia is the law regarding the rights of war victims with a disability. According to this law, the families of the RTS employees who died in the NATO attack are victims, and have a right to material reparation.

Consequently, the families of the people who died in the RTS building during the NATO bombing have received material reparation. Dragoljub Milanović, the former RTS director, was sentenced to 10 years in prison for serious offences
against public safety, and for non-compliance with federal government decisions on the relocation of state television personnel and technical equipment. Nobody was accused and charged for the deaths of the RTS employees. The political background to this event had never been explored, and there was no trial of Slobodan Milošević organised in Serbia. Although the ICTY did prosecute Slobodan Milošević, his trial did not encompass command responsibility for the lack of evacuation of the RTS workers. However, the need to punish those responsible for the bombing and for other human rights violations in Serbia persisted, and in June 2003 this resulted in an attempt to exclude Milošević’s accomplices from public life through the lustration process. Parliament passed a law on lustration, but it was never implemented. The RTS apologised for programs broadcast during the 1990s, but they have neither apologised for the death of the 16 RTS workers, nor for the failure to evacuate their workers during the bombing.

Other symbolic methods of redress were used. Several monuments were built to commemorate the victims of the NATO bombing and all victims of the wars in Former Yugoslavia. Two truth commissions were established in Serbia aimed at disclosure of the truth: a truth and reconciliation commission for Serbia and Montenegro, and a regional commission tasked with establishing the facts about all victims of war crimes and other serious human rights violations committed in the territory of the Former Yugoslavia in the period from 1991 to 2001. The former raised important questions about victims’ redress, but did not operate long enough to be able to offer answers. The latter was never institutionalised, and thus had a problem with lack of state involvement and commitment. The research shows that the victims of the 1990s received no benefit from the work of these commissions. Finally, a commission for the exploration of the murder of journalists in Serbia in the 1990s was established in 2013. The case of the deaths of the 16 RTS employees was included in its portfolio, but there are still no results from this commission’s work.

Despite all these legal, administrative and symbolic means of redress, the victims of NATO’s bombing of the RTS building still do not feel redressed, and keep asking, ‘Why were RTS employees sacrificed? Why weren’t RTS
employees evacuated? Why don’t victims’ families know the truth?’ In this research, the reasons were sought as to why these means of redress were selected and why with that specific timing, and which factors influenced the formation of the redress policies in Serbia.

In an attempt to explore and understand the arena of redress policy for Serbian victims, I applied the Multiple Streams Framework (MSF) to analyse its problem, policy and politics streams.

Analysis of the problem stream of Serbian victims’ redress policies shows that Serbians generally consider themselves to be victims, and tend to ignore victims in other nations. Serbs are not satisfied with international mechanisms aimed at the victims’ redress, and are sceptical about them. At the beginning of the post-Milošević era, the general population prioritised the issue of victims’ redress, believing that without dealing with the past, Serbia would not face a good future. However, this mood changed, and various policy problems were considered less important for Serbian citizens, including the problem of victims’ redress. Therefore, in the 2012 elections, politicians’ approaches to victims’ redress did not influence citizens’ voting choices.

Analysis of the policy stream demonstrates that policy makers did not include victims in the process of developing redress policy, and there was a distinct lack of public debate about the process. It also shows that the international community strongly influences the process of policy formulation, and has led to a decrease in funding for redress, and to a lack of evaluation of redress practices.

Policy makers agree that the evaluation of practices aimed at victims’ acknowledgment has not been sufficient, despite the fact that they are mandatory by law. As demonstrated in Chapter 4 of this thesis, some policy makers complained about the lack of follow up of evaluation results, while

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478 According to the guidelines for the development of the annual operational plan issued in 2007 for 2008, the Serbian government requires compulsory evaluations (by contractual obligation) and periodical self-evaluations as instruments of good management. Also, based on the scope of evaluation in Serbia, the government recognises, for example, thematic, programmatic, and departmental evaluations (Government Republic of Serbia, supra n 81).
others said there was no evaluation at all. Many interviewees felt that evaluations were not useful, because they were not tailored to their needs. Instead of offering useful advice and recommendations to policy makers, evaluations usually contained criticism of everything done or not done within respective areas of responsibility. Policy makers were therefore reluctant to support and use the evaluation material.

Drawing on the input of policy makers, this research identifies a need for management-oriented evaluation as an approach that would build policy-makers’ ownership over the evaluation process and results. This in turn should lead to an increase in the use of evaluation material in the modification of existing policies and the creation of new ones. Management-oriented evaluation is focused on the provision of information to decision makers. This approach stresses the importance of the utility of information, keeping the evaluator focused on what policy makers want, rather than collecting details that may not be directly related to what decision makers need to know. The potential weaknesses of this form of evaluation, however, are that issues that are

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significant or even critical for victims may not be addressed if they do not match the questions and concerns of the decision makers who control the evaluation. This form of evaluation gives power to decision makers, and may disenfranchise less powerful and less resourceful stakeholders. This power imbalance needs to be considered in the case of Serbia, where decision makers are guided more by alignment with the EU than by victims’ needs. Thus, it is important to ensure that the question of the effectiveness of policies for victims’ redress is addressed within the concept of management-oriented evaluation.

The best way to ensure that victim’s voices are heard is to include their representatives in the so-called administrative phases of the process, so that they have a say in the nature of the questions asked in the evaluation process. Evaluations tailored to decision makers’ needs would increase their support for evaluation processes.

Drawing on the work of Orentlicher, King and Meernik, this research shows the importance of setting evaluation questions and target indicators that are both local and timely. According to the government of Serbia, evaluation is defined as an assessment of work performance (achievement of objectives in relation to expected results). The principal evaluation questions are defined as follows: Has the strategy, program, or project been implemented efficiently and effectively (according to the set indicators)?; Were the set objectives relevant (of any importance)?; Has the expected impact been achieved?; Is sustainability ensured?

However, there is no common understanding among the policy makers about the evaluation questions and their purpose. My interviews with policy makers demonstrated that to ensure decision makers use relevant evaluations, it is critical to involve them in the process of defining the

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482 Diane Orentlicher, supra n 35; Kimi King and James Meernik, supra n 301.
483 Jelena Marković et al, supra n 296.
484 To establish relevance, an evaluator explores the program’s objectives in relation to needs and priorities at both the national and EU levels. The balance between inputs and outputs is defined by efficiency. Effectiveness shows how far the program has contributed to achieving its goals and objectives. The utility is defined as an impact on the target groups or populations in relation to their needs, and sustainability as an extent to which changes can be expected to last after the program has been completed. (The Council of the European Union, Council regulation laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 in 1083/2006, Official Journal of the European Union (2006)).
evaluation purposes and in the phases of indicator setting, data analyses and data interpretation.

This study has shown that various practices aimed at victims’ acknowledgement are at different stages of implementation. This means that different forms of evaluation can be applied to them, including those referred to as ex-ante, mid-term or final. The adequate form for trials and commissions would be varieties of mid-term evaluations, while ex-ante evaluations would be the most appropriate for initial assessments of education policy. We do not have enough empirical evidence to show that adequate education reform would lead to the situation of coming to terms with the past. Education policy has not yet been incorporated into transitional justice policies, and it is obviously not possible to measure the impact of something that has not yet occurred. Nevertheless, a proper ex-ante evaluation could assist decision makers in deciding which direction education reforms should take in order to address the issue of victimised Serbs. A comprehensive ex-ante evaluation may also serve as a good advocacy mechanism that could be used by civil society and victims’ associations to argue for syllabus reform or teachers’ capacity building.

Following a similar logic, the lustration effort in Serbia could be measured already by post-ante evaluation, because it did reach the stage of adoption – though was then recalled. In the case of lustration, therefore, we can explore not only effects of this initiative, but also the reasons for its failure.

Using other forms of evaluation, transitional justice practitioners can evaluate each transitional justice mechanism from the perspective of victims, and apply the so-called ‘victims-oriented’ evaluation. Similarly, each of the components of transitional justice can be evaluated in a cluster

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485 Indicators are defined in the process of evaluation as the parameters used in describing objectives and expected results in an operationally-verifiable manner. Target indicators define expected results, and it is of crucial importance that they are set by evaluation stakeholders and former and future policy makers.

486 Based on the timing of evaluation in relation to the object of evaluation, evaluators recognise ex-ante, mid-term and post-ante evaluation. European Regulations require evaluations to be carried out at the ex-ante, mid-term and ex-post stages of each Structural Funds Program. A range of ad-hoc evaluations that address specific themes or measures are required by these regulations (Council of the European Union, supra n 497).
evaluation that includes cluster countries that are geographically close. In this way it is possible, for example, to speak about the evaluation of transitional justice mechanisms in the Balkans. As in any applied social research, different methods of evaluation can be used. A potentially useful method of evaluation of transitional justice is that of the ‘most significant change’ (MSC), which can help transitional justice practitioners to name the principal changes in the lives of victims and in society following implementation of transitional justice mechanisms. MSC represents a participatory method of monitoring, which allows victims to identify and analyse the impact of transitional justice policies on their lives.\(^{487}\) This method can also assist decision makers to plan future strategies aimed at victims’ redress, while ensuring that victims’ experience is central to the planning process.

While this research does not explore the level of success of victims’ redress policies, it identifies a gap in the evidence of the success of these policies. It therefore aligns with the argument of Weinstein, Mendeloff, Snyder, Vinjamuri, Meernik and Orentlicher\(^{488}\) that there is a need for comprehensive evaluation led by policy makers to determine the next steps for the victims’ redress policy.

This research has also identified the significant influence that donors have on what sorts of policies are implemented in Serbia. The policy makers have been rather passive in the process of policy creation, with some having merely translated foreign policies. According to some, this is the most practical way of approaching public policy in Serbia, because of the requirement to fulfil certain conditions for EU accession. As part of the process of integration into the EU, Serbia needed to prepare the National Plan of Integration (NPI), which sets out a precise plan on how the criteria necessary to become an EU member state


\(^{488}\) Harvey Weinstein, supra n 300; David Mendeloff, supra n 300; Jack Snyder and Leslie Vinjamuri, supra n 300; James Meernik, supra n 300; Diane Orentlicher, supra n 35.
would be met, including standards in the political, economic, agricultural, environmental protection and infrastructure capacity spheres. This document was adopted in a government session on 9 October 2008, and presents a detailed overview of the reforms and activities to be implemented each year.

None of the reforms and activities included in the NPI directly relates to the issue of victims’ redress. As this study has shown, this sort of top-down, donor-driven approach excludes the issue of victims’ redress from certain policies, because it is specific to Serbia. The deprivation of the victims of the NATO bombing and their families, and of other victims of human rights violation in Serbia, has been a Serbia-specific problem. Understandably therefore, it has not been captured by EU and foreign policies, and their rules and regulations. For instance, the victims’ families emphasise the need to know the exact number of victims of the NATO bombing. Through the census, they attempted to ascertain this figure, as well as the victims’ gender, disability and age. This problem would be quite easily solved by the addition of one or two questions to the census questionnaire. However, this suggestion was not adopted because, according to statistical office representatives, Serbia must align with Organisation for Economic Cooperation and Development (OECD) standardised questionnaires for the collection of census data. It is clear that the issue of the unknown number of victims has not been recognised, because it is specific to Serbia, and thus not recognised by the OECD.

Furthermore, although social inclusion has been one of the Serbian government’s major priorities since 2003, victims’ inclusion has not been discussed at all. The policy makers responsible for social inclusion do not see that the victims of the NATO bombing have been excluded. They express general empathy for the victims and their problems, but maintain that their mandate includes only ‘traditional vulnerable groups: people with disabilities, the Roma people, single mothers and the unemployed.’ It is of no relevance to them that the victims feel excluded because their connection has been broken

489 Interview with a graduate of the Faculty of English Language and Literature from the Central Government, 7 August 2012.
491 Interview with a lawyer from the Ministry of Justice, Belgrade, 8 June 2012.
with a system that does not acknowledge their pain. The Serbian government has made its own decision as to what social inclusion is and what it is not by borrowing from EU policies and definitions. However, the NATO bombing victims are not EU victims, but Serbian ones. Foreign policies are yet to be adjusted to Serbian conditions to the extent that they could include issues important for the victims’ redress, while still aligning with EU rules and regulations.

Although citizens’ participation and public discussion about policies has been recognised worldwide as one of the key elements in the development of strong public policies,⁴⁹² this research has identified that the absence of victims’ participation in policy making is one of the principal reasons for the lack of success of transitional justice policies. Victims and their families are often excluded from the process of policy creation. According to many respondents, the process of policy creation is neither transparent nor sufficiently inclusive. Policy makers do not use the mechanisms available for consultation with victims; thus policy aimed at victims’ acknowledgment does not adequately reflect victims’ real needs, rights and wishes.

As demonstrated through the example of monuments commemorating the victims of the NATO bombing, they were built with the full participation of the victims’ families. This has been more satisfying for the families, and is perceived as more adequate in acknowledging the victims.

Finally, this research has identified a lack of political will to acknowledge the victims of the 1990s, due to complicity by current policy makers in the former regimes. Analyses of the three streams of Serbian public policy have shown that political affiliations have often taken precedence over strategic policy in Serbia. These two reasons are closely connected, and have been a precondition for successful victims’ redress in Serbia. The need to endorse the process of

⁴⁹² Article 1 of the UN Declaration on Social Progress and Development adopted in 1969 says that all people, regardless of gender, race and status have the right to be part of the society they live in. Article Five states that all citizens have the right to be informed and to participate in all segments of social development (General Assembly United Nations, Declaration on Social Progress and Development in 2542 (XXIV), 24 U.N. GAOR Supp. (No. 30) at 49, UN Doc A/7630 United Nations (1969)).
lustration and declare discontinuity with Milošević’s regime has been emphasised by victims’ families and many policy makers.

The issue of victims’ redress easily reached the policy agenda after Milošević left power in 2000 because all three streams of public policy combined to prioritise it. Serbs in general feel like victims, and believe that the forms of redress should be developed locally because the international community does not like Serbs. The public was therefore open to the idea of policies aimed at victims’ redress. Policy makers at that time were under strong pressure from the international community to align with EU regulations and face the past. As the government had also proclaimed these as priorities, they appropriated examples of good practice from other countries and applied them uncritically to the Serbian context. Finally, Zoran Đinđić, the prime minister at the time, made a commitment to the process of dealing with the past and approved the initiatives outlined above. With the support of all three streams of public policy, victims’ redress was positioned on the policy agenda without much debate.

The process of policy formulation excluded victims and the general public, and was heavily influenced by the international community, through experts, case studies, legal frameworks and declarations. Serbian policy makers did not want to ‘reinvent the wheel,’ while politicians tended to think the most important aspect was that policies aligned with EU accession policies, this being a priority of the government at the time.

After Đinđić was assassinated in early 2003, the political will to deal with issues from the past vanished. Accordingly, the issue of victims’ redress was not welcomed within the policy arena. Although many policies had already been formulated, those that were in the process of implementation were set aside because of heavy political pressure. The new nationalistic government ceased to prioritise cooperation with the EU and the process of dealing with the past. The international community did the same and decreased their respective budgets. Consequently, the process of policy implementation stopped, and no new policies were developed.
An even more negative direction was taken when Milošević’s former party and associates of the Socialist Party of Serbia and the Serbian Progressive Party regained power in 2008. It is not surprising that they would use their power to remove the issues of disclosure of truth and punishment of the perpetrators from the agenda and from public debate. The public’s interest in this issue also decreased, because as noted earlier, an economic crisis developed, and citizens were more concerned about this than victims’ redress. In the period from 2003 to 2012, therefore, none of the streams flowed towards victims’ redress policies, and the victims were removed from the policy arena. In 2012, Aleksandar Vučić became the new prime minister, and was motivated to improve his international reputation by once again prioritising victims’ redress policies. From 2013 onwards, the implementation of activities aimed at victims’ redress was revived.

It is sometimes difficult to distinguish clearly between the policy and politics streams of public policy. They are intertwined, and often raise the question as to which is a cause and which is a consequence. It is hard to say whether the lack of evaluation causes uncritical borrowing from other countries, or whether donor-driven projects lead to a decreased need for evaluation. If donors come with agendas that are already formulated, there is no need to evaluate them to identify the next steps. Also, if there is no evaluation practice, policy makers cannot become aware that some policies have not been effective. I argue, however, that each of these obstacles identified within the different streams of public policy influenced the content and form of redress policies in Serbia. Some created the impulse to formulate relevant policies, while others provided the basis for policy rejection or deficient implementation.

At this stage, the families of the victims are caught in a kind of ‘whirlpool’ of problems characteristic of policy creation aimed at their redress. Returning to the MSF metaphor of streams, it seems that, as Kingdon suggests, it is the confluence of streams, rather than policy windows, that creates the whirlpool that diverts victims away from the public policy arena.
This research identifies this whirlpool as the major obstacle to victim-centred redress in Serbia. This thesis does not offer new understandings of victims’ acknowledgment, but advocates for continuous reconsideration of transitional justice purposes so that victims’ satisfaction remains a focus. This is my call for victim-centred policies.

This thesis contributes to three main bodies of literature. Firstly, although many scholars have addressed the legality of different aspects of the NATO bombing, not many have examined redress for the victims of the NATO bombing. With its focus on public redress of the citizens of Serbia victimised during the NATO bombing, this thesis makes an original contribution to the existing body of knowledge about NATO’s intervention in Serbia. It also contributes to the field of transitional justice with the argument that transitional justice practitioners
focused on Serbia should shift from advocating and evaluating certain transitional justice mechanisms towards in depth analyses of the local context and internal and external factors influencing the public policy arena. As this research shows although transitional justice policies have been discussed and shaped internationally, their positioning on the local policy agenda, as well as their implementation, highly depends on the interaction of different country and context specific factors. By unwrapping this process of localisation of transitional justice policies, this research fills a gap in scholarship relating to how certain redress policies enter the policy agenda, including what are the driving forces of victims’ redress policy, formulation and implementation? Although this thesis draws on the specific empirical example of redress for the victims of the NATO bombing in Serbia, its analytical approach can be applied more widely to gain a better understanding of post-conflict policies in the Balkans and beyond. That is the original contribution of this work to the field of transitional justice. In addition, the thesis extends the use of the Multiple Streams Framework (MSF) of public policy to demonstrate its applicability geographically (in Serbia), thematically (victims’ redress policies) and across different phases of public policy (formulation and implementation).

Scholarship on transitional justice was prevalent in Serbia in the first decade of the 21\textsuperscript{st} century, but donors have recently lost interest in this topic. Consequently, the number of surveys conducted in the area of transitional justice has significantly decreased. However, as this research shows, the victims have not yet been adequately redressed for their suffering and processes behind creation of policies aimed at the victims redress have not been understood; thus this issue still deserves to be a topic of scholarly research. This thesis joins with recent studies by Volčić, Simić, Subotić, Gordy and Obradović-Wochnik to renew interest in this topic, and to recommence academic enquiry about the best ways to satisfy the victims.
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Appendices:

Appendix 1: List of people interviewed

Appendix 2: Ethics Clearance and Acknowledgement of the Final Report, email correspondence
## Appendix 1: List of people interviewed

<table>
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<tr>
<th>Institution of interviewee</th>
<th>Profession of interviewee</th>
<th>Date of interview</th>
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<td>1 Victims’ representative</td>
<td>Teacher</td>
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Appendix 2: Ethics clearance

Ethics clearance and acknowledgement of the final report, email correspondence

From: Keith Wilkins
Sent: Thursday, 28 July 2011 6:18 PM
To: Kijevcanin, Jasmina; Neumann, Klaus
Cc: McShane, Ian
Subject: SUHREC Project 2011/136 Ethics Clearance

To: Prof Klaus Neumann/Ms Jasmina Kijevcanin, FLSS

Dear Klaus and Jasmina

SUHREC Project 2011/136 Serbian victimhood and the making of public policy
Prof Klaus Neumann, ISR; Ms Jasmina Kijevcanin, Dr Ian McShane
Approved Duration: 1/10/2011 To 30/03/2014

I refer to the ethical review of the above project protocol undertaken by Swinburne’s Human Research Ethics Committee (SUHREC). Your responses to the review, as emailed on 26 July 2011 with attachment, were put to a SUHREC delegate for consideration. You will have noted a separate communication concerning the finalised consent information statement.

I am pleased to advise that, as submitted to date, the project has approval to proceed in line with standard on-going ethics clearance conditions here outlined.

- All human research activity undertaken under Swinburne auspices must conform to Swinburne and external regulatory standards, including the National
Statement on Ethical Conduct in Human Research and with respect to secure data use, retention and disposal.

- The named Swinburne Chief Investigator/Supervisor remains responsible for any personnel appointed to or associated with the project being made aware of ethics clearance conditions, including research and consent procedures or instruments approved. Any change in chief investigator/supervisor requires timely notification and SUHREC endorsement.

- The above project has been approved as submitted for ethical review by or on behalf of SUHREC. Amendments to approved procedures or instruments ordinarily require prior ethical appraisal/ clearance. SUHREC must be notified immediately or as soon as possible thereafter of (a) any serious or unexpected adverse effects on participants and any redress measures; (b) proposed changes in protocols; and (c) unforeseen events which might affect continued ethical acceptability of the project.

- At a minimum, an annual report on the progress of the project is required as well as at the conclusion (or abandonment) of the project.

- A duly authorised external or internal audit of the project may be undertaken at any time.

Please contact the Research Ethics Office if you have any queries about on-going ethics clearance, citing the SUHREC project number. Please retain a copy of this clearance email as part of project record-keeping.

Best wishes for the project.

Yours sincerely

Keith Wilkins
From: resethics@swin.edu.au [mailto:resethics@swin.edu.au]
Sent: Wednesday, 19 October 2016 1:25 PM
To: Klaus Neumann <kneumann@swin.edu.au>
Cc: RES Ethics <resethics@swin.edu.au>
Subject: Acknowledgement of Report for SUHREC Project - 2011/136

Dear Klaus Neumann,

Re: Final Report for the project (Report Date: 19-10-2016)

2011/136 'Serbian victimhood and the making of public policy'

The Final report for the above project (Report Date: 19-10-2016) has been processed and satisfies the reporting requirements set under the terms of ethics clearance.

Research Ethics Team

Swinburne Research (H68)
Swinburne University of Technology
PO Box 218
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Tel: 03 9214 3845
Fax: 03 9214 5267
Email: resethics@swin.edu.au