



UvA-DARE (Digital Academic Repository)

The unfinished trial of Slobodan Milošević: Justice lost, history told

Vrkić, N.

Publication date

2015

Document Version

Final published version

[Link to publication](#)

Citation for published version (APA):

Vrkić, N. (2015). *The unfinished trial of Slobodan Milošević: Justice lost, history told.*

General rights

It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

Disclaimer/Complaints regulations

If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: <https://uba.uva.nl/en/contact>, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.

It was never in the spirit of the Serbian and Montenegrin nation to bow before adversity, to demobilise when they need to fight, to demoralize when times are tough.

Slobodan Milošević, Speech at Kosovo Polje, 24 April 1987

Chapter IV: Centralisation of Serbia, 1987-1990

This chapter will explore the goal to centralise Serbia by describing the methods Milošević used to revoke the autonomy of the two autonomous provinces in Serbia, as well as analysing the extent to which the grievances of Kosovo Serbs were instrumentalised in order to politically mobilise Serbs and justify and legitimise changes to the status of Kosovo and Vojvodina. Then, the chapter examines the adoption of a new Serbian Constitution in September 1990. Finally, the overlap of views on the position of Serbs in the SFRY as expressed in the SANU Memorandum, the Gazimestan Speech given by Milošević in 1989, and the SPS Party Programme of 1990 is examined; and connections between language used by Serbian nationalist intellectuals and Milošević are explored.

The Implementation of SANU Memorandum Goals by Mob Rule, 1988-1989

Although the SANU Memorandum was never explicitly invoked by Kosovo Serbs, its narrative supported theirs by characterising their position in Kosovo as one of “physical, political, legal and cultural genocide” and as among the worst defeats in the history of Serbs.⁴⁰⁸ Rhetoric used at public rallies by Kosovo Serbs echoed the Memorandum in advocating that the provinces “become genuinely integral parts of the Republic of Serbia,”⁴⁰⁹ and made it appear that constitutional changes were an expression of the will of ordinary people.

The first step in modifying the 1974 Constitution of Serbia was to change the sitting leadership in Kosovo and in Vojvodina. Milošević needed the guaranteed support of provincial leaders if he were to succeed in getting amendments to the Constitution passed in the provincial Assemblies. In 1988, to this end, the street was mobilised in mass protests led by the same activists who had been instrumental in making a leader out of Milošević in 1987. This unorthodox method of

⁴⁰⁸ Mihailović and Krestić, *Memorandum of the Serbian Academy of Sciences and Arts*, Exhibit D250, 128.

⁴⁰⁹ *Ibid.*, 139

bottom-up political activism, achieved through public pressure, was dubbed a ‘happening of the people.’⁴¹⁰ At demonstrations, Kosovo Serbs claimed that Serb women had been raped, that the graves of their ancestors had been desecrated, and that Serbs and Montenegrins from Kosovo had been bullied and expelled by ethnic Albanians. And the strategy was effective; after protests that took place in Vojvodina’s capital of Novi Sad in October 1988 – known as the ‘yoghurt revolution’ because demonstrators came straight from the factories, with prepared lunches that included yoghurt – provincial and Party leadership withdrew and handed over control to Milošević’s supporters.⁴¹¹

Mob rule used to bring about leadership change in Kosovo, Vojvodina, and Montenegro was given ‘scientific’ justification in an early *Pravni život* article authored by Ratko Marković, published in the same month as the yoghurt revolution.⁴¹² As the rest of the SFRY republics looked on with disbelief and amazement as the streets crowded with angry masses, Marković argued that the political establishment had to respect the will of its people:

Today, in Serbia, the people themselves are beginning to execute the constitutional authority. Its formal executors are risking losing legitimacy if they do not translate in writing this living constitution of the people. Today, the entire Serbia is a legislature, a spontaneously convened, constituent assembly in a continuous session. In it, the people, in an immediate fashion without intermediaries and interpreters of their desires, write their own constitution as a work of their self-determination.⁴¹³

Defence witness Kosta Bulatović, a Kosovo Serb activist, testified that the goal of these rallies was not only to inform the public of certain issues but to communicate to them how much Serbs were suffering in Kosovo.⁴¹⁴ Still, while many Kosovo Serbs insisted that they deserved redress and the Constitution had to change, there was no obvious reason to ensnare Vojvodina in an identical process; nobody there had expressed similar torment or desires. Indeed, Vojvodina was among the most multiethnic places in Yugoslavia and took pride in its tolerance and in the

⁴¹⁰ Testimony of Branko Kostić (25 January 2006), 47607-47608.

⁴¹¹ Boško Krunic, interview (17 April 2005).

⁴¹² Ratko Marković, “Ustav naroda,” *Pravni život* 38 (1988). The article, titled “People’s Consitution” in English, was tendered as Exhibit P816, in B/C/S only.

⁴¹³ *Ibid.*, 1179-1180.

⁴¹⁴ Testimony of Kosta Bulatović (14 April 2005), 38561.

peaceful coexistence of its inhabitants. Bulatović explained that Kosovo Serb activists took demonstrations to Vojvodina and elsewhere on their own initiative because they estimated that the leadership there presented “quite a hindrance to constitutional amendments in Serbia,” which would bring the provinces back under Serbia’s jurisdiction.⁴¹⁵ For the amendments to be passed, Serbia needed votes in favour from *both* the Kosovo and Vojvodina Assemblies, as the 1974 SFRY Constitution stated explicitly that the border of a republic or autonomous province could not be altered without the consent of that republic or autonomous province.⁴¹⁶

The street protests did not come to an end upon the installation of new leadership in the two Serbian provinces. Soon, the same method was applied in Montenegro. The smallest of the republics, Montenegro was a historic ally of Serbia and shared with it a strong cultural kinship; indeed, the ethnic distinction between a Serb and Montenegrin is sometimes quite arbitrary.⁴¹⁷ Another ‘happening of the people,’ similar to the yoghurt revolution only a few months earlier, was repeated in January 1989 in Montenegro, where sitting leaders were again replaced. The protests were labelled an “anti-bureaucratic” revolution, suggesting that the old leadership was too stuffy and inert and a younger and more dynamic generation of politicians and functionaries was needed. The leaders of the protests in Montenegro came from academic circles attached to the University of Titograd, today’s Podgorica, and like their predecessors in the protests in Vojvodina, the Montenegrin activists, notably Pavle Bulatović and his young relation Momir Bulatović, looked to Milošević for leadership. Milošević subsequently rewarded them for their loyalty with impressive political careers. Pavle Bulatović was first the Federal Minister of Internal Affairs of the FRY and later became the Defence Minister until his assassination in 2000, which remains unsolved. The 34-year old Momir Bulatović and 27-year old Milo Đukanović – another anti-bureaucratic revolution leader – both started impressive political careers as well, becoming the President and Prime Minister of Montenegro respectively.⁴¹⁸

Not surprisingly, Montenegro became an important ally of Serbia. Milošević had effectively gained control over four votes in the eight-member Presidency of the SFRY (PSFRY) – those of Serbia, Kosovo, Vojvodina, and Montenegro. Revoking the autonomous status of the provinces

⁴¹⁵ Ibid. 38560-38561.

⁴¹⁶ Testimony of Ratko Marković (19 January 2005), 35339-35341.

⁴¹⁷ For example, Milošević had roots in Montenegro but identified himself as a Serb, while his brother made a career in Yugoslav diplomacy as a Montenegrin.

⁴¹⁸ Testimony of Nikola Samardžić (8 October 2002), 11160-11162.

actually brought their separate representation in the PSFRY into question from a legal standpoint; but with control of four votes, Milošević no longer seemed concerned that the two provinces he had fought to disempower enjoyed representation equal to the six republics.

Adoption of Amendments to the Serbian Constitution, 1989

There was a determination in Serbia to press for constitutional changes with or without federal support. In a speech given at the Serbian Assembly in January 1989, Milošević openly criticised federal institutions as ineffective and accused the federal leadership of “a lack of readiness and capability.” He went so far as to characterise the new political landscape as a “conflict between the people and its many representatives” and said of recent protests that “things that cannot be changed institutionally...will be changed un-institutionally.” He added that if Serbia could not count on the support of others in the Federation, it was prepared to do without Yugoslavia, marking the first time a politician in the SFRY had said something like this publicly.⁴¹⁹

Kosovo Albanians were not prepared to accept the constitutional reforms advocated by Belgrade. The wave of social and political protests that unfolded in the province in 1988 had culminated with strikes at the Stari Trg mine in February 1989.⁴²⁰ Striking Kosovo Albanian miners, numbering well over a thousand, were reacting to the imposition by Milošević of new leadership in the Kosovo Assembly.⁴²¹ Kosovo Serbs were concerned that the social unrest and strikes could obstruct the Assembly’s vote on amendments planned for 23 March, and on 27 February, they headed to Belgrade and gathered in huge numbers in front of the Federal Assembly to demand that federal authorities proclaim a state of emergency in Kosovo. A nervous Rafi Dizdarević, the President of the PSFRY and its representative from BiH, addressed them, calling for “brotherhood and unity.” But the crowd hadn’t come to see Dizdarević and they demanded Milošević, who kept them waiting all day.

⁴¹⁹ Slobodan Milošević, speech as recorded in “Unauthorised Transcript of the 2nd Session of the Central Committee of the League of Communists of Yugoslavia,” 30 January 1989, Exhibit P447.2a.

⁴²⁰ Testimony of Dr. Vukašin Andrić (23 February 2005), 36556; Testimony of Vukašin Jokanović (2 December 2004), 34130.

⁴²¹ The new leadership consisted of Rahman Morina, Ali Shukri, and Sinan Hasani. See: Testimony of Vukašin Jokanović (2 December 2004), 34130-34131.

Though Milošević seemed genuinely reluctant to address the crowd, his closest associates urged him to, saying that if he did not show up, the rally would never end.⁴²² Eventually, he appeared that evening and gave one of his most memorable public performances. The crowd greeted him by demanding the arrest of ousted Kosovo leader Azem Vllasi, and Milošević responded theatrically:

I cannot hear you well. But I'll answer your demand! Those who deceive the people...those who are plotting against Yugoslavia...will be arrested and punished!⁴²³

The choice to rally in front of the Federal Assembly had been strategic. Milošević wanted a state of emergency declared in Kosovo – which only the PSFRY could do – and Dizdarević felt he had little choice but to comply with the demands of protestors.⁴²⁴ To the astonishment of the rest of Yugoslavia, Vllasi was subsequently detained on charges of organising the general strike and engineering social unrest in Kosovo. He was ultimately acquitted, but not before losing all power in the LC of Kosovo.⁴²⁵

On 3 March 1989, the constitutional amendments Milošević sought were passed by the Serbian Assembly, and on 24 March, by the Kosovo Assembly – which was effectively eliminated by its own vote. Milošević's supporters saw enactment of the amendments as a triumph. And for Milošević, the episode was an important demonstration of his power and a chance to show the public that he was capable of manipulating the federal authorities to work in his interest.

Due to the PSFRY's declaration of a partial state of emergency in Kosovo, the vote there occurred amid a climate of tension. The Prosecution introduced evidence in court that depicted the atmosphere of fear and intimidation created by the presence of tanks on Kosovo streets, columns of which had started moving toward the province in the days preceding the vote. Further, military and secret service officials were present in the Kosovo Assembly Hall during the voting; and delegates who voted seemed to have been given advance directives by their local

⁴²² Jović, *Knjiga o Miloševiću*, 17-18.

⁴²³ *Death of Yugoslavia*, Part I.

⁴²⁴ Ibid. Also see: Testimony of Vukašin Jokanović (2 December 2004), 34139-34140.

⁴²⁵ Testimony of Vukašin Jokanović (2 December 2004), 34141.

committees to agree to the proposed constitutional changes.⁴²⁶ The fact that a hand vote was used – a surprising choice for a matter as important as a province surrendering its autonomy – also meant that it was open to infiltration and unauthorised voting by people who were not Assembly members.⁴²⁷ In the end, the official result was that only 10 out of 187 delegates voted against surrendering autonomy, and two abstained.⁴²⁸

In his cross-examination of Prosecution witness Adnan Merovci, a Kosovo Albanian politician, Milošević asked him to confirm that a majority of the Kosovo Assembly had voted in favour of the amendments. Merovci replied that, during the public debate that preceded the vote, many members had in fact opposed the amendments. He explained that the Assembly Hall was full of State Security officers and the building was surrounded by police forces during the vote; and that people who were not members of the Assembly and should not have been there at all were allowed to vote.⁴²⁹

Milošević repeatedly asked his Defence witnesses to attest to the fact that the overwhelmingly one-sided results in favour of the amendments were legitimate, and all of them testified that the Kosovo Assembly meeting had been truly democratic. But it was not only the Prosecution that wondered why a political body would give up its autonomy so easily; the judges also questioned the results. When pressed during his testimony on why the Kosovo Assembly would abolish itself, Mihailo Marković was evasive, insisting that the vote had not actually been on the revocation of autonomy and admitting only that “elements of the sovereignty of the provinces were removed.”⁴³⁰ Indeed, that was technically true, but it was implicitly understood that the measures introduced by the amendments would lead to a new constitution in which the autonomy of the provinces would be revoked; and that eventually happened when the Serbian Assembly adopted the new Serbian Constitution in September 1990. Veton Surroi, a Kosovo Albanian politician and publisher who testified as a Prosecution witness, described the constitutional changes as an *Anschluss*, or an annexation of Kosovo, by Serbia.⁴³¹

⁴²⁶ Testimony of Ibrahim Rugova (3 May 2002), 4190-4191; and (6 May 2002), 4330-4331.

⁴²⁷ Testimony of Veton Surroi (18 April 2002), 3468.

⁴²⁸ Testimony of Vukašin Jokanović (1 December 2004), 34063-34064.

⁴²⁹ Testimony of Adnan Merovci (24 May 2002), 5479-5480.

⁴³⁰ Testimony of Mihailo Marković (17 November 2004), 33503.

⁴³¹ Testimony of Veton Surroi (18 April 2002), 3467-3468.

Milošević's Major Success: The Centralisation of Serbia

The reactions of the Serbian elite as well as ordinary Serbs were unreservedly supportive, and the political opposition was left without any real chance to challenge Milošević's popularity, making it easy for him to win Serbia's first multi-party elections held in December 1990. Still, between the vote on the amendments on 23 March 1989 and the adoption of the new Serbian Constitution in September 1990, unrest and violence in Kosovo had continued unabated. On 27 March 1989, for instance, a disturbance broke out in Kosovska Mitrovica when a demonstration – led initially by students and teachers and then involving more of the Kosovo Albanian population – was confronted by police who intervened, eventually killing five people and wounding twenty-four.⁴³² But Defence witnesses insisted that constitutional changes had not spurred unrest in Kosovo. Kosta Bulatović testified, for example, that adverse reactions on the part of Kosovo Albanians did not follow the passage of the amendments but were only later encouraged by foreign influences.⁴³³

The Gazimestan Speech: Celebration of a Political Triumph in Kosovo

Milošević had scored a victory with the adoption of the amendments and public celebrations of the constitutional changes that resulted were held on 28 June 1989, with an event at the Gazimestan memorial in Kosovo, erected to commemorate the 600th anniversary of the battle of Kosovo Polje. The keynote speaker was a confident and exultant Milošević. Addressing domestic and foreign dignitaries and an audience of almost one million Serb supporters who had come from across Yugoslavia to hear him speak, he delivered a speech that made this one of the most significant public appearances of his career.

Expert Witness on propaganda Renaud de la Brosse testified about different interpretations of the speech among the Serb and non-Serb populations. Milošević's political opponents and many non-Serbs saw the speech as an exercise in sabre-rattling, and a majority of non-Serbian media that covered the speech framed it as an expression of Milošević's determination to achieve his goals by violence. On the other hand, Serbian media – and in particular Serbian television – gave special prominence to the speech and cast Milošević as a saviour who had restored the collective

⁴³² Testimony of Halit Barani (27 February 2002), 1173-1174; and (28 February 2002), 1277-1279 and 1306-1307.

⁴³³ Testimony of Kosta Bulatović (14 April 2005), 38554-38556

dignity of Serbs.⁴³⁴ Calling Kosovo “the heart of Serbia” and invoking the legend of the Battle of Kosovo, Milošević told the crowd:

Kosovo heroism has been inspiring our creative endeavours for six centuries. It has been feeding our pride and does not allow us to forget that once upon a time we were a large army, a brave army, and a proud army. One of the few who remained undefeated in defeat. Six centuries later, in the present day today we are again engaged in battles and are having to face battles, but they are not armed battles, although such things cannot be excluded either. However, regardless of what kind of battles we’re talking about, they cannot be won without the resolve, bravery, and sacrifice of the people, without the noble qualities that were once present here on the field of Kosovo Polje.⁴³⁵

Former Croatian President Stjepan Mesić testified that “the possibility of an armed struggle was intimated,” and that this “was the first time that anybody in Yugoslavia had ever mentioned...the possibility of actually going to war.” For Mesić and many others, the speech was a signal “that a restructuring of Yugoslavia was being prepared which would no longer be a federal one and which would no longer be the one prescribed by the 1974 constitution.”⁴³⁶ When asked by The Prosecution to comment specifically on Milošević’s assertion that the possibility of armed struggle could “not be excluded,” Mesić explained:

That sentence actually mobilised the masses, the masses who supported...the disappearance of Yugoslavia, because Yugoslavia, as a federation, can be envisaged and thought of as a chain, a chain in which the republics and provinces were the links linking up the chain. Now, if you do away with one of the links, the chain is no longer able to function. In other words, the Federation ceases to function. And this meant that they were moving towards the end of the kind of Yugoslavia that we had had up until then.⁴³⁷

Careful analysis of the Gazimestan speech in the courtroom led to some interesting findings. During cross-examination of Mihailo Marković, the Prosecution explored connections between

⁴³⁴ de la Brosse, *Political Propaganda*, 45.

⁴³⁵ Trial Transcript, Prosecution Opening Statement (12 February 2002), 27-28.

⁴³⁶ Testimony of Stjepan Mesić (1 October 2002), 10517-10518.

⁴³⁷ *Ibid.*, 10518.

the topics addressed in the speech and those in the SANU Memorandum, finding that the speech reflected concerns raised in the Memorandum about Serbia's administrative borders and its integrity as a state.⁴³⁸ Milošević had responded triumphantly at Gazimestan that Serbia had "regained its state and its dignity."⁴³⁹ The Memorandum and the speech also both referred to the betrayal of the Serbian people by their leaders, including the communist leadership of Serbia. The Memorandum criticised Serbian communists for allowing Serbia to stagnate economically in the post-WWII period and for their inadequate response to the 1974 Constitution and the Kosovo issue.⁴⁴⁰ At Gazimestan, Milošević alleged that Serbian leadership had betrayed Serbs, saying:

The concessions that many Serbian leaders made at the expense of their people could not be accepted historically and ethically by any nation in the world, especially because the Serbs have never in the whole of their history conquered and exploited others.⁴⁴¹

In court, Milošević dismissed the Prosecution's narrative about his speech, rejecting any suggestion of nationalistic content and denying that it had fanned the flames of Serb nationalism among the audience. He said he was proud of the speech, maintained that the Prosecution's interpretation of it was politically motivated, and contended that the case against him was part of a larger political scheme linked to the NATO bombardments of Serbia and Kosovo in 1999.⁴⁴² To make his point that the attitudes of Western media and politicians shifted depending on the political context, he noted that a 29 June 1989 article in *The Independent* had praised his Gazimestan speech for its language of tolerance and absence of aggressive references to Albanian counter-revolutionaries, even cheering Milošević for "assuming the mantle of a statesman and Yugoslavia's natural leader."⁴⁴³ Yet, Milošević claimed that ten years later, British Foreign Secretary Robin Cook said that the speech had not delivered a message of hope

⁴³⁸ Mihailović and Krestić, *Memorandum of the Serbian Academy of Sciences and Arts*, 125-127 and 139.

⁴³⁹ "Speech, Gazimestan," 28 June 1989, Exhibit D251.1e, 1. Also see: Testimony of Mihailo Marković (17 November 2004), 33503-33505.

⁴⁴⁰ Mihailović and Krestić, *Memorandum of the Serbian Academy of Sciences and Arts*, 124-127.

⁴⁴¹ *Ibid.*

⁴⁴² Trial Transcript, Defence Opening Statement (1 September 2004), 32291.

⁴⁴³ *Ibid.*, 32291-32294. Also see: "Milošević carries off the battle honours," *The Independent*, 29 June 1989.

and reform, but had threatened the use of force to deal with Yugoslavia's internal political difficulties.⁴⁴⁴

In June 1990, the Constitutional Court of Kosovo proclaimed that the amendments which had been passed in March 1989 were unconstitutional. One of the arguments put forth in the Court's Decision was that "unprecedented pressure" had been put on Kosovo Assembly members to vote in favour.⁴⁴⁵ A subsequent ruling by the Court actually annulled the Assembly's vote, along with the amendments.⁴⁴⁶ Still, none of this had any effect on political realities on the ground; Serbia simply pushed through changes and adopted a new Constitution in September 1990.

The 1990 Serbian Constitution

The 1990 Serbian Constitution was perceived at the time as an accomplishment of Milošević and an endorsement of his three years of domination over Serbian politics. Discussion during the trial about the March 1989 constitutional amendments and the 1990 Serbian Constitution was partly focused on technical legal issues, which were addressed in great detail by Prosecution Expert Witness on the SFRY and Serbian Constitutions Ivan Kristan. Kristan analysed the amendments, singling out several of them that most impacted a changed Serbian policy toward Kosovo. He concluded that revocation of the status of the autonomous provinces by the Republic of Serbia was a contravention of the SFRY Constitution because it required that Serbia assume powers it was not constitutionally granted.⁴⁴⁷ Kristan's position was that the way in which Serbia revoked Kosovo's autonomy was inconsistent with the rule of law and that the 1990 Serbian Constitution had "abolished crucial elements of the autonomous provinces."⁴⁴⁸ Although they still retained a form of territorial autonomy, the provinces ceased to be federal entities and thus lost their statehood attributes, placing them "in an inferior position to the one they had under the SFRY Constitution and the one they had previously had under SR Serbia's Constitution."⁴⁴⁹

⁴⁴⁴ Ibid.

⁴⁴⁵ "Decision of the Constitutional Court of Kosovo," 27 June 1990, Exhibit P822.1a, 1.

⁴⁴⁶ "Ruling by the Constitutional Court of Kosovo, No. 64/90," Exhibit P822.2a.

⁴⁴⁷ Ivan Kristan, *Report on Constitutional and Legal Issues in the Case Against Slobodan Milošević*, 4 April 2003, Expert Report, Exhibit P524a, 84.

⁴⁴⁸ Ibid., 85.

⁴⁴⁹ Ibid.

Defence witness Ratko Marković, who was involved in drafting the 1990 Constitution, testified that the two provinces had remained as units with territorial autonomy, such as those in Italy or Spain.⁴⁵⁰ In its cross-examination, the Prosecution questioned Marković about Article 135 of the 1990 Constitution, which stipulated that the Serbian Constitution would be enforced in accordance with the SFRY Constitution but also specified, somewhat incompatibly, that “if acts of the agencies of the Federation or acts of the agencies of another republic...violate the equality of the Republic of Serbia or in any other way threaten its interests without providing for compensation, the republican agencies shall issue acts to protect the interests of the Republic of Serbia.” When asked to comment on the content of Article 135, Marković denied that it gave Serbia primacy over federal agencies or laws and called it a “defensive clause” meant to protect Serbia from the acts of other republics. He pointed out that similar amendments had been made to the Slovenian Constitution in 1989, which according to him, announced Slovenia’s secession.⁴⁵¹

Another important change brought about by the 1990 Serbian Constitution was an expansion of the *de jure* executive powers of the President of Serbia, who was designated to head the armed forces in both times of peace and war, and to order general or partial mobilisations in preparation for defence.⁴⁵² This would prove vital to Milošević, who had been careful – at least ostensibly – to observe constitutional and legal requirements, even in organising the public intimidation and pressure that had been on display in Kosovo during the March 1989 vote of the Kosovo Assembly. The question of Kosovo and the activism of Kosovo Serbs had been a key to Milošević’s ability to exercise his political will at the provincial, republic, and federal levels, but after the constitutional changes he sought were achieved, he distanced himself from Kosovo Serb leaders and moved on to the next stage of the Plan – the centralisation of the Federation.⁴⁵³

⁴⁵⁰ Testimony of Ratko Marković (24 January 2005), 35527-35530.

⁴⁵¹ Ibid., 35529-35530. Also see: “Federal Republic of Yugoslavia, Republic of Serbia,” in *Constitutions of Dependencies and Special Sovereignties*, eds., Albert P. Blaustein and Eric B. Blaustein (Dobbs Ferry, NY: Oceana, 1994). The book was tendered into evidence as Exhibit P319.1a.

⁴⁵² Kristan, *Constitutional and Legal Issues in the Case Against Slobodan Milošević*, 57.

⁴⁵³ Miroslav Šolević, interview.

From the SANU Memorandum to the SPS Party Programme

Pressured by the introduction of multi-party systems in the other republics, Milošević eventually had to follow suit; but Serbia was the last to do so, with elections held in December 1990. It had been less than six months before this, in July, that Milošević and his political allies founded the Socialist Party of Serbia, or the SPS. Borisav Jović recalled that Milošević had originally rejected the introduction of political pluralism in Serbia because he was anxious that it would allow Kosovo Albanians to take control of Kosovo:

Milošević...cautioned me that, should we accept a multiparty political system, an Albanian party would be formed in Serbia. There are nearly two million of them. No matter what they call this party of theirs, they would take over power in their local settings and we would lose Kosovo. ...As far as Serbia proper and Vojvodina were concerned, no one there could do anything to us, regardless of multiple parties, because of the ethnic composition.⁴⁵⁴

Four of the sixteen contributors to the SANU Memorandum – Miloš Macura, Antonije Isaković, Dušan Kanazir, and Mihailo Marković – became members of the Main Board of the SPS.⁴⁵⁵ This made the SPS a curious ideological mix of communists and Serb nationalists, and broadened their electoral base to facilitate a win of the popular vote. And not surprisingly, the 1990 SPS party platform shared similarities with the SANU Memorandum.

The SPS gave special attention to the position of Serbs outside of Serbia, promising to “regularly monitor the living conditions and development of Serbs living in the other republics and abroad, and maintain intensive relations with their political, cultural, and other organization, believing it to be only natural for other nations to maintain such relations with their fellow countrymen living in Serbia.”⁴⁵⁶ Additionally, it stated that Serbia would “extend material and moral assistance to them, help improve their living conditions, preserve their national identity and cultural traditions

⁴⁵⁴ Borisav Jović, Rule 89 (F) Witness Statement, 18 November 2003, Exhibit P596.1a, para. 13. His book, *Poslednji dani SFRJ* (“Last Days of the SFRY”), was tendered into evidence in English as Exhibit P596.2a.

⁴⁵⁵ Testimony of Mihailo Marković (17 November 2004), 33489. According to Marković, “In 1990, that is to say four years later, they became members of the Main Board, that’s correct. Kanazir, who was President of the Serbian Academy of Sciences and Arts, and Antonije Isaković, who was also vice-president of the academy.”

⁴⁵⁶ *Ibid.*, 33560. Also see: “Programme of the Socialist Party of Serbia from the first Congress.”

and ensure more intensive cultural development.”⁴⁵⁷ So, after the SPS won the December 1990 election and formed the first post-communist Serbian government in February 1991, the party established the Ministry for Serbs Outside of Serbia.⁴⁵⁸ The SANU Memorandum had also presented the status of Serbs outside of Serbia as a significant concern, and the establishment of a Ministry to address the issue made it a pragmatic political issue in the months before the outbreak of war.⁴⁵⁹

The SPS platform called further for a new federal constitution that would allow for the formation of autonomous provinces “on the basis of the expressed will of the population and national, historical, cultural and other specificities.”⁴⁶⁰ This seemed inconsistent with the political efforts of Milošević before 1990. Indeed, his top agenda item for years had been to revoke the autonomous status of Kosovo and Vojvodina. So, the Prosecution asked Defence witness Mihailo Marković, one of the leading SPS ideologues, whether the ability to create new autonomous provinces had been intended to justify the establishment of Serb territories in Croatia and Bosnia. He answered affirmatively:

Yes. It was about this, the fact that the Serbs in Croatia, in the area stretching [into] today’s Lika, Banija and Kordun, that area, that region, they had lived there for many years. They were historically there. They were a separate Krajina enjoying separate rights under Austria, for example, and the Croatian rulers never had control over that area. Those rights were abolished, and now we wished to revive them, to give them back their rights....⁴⁶¹

The SPS proposed dealing with the Kosovo issue, which it viewed as a strictly ethnic problem, through policies that would reverse demographic shifts in the province by repopulating it with Serbs and Montenegrins. Party ideologues suggested that this would require a multifaceted approach, including “determined efforts to stop Serbs and Montenegrins from moving out of the province and secure their return,” matched by a campaign that would “tell the world the full truth

⁴⁵⁷ Ibid.

⁴⁵⁸ The Ministry for Relations with Serbs Outside of Serbia was established on 5 February 1991. The Ministry existed until 1998 and was led by three Ministers who were SPS members: Stanko Cvijan (1991-1993); Bogoljub Bjelica (1993-1994); and Radovan Pankov (1994-1998).

⁴⁵⁹ Mihailović and Krestić, *Memorandum of the Serbian Academy of Sciences and Arts*, 125-127 and 139.

⁴⁶⁰ Testimony of Mihailo Marković (17 November 2004), 33560.

⁴⁶¹ Ibid., 33561.

about Kosovo and Metohija, and to tell them about the causes and grave consequences of the actions of Albanians, chauvinists, and separatists.”⁴⁶² When asked by the Prosecution to comment on this part of the SPS platform, Mihailo Marković responded that:

The Albanians in Kosovo had an exceptional rate of demographic growth, a large growth rate, and...you couldn't, of course, stop them having this population increase, but one wanted to enable that those people who had been expelled from Kosovo to have the right to go back to their own homes and houses.⁴⁶³

Following their December 1990 electoral victory, the SPS remained in power at the republic and federal levels until October 2000.

Having successfully centralised Serbia, Milošević and the SPS next attempted to centralise the SFRY. In the first phase of this effort, a political polarisation between Slovenia and Serbia allowed Milošević to call for an early Congress of the League of Communists of Yugoslavia. Then, after the fall of communism, a debate among all the SFRY republics on reform of the Federation ensued; and the introduction of multi-party systems brought the future of the SFRY to the centre of inter-republic political dialogue. The question was: Should the Federation become centralised as Serbia and Montenegro preferred, or become a confederation as Slovenia and Croatia proposed? And, for our purposes: Was Milošević really trying to preserve the SFRY or was he in fact obstructing every federal reform that would have allowed the Federation to continue functioning as a state? This question will be addressed in the next chapter, which analyses Milošević's efforts to centralise the Yugoslav Federation with the Republic of Serbia as its dominant force.

⁴⁶² See: “Programme of the Socialist Party of Serbia from the first Congress,” 10-11.

⁴⁶³ Testimony of Mihailo Marković (17 November 2004), 33563.