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UMOR ZORANA DJINDJIČA IN TRANZICIJSKI PROCES V SRBIJI

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**THE MURDER OF ZORAN DJINDJIC AND THE TRANSITIONAL
PROCESS IN SERBIA**

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Glossary of Acronyms and Explanations

DOS	Demokratska opozicija Srbije (Democratic Opposition of Serbia)
DS	Demokratska stranka (Democratic Party)
DSS	Demokratska stranka Srbije (Democratic Party of Serbia)
FRY	Federal Republic of Yugoslavia
ICTY	International Criminal Tribunal for the Former Yugoslavia
MIA	Ministry of Internal Affairs (Ministarstvo unutrašnjih poslova – MUP)
NATO	North Atlantic Treaty Organization
PfP	Partnership for Peace
PSS	Portfolio of State Security (Resor državne bezbednosti - RDB)
PPS	Portfolio of Public Security (Resor javne bezbednosti – RJB)
SIA	Security Information Agency (Bezbednostno informativna agencija – BIA)
SOU	Special Operations Unit (Jedinica za specijalne operacije – JSO)
SUP	Secretariat of Internal Affairs (Sekretarijat unutrašnjih poslova - SUP)
SPO	Srpski pokret obnove (Serbian Renewal Movement)
SPS	Socijalistička partija Srbije (Socialist Party of Serbia)
SRS	Srpska radikalna stranka (Serbian Radical Party)
YA	Yugoslav Army (Vojska Jugoslavije – VJ)
SMAF	Serbian and Montenegrin Armed Forces (Vojska Srbije i Crne Gore)

Introduction

During the last decade of the 20th Century Serbia was intensively embracing the idea of ethnic superiority, which gave rise to nationalism and the so-called patriotism, thus leading to wars on the territory of the former Yugoslavia. Consequently, the country was isolated from the international community and exposed to economic sanctions until finally, it was attacked from the NATO forces in the spring of 1999. General social disillusion that accumulated through these years provided fertile grounds for the Serbian people to put an end to dictatorship imposed by Slobodan Milosevic. Public determination to overthrow the notorious president manifested itself in the October 2000 revolution, when Serbia finally got an opportunity to embark on the wave of democratic transition. However, the transitional process started a decade later than in other post-communist European countries, with a drawback of having a destroyed infrastructure, high crime rate and corruption at all levels. As new leaders were faced with the challenging mission to transform the state from an international pariah into a democratic country, it soon became obvious that they were the ones to pay the price of Milosevic's reign. Newly aroused aspirations to join European and Euro-Atlantic structures meant that Serbia had to deal with continuous conditionality from the West in terms of serious reforms in all segments of the social order. At the same time, it had to rebuild fragile relations between the two remaining republics of the federation and curb the mounting pressure from the unresolved status of Kosovo.

One of the forefront politicians tackling these issues was the Serbian Prime Minister Zoran Djindjic, who was seen as the most consistent force behind Serbia's reform efforts. His political engagement included many (among strong nationalistic Serbian society) unpopular measures, such as the cooperation with the United Nations International Criminal Tribunal for the Former Yugoslavia, which made him one of the most controversial figures in Serbia. Especially after the assassination attempt in February 2003, sadly, one cannot say that his murder on March 12, 2003, came as a surprise. His death, which was the first assassination of a European Prime Minister since Olof Palme was killed in Stockholm in 1986, came at the time when political order in Serbia and Montenegro was highly unstable. To be precise, both Serbia and Montenegro were without an elected president. The new state union Serbia and Montenegro, that was a product of Xavier Solana's brokerage and patronage of the European Union, has only recently been established. Moreover, federal president was just elected, while

the federal government was not yet inaugurated, leaving the country without the Minister of Defense at this delicate time.

Democratization is a multi-stage, multi-dimensional, and long-lasting (in this case also an ongoing) process that extends to various fields of economic, social, and political life, and I am aware the task of capturing the entire democratization process in Serbia is well beyond the limits of the present study. However, I believe that in order to understand the murder of Zoran Djindjic, one should be familiar with some of the transitional processes in Serbia and vice versa. The seriousness of an incident, such as a murder of a prime minister in a transitional country, could have provoked serious struggles over succession in the newly created political vacuum, and could therefore have had tremendous effects on Serbia and Montenegro's national as well as regional security. These reasons compel us to study Djindjic's assassination as a process rather than an isolated event that can be captured in terms of time and place.

The present study aims to achieve four goals. *To begin with*, I intend to portray the broader political and historical context in order to elucidate the circumstances that led to Djindjic's murder. *Secondly*, I intend to continue my research with the objective to analyze the crisis development and response phases in terms of immediate consequences of the murder, e.g. the key decisions taken directly after the assassination, and the imposition of the state of emergency, whereby certain human rights were severely restricted. *Thirdly*, I am going to examine secondary consequences that derived from the assassination and took place in Serbia *within the first year* of the murder. Here, issues that are closely connected to the Serbian democratization process will be addressed, for example: corruption and money laundering, cooperation with the ICTY, economic troubles, etc. *And finally*, an attempt to assess Djindjic's assassination in terms of a systemic impact in Serbia will be made.

Given that the state union Serbia and Montenegro is a country based on the equality of the two member states, each with its own parliament, president, government, economy, and currency, I had decided to narrow the scope of research to Serbia alone, leaving out the other republic (Montenegro), along with Vojvodina and the delicate issue of Kosovo. Nevertheless, I will occasionally converge on Serbia and Montenegro's common issues of international relations and defense, which are both in federal domain, where Montenegro cannot be excluded.

1. Methodological Framework

1.1. Structure of the Thesis

The present study is divided into five chapters. In *the first* chapter, the methodological framework is presented - structure of the thesis, hypotheses, definitions of basic terms relevant to the subject of research, and research methods. Thematic part starts with *the second* chapter. Short political and historical overview gives us an insight into events that had happened prior to the crisis, including the rocky start of the transitional process and assassination attempts on Djindjic's life prior to his murder. *The third* chapter describes the crisis development phase and reconstructs the murder to its core. The phase of crisis response proceeds with reactions of the key decision makers to the Djindjic's murder. In this chapter the most significant consequences that happened during the imposed state of emergency are presented, including the police operation codenamed Sabre. Moreover, international community's response to Djindjic's death is described, as well as the Government's response to establish the Commission to determine the circumstances that led to the assassination. *The fourth* chapter deals with the aftermath of the crisis, which gives an overview of the secondary consequences and evaluates the systemic impact of the assassination. And last but not least, conclusions and an evaluation of proposed hypotheses are presented in *the fifth* chapter, where the overall picture in Serbia one year after the assassination is assessed.

1.2. Hypotheses

In the present study I intend to focus my research on the following hypotheses:

1. While struggling for the transfer of power from the authoritarian regime to a new political system, Serbia was incapable of dealing with the legacies of repression, which had ultimately cost Zoran Djindjic his life.
2. Due to the underlying conditions in Serbia, imposing a state of emergency was an adequate response to mitigate the crisis caused by Djindjic's murder.
3. Zoran Djindjic's assassination caused a political trauma and initiated response settings that impeded democratization process.

1.3. Definitions of Basic Terms:

Democracy is a form of governance of a state, and without the existence of state there cannot be a consolidated modern democratic regime. If a functioning state exists, five other interconnected and mutually reinforced conditions must also exist or be crafted for a democracy to be consolidated (Linz and Stepan, 1996: 7-8):

- The conditions must exist for the development of a free and lively *civil society*. By civil society we refer to the arena of the polity where self-organizing groups, movements, and individuals, relatively autonomous from the state, attempt to articulate values, create associations and solidarities, and advance their interests.
- There must be a relatively autonomous and valued *political society*, which is the arena in which the polity specifically arranges itself to contest the legitimate right to exercise control over public power and the state apparatus. A full democratic transition, and especially democratic consolidation, must involve political society.
- There must be a *rule of law* to ensure legal guarantees for citizens' freedoms and independent associational life.
- There must be a *state bureaucracy* that is usable by the new democratic government.
- There must be an institutionalised *economic society*.¹

Democratic transition refers to a political process of movement aimed at:²

- *Establishing* a democratic political system, initiated either from above or below or a combination of both [or from abroad],
- *Allowing* bargaining and compromise among different political forces for the resolution of social conflicts,
- *Institutionalising* the pluralist structures and procedures by which different political forces are allowed to compete for power,
- *Regularizing* transfer of power, and
- *Engaging* in the fundamental transformation of political structure.

¹ In social science there is no consensus about definition of the term "democracy". In their work "Democracy 'With Adjectives': Finding Conceptual Order in Recent Research", David Collier and Steven Levitsky indicated more than hundred attributes that various authors assigned to the term democracy and listed about 550 definitions of democracy that circulate in studies of democracy (Lajh, 2001: 53). I understand one could find much to quibble with the chosen definition of democracy, however, I believe it will serve the purpose of this thesis.

² Three Ways of Conceptualizing Democracy, <http://bss.sfsu.edu/squo/Handsout/psc414-01.ch1.def.doc> (October 2, 2003)

Fink-Hafner (in Lajh, 2001: 53) claims that the process of democratic transition consists of (at least) two stages. *The first stage* should comprise a period of normative establishment of a new system, with adoption of a democratic constitution, free elections and establishment of new democratic political institutions with political party structure consistent with the results of free and just elections. *The second stage* of transition should include a period of democratic consolidation, which means time for political and cultural stabilization of a new system, with grounding in acceptance of democratic values and rules of the game from the majority of society. Linz and Stepan (1996: 1) claim that: “A democratic transition is complete when sufficient agreement has been reached about political procedures to produce an elected government, when a government comes to power that is the direct result of a free and popular vote, when this government *de facto* has the authority to generate new policies, and when the executive, legislative and judicial power generated by the new democracy does not have to share power with other bodies *de jure*.”

Pridham (2000: 16, 17) considers **a democratisation** to be an umbrella term for the whole process of regime change, from authoritarian or totalitarian rule, to the rooting of a new liberal democracy. He also suggests that democratisation should be viewed as both a multi-stage and multi-dimensional process. It is multi-stage because it embraces liberalization and/or authoritarian regime collapse through the transition phase, and consolidation to the point where new democracies become established. In essence, democratisation is achieved once consolidation is completed. Democratisation is multi-dimensional simply because the functioning of liberal democracies is multidimensional. That is, it involves not merely the creation of new rules and procedures (the formal dimension of transition), but also the societal level as well as intermediary linkages and interactions between different levels, especially elite-mass relations. It may, furthermore, comprise other dimensions that have some influence or direct effect. These should include the international dimension or key events that occur at decisive moments.

Assassination is a murder, usually of a political, royal, or public person. The term is derived from the order of the Assassins, a Muslim sect of the 11th and 12th Centuries, whose members furthered their own political interest by murdering high officials. The origin of the word is *assassiyun*, Arabic for fundamentalists (Laucella, 1998: xi). Ben-Yehuda claims (1999) that there are at least three separate elements woven into the concept of “assassination” which identify it as a particular kind of murder: a target that is a prominent political figure, political

motive for killing, the potential political impact of the death or escape from death. Moreover, some of the distinguished features of the assassination are the following (Ben-Yehuda, 1999: 161-165):

- Political assassinations are not crimes of passion. They constitute attempts to kill that are deliberate, intentional and very carefully planned.
- Political assassinations are target specific. It is the specificity of the target that distinguishes political assassinations from other acts of indiscriminate terrorism. Terrorism usually aims at a general and collective target, while a political assassination is highly discriminative. It seeks the death of a particular actor and does not aim at the collective, or at an indiscriminate target.
- Attempt to assassinate must be serious.
- Reasons for which the potential victim is targeted are political, and associated with the political role or position of the victim.
- The symbolic – moral universe out of which the assassin acts, and out of which the victim is part, is a crucial element in the interpretation.

Crisis is a process unfolding as manifold forces interact in unforeseen and disturbing ways.³ Modern crises are increasingly characterized by complexity, interdependence and politicisation. Causes, characteristics, and potential consequences are subject of political and social debates, which take place in the glaring lights of the mass media (Rosenthal, Boin, Comfort, 2001: 6, 8). Crises have a deep impact on stakeholders and mass public. They expose tensions between the primal need to feel physically and socio-economically safe, and the social experience of life that is essentially ambiguous, uncertain and at times frightening and harmful. Precisely because crises challenge the political symbol of “security”, they also challenge the competence of the institutional guardians of security, i.e. the state and its political-administrative leadership (’t Hart and Boin, 2001: 30).

A decisionmaking crisis is a situation, deriving from a change in the external or internal environment of a collectivity, characterized by three necessary and sufficient perceptions on

³ Kingdon (in ’t Hart and Boin 2001: 39) notes that the original ambivalence of the Greek notion of “Krisis” (threat and opportunity) has largely gone lost. Crises have become almost exclusively associated with threat, vulnerability, indeed with “unness:” unexpected, unpleasant, unwanted, uncertain-features anathema to the modernist project. But in day-to day political reality, statesmen, bureaucrats, and other stakeholders have not lost sight of the fact that crises are not all bad news. In fact, crises may be welcomed, not merely as a stick to hit political adversaries, but also as a window of opportunity for promoting changes and reforms. Both in transitional and more established polities, crises provide fuel for agents of change.

the part of the responsible decisionmakers: threat to basic values, urgency, and uncertainty (Stern, 2000: 8). *An institutional crisis* is an adversity that happens when a public organization suffers severe legitimacy problems, shaking its institutional foundations to the core. It occurs when a previously well-established organization or policy sector becomes the subject of critical discussion in both public and political arenas. An institutional crisis indicates that a sector has drifted from a situation of relative stability and routine increment into an unstable phase marked by uncertainty. Such crisis periods are often perceived as severe threats to positions and beliefs (Boin *et al*, 2002: 2).

1.4. Methods of Research

For the purpose of examining the case study of Zoran Djindjic's assassination and the transitional process in Serbia, I intend to use a historical analysis, which will give a short insight into important events that happened in the years and months prior to Djindjic's assassination. Further on, descriptive method and theoretical concepts will help to understand certain facts concerning the murder, as well as enlighten the process of transition and democratisation. However, the present study has a drawback of being conducted on distance, which significantly limits the variety of sources available for the reconstruction of the key decision making events and the following analysis.

Empirical data on which the case study is carried out was mostly collected from secondary sources, e.g. journals, newspapers, magazine articles, and books that had been published on the subject of research. Furthermore, important sources of information were numerous official statements, public polls, and several organizations' reports available on various Internet websites. Primary sources, such as constitutions, significant laws, decrees, orders and other governmental documents relevant to the issue have been used to lay down the foundation for the rule of law on which the analysis could then be conducted. On the whole, these sources were sufficient to achieve the goals of presenting the political and historical context of the assassination as well as the secondary consequences that derived from the murder within the first year of the assassination.

As the rest of the study, crisis development and response phases, have a drawback of being completely dependant on the so-called primary and secondary sources. However, an in-depth

crisis management case study would require a meticulous investigation complemented by interviews of individuals involved in the crisis development phase, including high ranking key decision making state officials. That would enable us a deeper understanding of the decision making dilemmas and processes behind the official statements, which represent a significant part of this study. For example, processes in the institutional and operative response phase of the crisis could be thoroughly dissected and assessed with greater precision, giving us an insight into the problem framing of the crisis. Interviews would also give us a possibility to appraise the validity of information and complement the results of the study. With this in mind, conducting interviews with key decision makers would be a necessary step for future in-depth studies of the subject. Nevertheless, the range of gathered information and sources in the present thesis provides the possibility to develop arguments needed to test the abovementioned hypotheses.

2. Political and Historical Context

Crisis management never takes place in a vacuum. Knowledge about political, administrative, social, cultural, and economic factors is essential for understanding this phenomenon (Stern 1999 in Stern and Hansen, 2000: 20). Therefore, it is important to enlighten the shadows of the past and the context of events that led to Zoran Djindjic's assassination. Namely, the murder of precisely this Prime Minister and at this time demands us to understand it in a broader political context, and to put it in a historical perspective.

2.1. Milosevic's Overthrow alias Democratic Revolution

On July 6, 2000, after 13 years of reign, Slobodan Milosevic amended the Constitution of the Federal Republic of Yugoslavia (FRY), allowing him to serve another six years as a president.⁴ On July 27, 2000, he called for early elections to the Yugoslav Parliament and local governments as well as for the president of the FRY, although his term of office was due to end only one year later, in July 2001. His opponents grabbed their chance by forming a broad electoral alliance, the Democratic Opposition of Serbia (DOS), which could count on massive assistance from Serbian civil society.⁵ Through Federal Election Commission's promulgation of the final results (Milosevic 38,62 % vs. Kostunica 48,96 %), Milosevic admitted defeat, but tried to force his opponent into a run-off, which the opposition rejected. The final act unfolded on October 5, one day after the Constitutional Court had annulled the results of the presidential poll altogether (Thompson, 2004: 94). Zoran Djindjic, at that time the Democratic Party President, called for a general strike, confident that Serbia would come to a standstill by Monday, October 2 (Bujosevic and Radovanovic, 2003: 7).

In the evening of October 4, Djindjic met Milorad Lukovic Ulemek - Legija, the commander of the Serbia's Special Operation Unit (SOU), also known as the Red Berets.⁶ Legija told Djindjic

⁴ Milosevic became a Serbian president in 1990. After the Serbian Constitution prevented him from serving another term as a president in 1997, he became the president of the FRY, which was established in April 1992 by Serbia and Montenegro, and invested what has been a ceremonial office with unlimited authority (Bujosevic and Radovanovic, 2003).

⁵ The DOS coalition was encompassing three main political clusters: Kostunica's own Democratic Party of Serbia, the Democratic Party headed by Zoran Djindjic and the Civic Alliance of Serbia (Gradajaski Savez Srbije – GSS), and another fifteen smaller parties from all parts of the political spectrum (Cigar, 2001).

⁶ The original name of the SOU was Unit for Anti-terrorist Activities. It was established by the State Security Department of the Ministry of Internal Affairs in 1991. According to the commander of the Unit Franko Simatovic – Frenki, the unit was small, mobile, murderous, discrete and engaged in protection of the national

that the orders from the top are extreme, that he decided to disobey and that “his” police won’t help Milosevic to stay in power. In return Djindjic gave him his word that the protesters will refrain from attacking the police (Bujosevic and Radovanovic, 2003: 27). It turned out to be a pact with the devil, which cost Djindjic his life (Norland and Cirjakovic, 2003: 32).⁷ Nevertheless, the negotiation contributed to the relatively smooth proceeding of the revolution (Thompson, 2004: 94), but did, however, further entrench and even formalise the position of groups such as the Zemun clan that already had deep links within sections of the police, intelligence services, judiciary and media.

On Thursday October 5, the people of Serbia began converging on Belgrade. The demonstrators won the battle, while the police was humiliated, beaten and had to withdraw. Legija held his word and ignored orders from the regime, his “Boys from Brazil” arrived at the front of the Radio Television Serbia building, stepping out of armoured vehicles, removing their masks and giving the three-finger salute (Bujosevic and Radovanovic, 2003).

The above mentioned events support Thompson’s idea that stolen elections in autocratic systems create conditions favourable for the outbreak of democratic revolutions (2004: 85). Thompson claims that elections serve to increase the organizational capabilities of the opposition. On the regime side, stolen elections test the loyalty of the regime staff, which produces elite divisions, weakening the regime at a time of mass mobilization. This makes the regime collapse in the face of societal protest likely. In Serbia, the whole system fell together

security under conditions of direct existential threat to the Serb people all over its ethnic territory. Besides the direct participation in fighting, it occasionally coordinated fighting activities of the autochthonous Serb forces with other forces in Croatia, Bosnia and Herzegovina [and Kosovo]. This type of engagement gave members of the unit a pretext of viewing themselves as patriots. With new Rules on Internal Organization of the Portfolio of State Security – PSS, the SOU was established as a separate organizational unit within the PSS on April 5, 1996, as a special-purpose unit for the performance of special operations and implementation of special character actions. At the time of reorganization in 1996, 450 members were engaged in the unit. When the SOU was separated from the PSS in the beginning of 2002, it became a separate organizational unit of the Ministry of Internal Affairs, upon whose use decided the Minister of Internal Affairs, following a prior approval of the Government of Republic of Serbia (Komisija za ispitivanje sistema obezbedjenja predsednika Vlade Republike Srbije dr. Zorana Djindjica, 2003: 21–24, henceforth The Commission).

⁷ Legija [the legionnaire] was a paramilitary killer, whose nickname comes from a period he had spent in the French Foreign Legion. He headed the SOU from 1996 on and some claim (Bogdanovic, 2003b: 43) this was the time that the SOU became highly criminalized and was (mis)used also on the territory of Serbia. After he was forced to resign from the chief position of the SOU in 2001, he became even more connected with the Zemun clan, a gang of war criminals, secret policemen and other criminals who traded in drugs and contraband cigarettes, and built a booming business in extortion, kidnapping, and political murder. With the help of allies in the police, they got rid of as many as 50 rivals and other opposing mafia in the surroundings. In January 2003 Legija published an open letter in a local newspaper, where he recalled: “We gave the Serb people a free ride on October 5, 2000. In a very short time, they’ve forgotten everything” (Norland and Cirjakovic, 2003: 33; and Traynor and Anastasijevic, 2003).

with media empire, Milosevic with it, in a domino effect. Later on, Legija went to the federal government building and took an oath before Kostunica. Nebojsa Pavkovic, the Chief of Staff of the Yugoslav Army, congratulated Kostunica on his victory, telling him he is now in command of the army. Since Milosevic had to concede a defeat, he made a special appearance on the YU Info Channel on October 6, 2000, and announced that he had just received the ruling of the Constitutional Court that Vojislav Kostunica was the new president of Yugoslavia (Bujosevic and Radovanovic, 2003). Zoran Djindjic then joined the latter at the top of the Serbian political scene as the Prime Minister of Serbia.

But the initial euphoric period in the wake of the October 5 soon ended as the new leaders found themselves at odds with the government's reform programs. Namely, as Ottaway points out (2003: 179), in a political transition, the problem of generating power goes beyond the initial step of defeating the opposition, and extends to the challenge of governing. Generating power is therefore an ongoing problem until a country stabilizes and, indeed, until democracy consolidates to the point where other mechanisms for generating power become unthinkable. What is more, a new democratic government does not have the benefit of relying on institutions, because the institutions need to be developed and cannot generate power immediately.

2.2. Dealing with the Past and Rivalries within the Democratic Opposition of Serbia

After the ouster of Milosevic from the top, which resulted in the end of the communist era, Serbia had to confront what Aguilar and others (2001) identify as one of the most important political and ethical questions that societies face during a transition from authoritarian or totalitarian to democratic rule, that is, how to deal with legacies of repression. It is often the problem with the greatest potential to destabilize a transitional process. Further, some of the most fundamental issues regarding law, morality, and politics are raised at such times, as societies look back to contain violence, and struggle to find solutions to legacies of violence that may affirm the rule of law and democratic government. Serbia was no exception; since Milosevic was removed, it seemed that the biggest problem was solved. However, his fall didn't bring an avalanche of falling key public figures, many remained in function, prolonging their political careers, whose beginnings are often traceable back to the time of Tito. From

communism, to nationalism, to war and democracy - many players stayed the same (Ivkovic, 2003: 2). Sadly, it was just some rules of the game that had changed as the FRY embarked on the wave towards democratic transition, and many argued that Serbia never had its October 6. Case in point was Kostunica's reluctance to oust the Yugoslav Army's Chief of General Staff, General Nebojsa Pavkovic. It took Kostunica more than a year and a half to dismiss Pavkovic from his duty and replace him with his deputy General Branko Krga (Edmunds, 2003: 30).

Similarly as its neighbour Croatia a couple of years ago, the Serbian list of political reforms that needed to be tackled following the regime change was daunting: the revision of the constitution, the complete overhaul of the judiciary, the rebuilding of the parliament as a functioning institution independent of the executive, and the decentralization of governmental functions. But this was only the beginning; the military needed to be depoliticized and professionalized, the security service needed to be restructured and brought under the supervision of elected officials, and new regulatory agencies needed to be created to supervise a privatized economy. In dealing with these problems, the Government needed to tackle the legacy of Milosevic and the much longer of the communist regime (Ottaway, 2003: 125).

Milosevic's extradition to The Hague, on June 28, 2001, led to a major political division within the DOS, which had significant repercussions on further development in the political arena. Additionally, there were numerous reasons for many to be afraid of future cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), since they had taken part in a series of actions (in war and "peace") investigated by the ICTY. Furthermore, they were afraid that a consistent policy of cooperation with the ICTY would lead to more than just investigating their personal responsibility. This thesis was skilfully endowed by the leadership of the SOU and in particular (at that time already) its former commander Milorad Lukovic.⁸

⁸ On June 26, 2001, after the incident in the Belgrade restaurant "Stupica" [when he attacked officials performing their duty], Lukovic asked for a severance of his employment contract. He was then arrested, with the consent of the new leadership of the PSS and the Ministry of Internal Affairs. This happened after numerous incidents he had caused, particularly the one in Kula [the shooting incident which ended with fire in discotheque "Tvrđjava"]. To Lukovic this was a clear sign that the newly elected leaders of the PSS and the Ministry of Internal Affairs had no intentions of defending him in breaking the law just because of special merits from the past. However, the Government did nothing when Lukovic kept at least 20 members of the SOU as his bodyguards (who were at that time still on the Government payroll!). Nobody said anything even after he moved them to Silerova Street, where some of them provided security to Dusan Spasojevic, the Zemun clan leader (The Commission, 2003: 24, 46).

The armed revolt of the SOU (from November 9, 2001, to November 10, 2001) illustrates the importance of these accounts, since the cause for the uprising was the extradition of brothers Banovic to the ICTY. The SOU itself arrested the brothers Banovic, not knowing they were to be extradited.⁹ The uprising ended with four important consequences. Firstly, the SOU was separated from the Portfolio of State Security (PSS) and later on, Council for the State Security was established within the Government of the Republic of Serbia, whose president was Zoran Djindjic. Secondly, changes of top personnel in the PSS took place.¹⁰ Thirdly, the PSS was no longer engaged in activities of personal protection of VIPs. And finally, in order to create a counterbalance to the SOU, the Government adopted a strategy to establish new police formations (The Commission, 2003: 25, 26).

Political forces close to Djindjic favoured faster reforms and were willing to ignore legal and constitutional niceties to obtain results. On the contrary, forces closer to the FRY's president Kostunica favoured a more evolutionary and slower approach to reforms. Disagreements within the DOS, significant power of organized crime groups together with their allies in the former Communist security services, prevented faster political, judicial and constitutional reform within Serbia itself. This stalemate and deadlock in the reform process contributed to another notable phenomenon: citizen apathy (Bardos, 2003: 651). Due to insufficient voter turnout, Serbia tried and failed twice in 2002 to elect a new president.¹¹ Such electoral instability contributed to overall institutional instability, and at various points, the Serbian presidency, legislature, and constitutional courts were functioning with dubious degrees of legitimacy.¹² Furthermore, with the establishment of the State Union Serbia and Montenegro on February 4, 2003, the FRY ceased to exist, leaving Kostunica without a president post. The

⁹ "Vukovi i zmije", *Vreme*, March 27, 2003.

¹⁰ Andrija Savic was posted chief of the PSS. Milorad Bračanovic, Legija's long lasting friend and a former associate of the SOU was posted as deputy chief of the PSS, while head of the PSS Goran Petrovic and his deputy Zoran Mijatovic were fired (The Commission, 2003: 26).

¹¹ The presidential elections took place on September 29, 2002, and December 8, 2002 (Results of elections are available on the web page of the Centre for Free Elections and Democracy: www.cesid.org). After the failed elections in December, the Serbian Parliament speaker Natasa Micic became the acting president of Serbia, since mandate of the then Serbian president Milutinovic ended on 15 January 2003. Milutinovic then surrendered to ICTY in January 2003.

¹² Well-known is the instance when the legitimacy of the Serbian National Assembly was brought into question after Administrative Committee of the Parliament dismissed 45 deputies representing Kostunica's DSS, supposedly because of their regular absence from parliamentary sessions (Naegle, 2003). Disputes went so far that the ruling DOS coalition then formally expelled DSS deputies from the coalition. Although the Yugoslav Federal Constitutional Court ordered that the dismissed representatives be reinstated, the republican - level Serbian Constitutional Court ruled that the move had been legal. With the DSS representatives dismissed from Parliament, Djindjic allies were able to vote six new judges to the Constitutional Court, who promptly ruled in Djindjic's favour. At the end [the Committee and] Djindjic did back down and allowed the DSS representatives to retake their seats (Bardos, 2003: 656, 671).

new State Union effectively removed from power Djindjic's political rival, what is more, Kostunica failed twice in running for the Serbian presidency.

Adopting and proclaiming the *Constitutional Charter of the State Union of Serbia and Montenegro* and the *Law on the Implementation of the Constitutional Charter of the State Union of Serbia and Montenegro* (on February 4, 2003), was a significant step for the whole country. It is argued (Dahl, 2000: 128) that "in a country where the conditions are neither highly favourable nor highly unfavourable but mixed, so that democracy is chancy but by no means impossible, the choice of constitutional design might matter. A well-designed constitution might help democratic institutions to survive, whereas a badly designed constitution might contribute to the breakdown of democratic institutions." The state union Serbia and Montenegro is based on the equality of the two member states, the state of Serbia and the state of Montenegro. In addition to the joint Parliament, the Council of Ministers, the President and the Court, every member state has its own Parliament, President and Government. If this isn't complicated enough, the Constitution includes another disturbing provision that makes the future of Serbia and Montenegro highly uncertain and, on the other hand, Dahl's claim rather plausible. Namely, upon the expiry of a 3-year period, member states have the right to initiate the proceedings for the change in its state status or for breaking away from the state union Serbia and Montenegro.¹³

2.3. Security Challenges and Threats to Djindjic's Life Prior to the Assassination

Djindjic was a person often described as a skilful and pragmatic politician, down to earth, western orientated reformist, who didn't lack friends or enemies. These characteristics, combined with a fact that he was a prime minister in a transitional country where assassinations and disappearances became a part of an every day life and, hitherto, the use of force was a familiar answer behind power struggles of various nature, made him a desirable target for many. That made a job to provide a proper security for him highly important as well as difficult task. (Appendix A shows just some of the most notable assassinations and attempts of assassinations in the country since 1999)

¹³ The decision on breaking away from the State union should be taken following a referendum (Constitutional Charter, Article 60).

In order to decrease security risks for the Prime Minister, the 6th Directorate of the PSS as well as the experts from the German police made security assessments of facilities that the Prime Minister used on a regular basis. Since Djindjic's old apartment had numerous security shortcomings, it was impossible to meet much needed security standards and protection, the Prime Minister and his family therefore moved to the official residence on Uzicka Street on April 10, 2002 (The Commission: 29, 30).

Moreover, after the assassination of the police General Bosko Buha on June 10, 2002, Vladimir Vukosavljevic, the head of the Department providing security for the Prime Minister, issued an order to increase the security measures, on the basis of the oral command to do so by the deputy Minister of Internal Affairs, Nenad Milic. Namely, there were indications that the Zeljko Maksimovic-led criminal group, responsible for Bosko Buha's death, also intended to endanger Zoran Djindjic and his family. Therefore, the number of operatives in direct contact with the Prime Minister as well as those providing security for his residence was increased. Dozen of persons were placed on the premises of the City Hall so they could prowl the surroundings of the place where the Prime Minister was living (The Commission: 29).

Nine months later, in the beginning of February 2003, leaders of the Zemun clan criminal group started to plan the murder of Zoran Djindjic.¹⁴ At the time, the initial plan was to ambush the premier's car and fire at it with a rocket launcher. **The "first"** assassination attempt happened on February 16, 2003, on the road close to Belgrade on the elevation near *Bubanj Potok*, when Jovanovic Zvezdan and Tojaga Zeljko, both members of the SOU, were supposed to shoot at premier's car with a rocket launcher.¹⁵ They didn't fulfill the plan as they estimated

¹⁴ Governmental Commission report (2003: 26-29) describes the **Zemun clan** as the leading criminal group in Serbia. The group had connections within criminal elements both in Serbia and Montenegro, as well as in the Western Europe. Their crimes included the most serious criminal acts, such as murders, attempted murders, kidnappings, banditry, blackmailing and others. One of the main criminal activities was drug trafficking, in which they were connected with the "Surcin group", making one of the strongest international groups of smugglers in the area. In the last couple of years, the Zemun clan fought many criminal groups and individuals and organized and carried out a number of liquidations. The main reasons were primacy and the territory for their criminal activities in which the group showed violence, arrogance and cruelty in addition to the use of firearms. Often, they kept the kidnapped or blackmailed persons in their private prisons. With their criminal activities, they had amassed large amounts of money, which they were trying to legalize through the purchase of real estate, building shopping centers, buying restaurants, apartments and similar. In order to get the information to their interest, they spent a lot of money on having "their men" situated in the police, judicial system and politics. The court proceedings against them were often hindered by great pressure on plaintiffs and witnesses, caused by threats, blackmailing, bribery and other methods. Consequently, the cases against them were often slowed down, prolonged, exceeded the statute of limitations, most of them ending without a conviction.

¹⁵ Ministry of Internal Affairs (henceforth *MIA*), Press Conference. April 29, 2003. Akcija "Sablja".

that the attack would cause too much collateral damage, since Djindjic's wife and kids were in a vehicle behind Djindjic's (Vijelkovic and Bijelic, 2003).

On February 21, 2003, Zoran Djindjic survived **the second** assassination attempt on the Ibarska motorway (between Belgrade and Zagreb) close to the sports hall *Limes*, when a truck driver made a sudden move into the left lane so that Djindjic's driver only with a great effort avoided collision. Djindjic's vehicle and the escort vehicle continued their drive, while the members of the Prime Minister's security from the third vehicle stopped the driver. He was identified as Dejan Milenkovic - Bagzi, one of the Zemun clan gangsters, and was driving a truck with Austrian license plates (No. B-824-BF). In his statement to the police he said he had bought the truck on the same day from an unknown person at the *Bubanj Potok* auto market and had no intention of causing the traffic accident. First checks showed that the truck was bought on February 16, 2003, with a counterfeit identity card in the name of Carketa Drago. Because of a reasonable suspicion of the existence of a criminal act of falsifying the document, charges were brought against Milenkovic, who was remanded in custody for eight days by an investigative judge on duty at the time. However, the next day, on the basis of the complaint of his lawyer, with the decision of a panel of the 4th Municipal Court in Belgrade, Milenkovic was released from custody (The Commission: 35-39).

Later on, it was discovered that another truck had been bought, using the same counterfeit identity card in the name of Cerketa Drago (Tam 80 number plate BG 559-918). This truck was later found in the immediate vicinity of the sports hall *Limes*. After all these findings, the Secretariat in Belgrade issued a search warrant, while the police continued with intensive activities on the collection of evidence on the criminal activity of the Zemun clan (The Commission: 39).

Djindjic was often warned about the potential threat to his life, but was at first denying that the incident on the highway was an assassination attempt. However, after he had been introduced to the facts about the event and "Bagzi's" criminal record, he changed his mind, stating that the incident "shows the total obsession of the people that are using these methods, thinking that nothing [in Serbia] has changed and that they [the criminals] can act as they did in the former regime". He added that his possible death wouldn't change anything (Grujic, 2004), bearing in mind reforms, democratisation and cooperation with the ICTY. After this attempt the assassins decided to change the method and use the sniper rifle instead.

At that time one could only speculate what were the real **motives** behind the assassination attempt, however, it seemed that Djindjic was on the point of confronting the Zemun clan and other criminal groups, which was essential, as Aguilar and others point out: “non-democratic “enclaves” and authoritarian legacies are indicative of shallow democracies and as such must be get rid of” (2001: 31). Legija and his senior colleagues faced two direct and immediate threats. The first was that of extradition to the ICTY, as Legija feared he was on a new list of indictees recently mentioned by Carla del Ponte, and few dispute that Djindjic was the driving force behind Belgrade’s cooperation with the ICTY. The second threat was an arrest and prosecution by the special prosecutor for organized crime, Jovan Prijic, appointed only days before, on March 6, 2003 (Jane’s Intelligence Review, April 4, 2003: 12). More to the point, on numerous occasions Members of the Zemun clan tried to kill one of its former close associates, the leader of the criminal gang from Surcin, Ljubisa Buha - Cume, and “kidnapped” his wife.¹⁶ In December 2002 they blew up his blooming legitimate company and millions of euros worth of construction machinery. In return, he decided to publicly speak up about the crimes the Zemun clan had committed, and turned to authorities that promised him a status of a collaborating witness. Furthermore, on January 23, 2003, Andrija Savic, the Chief of the Security Intelligence Agency (SIA) (Bezbednostno informativna agencija – BIA), and his influential deputy Milorad Bracanovic (a close friend of Legija) were fired from their positions.¹⁷ All these events indicated that the circle around the Zemun clan was getting tighter and tighter.

The third assassination attempt happened nearby the Federal Parliament in Belgrade just after the state union Serbia and Montenegro had been declared on March 10, 2003. The assassins were parked on a car park on the crossroads of Kneza Milosa Street and Kralja Aleksandra Boulevard, and gave up their plan of shooting the Prime Minister at the entrance of the building, as he was shielded by numerous reporters. After that, all members of the group engaged themselves in the search to find a proper location for the assassination. Ninoslav Konstantinovic found an empty office in the Admirala Geprata 14 Street, with a clear view of the government entrance, from where the Prime Minister was to be shot.¹⁸

¹⁶ Media sarcastically referred to Ljubisa Buha’s wife Liljana Buha as the Serbian “Helen of Troy”.

¹⁷ Legija, Duca i momci iz Kule, March 18, 2003, <http://www.serbiancafe.co.uk/?go=news/zoran/ekipa> and Rat Srpskih kumova, March 13, 2003, <http://www.serbiancafe.co.uk/?go=news/zoran/ratkumova> (March 18, 2003).

¹⁸ MIA, Press Conference. April 29, 2003. Akcija “Sablja”.

3. Analyzing the Murder of Zoran Djindjic and its Immediate Consequences

3.1. Crisis Development Phase

On March 12, 2003, just before 12:30 p.m., Zoran Djindjic, the Prime Minister of Serbia and the President of the Democratic Party (Demokratska stranka – DS), was on the way to the government, when “his” armored metallic grey BMW cruised into the yard of the government building, taking him to a meeting with a government advisory body on combating corruption (Traynor and Anastasijevic, 2003). As usually, the car stopped in front of the entrance number V.¹⁹ Due to the earlier agreement, the system of technical protection of the government facility was shut down on March 11, 2003. To be precise, the official request of the Security Institute to upgrade the existing system of technical protection and the request to reconstruct a part of the government building on the ground floor, including the room where the Technical Security Centre was located, resulted in a public knowledge that during the period of 45 days, when the civil engineering reconstruction would take place, the Technical Security Centre would be out of operation.²⁰ Ironically, a *TV B92* cameraman was situated outside the government building on that particular day, wanting to take some shots before a press conference (Tarlac, 2003a: 51). He happened to record the very moment that Djindjic, another victim in the long line of assassinated Serbian leaders, was shot, making the footage a top story in the news around the world.²¹

¹⁹ Entrance No. II was used only from time to time, mostly when the conference hall on the ground floor was used. Similarly, entrance No. III from Nemanjina Street wasn't used so often either. Entrance No. IV, in the vicinity of the entrance No. V, was used exclusively as a supply entrance (The Commission: 33).

²⁰ The system for technical protection was made of an alarm system inside the government building and a closed circuit TV system for monitoring the government building, and to an extent, the interior of the building. Signals from all the cameras were brought to the Centre of Technical Security (inside the government building), with a possibility of transmitting signals from certain cameras to the duty centre of the 6th Directorate of the Serbian Ministry of Internal Affairs. The reconstruction of the entrance was supposed to start in February, but it was only on March 10, 2003, that a project engineer received a request from Danilo Koprivica, the Head of Security, that for security reasons the equipment had to be moved from the Centre, since the room was full of dust. The system was shut down on the same day and on March 11, 2003, all the equipment was dismantled and stored in a prior designated room. No alternative manner of video supervision or alternative Centre had been foreseen (The Commission: 30-33).

²¹ The murder of Zoran Djindjic was not the first murder of a Serbian leader, history provides quite a few examples. Karadjordje Petrovic Djordje was killed on July 25, 1817, by Vujica Vulicevic, who acted upon orders from the prince Milos Obrenovic (Vojna enciklopedija (VE), 1972, No.4: 235). The next victim was prince Mihailo Obrenovic, who was murdered by Karadjordjevic's follower on June 10, 1868 (VE, 1973, No.5: 452). Exactly 35 years later, on June 11, 1903 queen Draga and king Aleksandar Obrenovic of Serbia were murdered in the plot organized by army officers connected to crown prince Petar I Karadjordjevic (VE, 1973, No.1: 91). There were several unsuccessful assassination attempts on the king Milan Obrenovic, however his children, who

Djindjic was shot at 12:25, while trying to balance on crutches, just after he had clambered out of the car towards the closed doors of the government building in Nemanjina Street 11.²² He was shot in the chest, the bullet shattering his heart and shredding his intestines. His bodyguard, Milan Veruovic, employee of the SIA, was also shot.²³ Djindjic was pushed to the back seat of the car and immediately transported to the Emergency Centre of the Clinical centre of Serbia, about a kilometre away. At the time he arrived at the hospital, he was unconscious, with no pulse or blood pressure. The bullet made large entering (6x2 cm) and exiting (4x1cm) wounds in his right heart ventricle, literally exploding his heart, liver and spleen. Reanimation and complex surgery intervention, joining cardio-surgery as well as abdominal teams, was immediately started. Nonetheless, the time of death was proclaimed at 13:30 (Bogdanovic, 2003a: 13 and Tarlac, 2003a: 51).

The perpetrators were waiting for Djindjic's arrival in the building at the Admirala Geprata 14 Street, which is home to the Institute for Photogrammetry and some other private companies. In order to get a clear view of the target they were hiding three successive days, ten to fifteen

were the last in line of the Obrenovic family, were killed by the secret union Black Hand ("Crna Ruka"). The only one whose life was not threatened by an assassination was king Petar I Karadjorjevic. However, the communists did try to kill his son Aleksandar I Karadjordjevic. Interestingly, to-be-assassin Spasoje Stejic threw a bomb from a building on the king's procession in the Kneza Milosa Street in the near vicinity of the place where Zoran Djindjic was assassinated (Usud Srpskih vodja, available at: http://www.nspm.org.yu/ubistvo_premijera.htm, February 25, 2004). At the end, king Aleksandar I Karadjorjevic was killed in the plot in Marseilles on October 9, 1934 (VE, 1970. No.1: 90).

²² Djindjic had recently injured a tendon during a football game (Traynor and Anastasijevic, 2003).

²³ During the police investigation and trial for the murder, a lot of attention was brought to the question: "How many bullets were fired and how many actually hit Djindjic and Veruovic?" Ballistic findings conducted by the Serbian medical and ballistic experts as well as by the experts from the Central Institute of Criminology in Wiesbaden, Germany, revealed that two bullets 7,62x50 mm NATO (.308 Winchester) were fired from a sniper rifle "Heckler and Koch" (model G-3 SG 1) from a distance of 129 meters and the difference in height at least 14 meters, each one separately hitting Djindjic and Veruovic in a time gap of 3,7 seconds. However, the witnesses' testimonies differ. A group of 37 witnesses that were distant to the crime scene all agree they heard two loud shots. On the other hand, acoustic perceptions of witnesses that stood near the crime scene differ. Some claim they heard three shots, the first one being of low intensity and immediately followed by a second shot, and after a couple of seconds by the third shot. The last two shots were of high intensity and with a longer time gap between them. On the contrary, some claim they heard only two shots. Experts from Wiesbaden proposed the following working hypothesis: The projectile's initial velocity upon firing from H.u.K G-3 was 770 m/s and the projectile reached the target 0,17 second after being fired, with a velocity of 680 m/s. While moving through Djindjic's body the projectile lost the speed and hit the building with a striking velocity of 406 m/s. Sound on the other hand, travels (considering normal meteorological conditions in Belgrade, such as temperature, pressure and humidity) with the velocity of 345 m/s. In this case making the projectile to travel with the double speed as the sound, which means that the first "low intensity" sound some witnesses heard was the projectile hitting Djindjic's body, exiting the body, hitting the building and bursting into many fragments, some of them landing inside the building, whereas the actual sound of the shot came around 0,37 seconds later. The second projectile ricocheted and was never found. Only two bullet shells 7,62x50 mm NATO were found under the window of the building in Gepratova Street 14, both being connected to the sniper rifle that the police found later on in the investigation. The reason why the witnesses heard the first low intensity sound only before the first high intensity sound but not with the other high intensity sound can be explained that it was ringing in their ears after

hours per day, on the premises of the private company “Geosonda” in the office No. 55 on the second floor.²⁴ After the shooting, three men, all dressed in working blue overalls with yellow trimmings, were seen leaving the scene. One of them had a sniper rifle in his hands, the other two handguns. They ran through the passageway between the Restaurant “Lira” and the Republic Institute for Photogrammetry in the direction of the Balkanska Street.²⁵

Journalists gathered the first information from the hospital sight, observing people and their faces when they were leaving the Emergency Centre. The first one to leave was Tomica Milosavljevic, the Minister of Health, at 13:40, followed by vascular surgeons from the institute “Dedinje”, the director Dr Bosko Djukanovic, and Dr Bozina Radevic, twenty minutes later. Approximately at the same time, high officials of the Democratic Party, Zoran Zivkovic and Goran Vesic, left the building. They were followed by Zoran Djindjic’s wife, Ruzica Djindjic. Couple of minutes after two o’clock, Dr Vojko Djukic, the director of the Clinical Centre, said to the press: “The doctors did all they could. That is all I can say. The government session is to take place.” The last governmental car left the hospital at 14:30 (Radivojevic, 2003).

Seriously injured bodyguard, Miran Veruovic, was also transported to the Emergency Centre of the Clinical Centre of Serbia, where he was operated by Dr Djordje Bajec. The doctor commented that Veruovic’s condition was serious but he was out of critical state, after being shot through the lower part of the stomach, and that a positive outcome is to be expected (Radivojevic, 2003).

3.2. Immediate Consequences

3.2.1. Acute Phase of Crisis Response

Because of their dramatic and disruptive nature, crises give rise to many questions. These questions can be subsumed under three central themes: causes (why did it happen?), responses (how well did we cope?), and consequences (what will happen next, what should happen

the first high intensity sound and their levels of adrenalin were raised, making them not to pay attention to secondary sounds (Vasic, 2004b).

²⁴ Vasiljevic, 2003; Traynor and Anastasijevic, 2003; and Kraljevic and Uskokovic, 2003.

²⁵ MIA, Press Conference, March 13, 2003. Konferencija za novinare.

next?). Each of these questions raises profound philosophical and practical issues. Moreover, the actors involved in the process share a super ordinate goal, a sense that what they are doing is urgent and important and benefits society (t Hart and Boin, 2001: 30, 35). Action must be undertaken, with little or no time available for a careful review of the facts and a balanced assessment of stakeholders' interest. Crisis managers must decide during the initial phase of a crisis whether they are dealing with the crisis or with a signal of crisis to come (Rosenthal et al., 2001: 18).

Crisis management capabilities are not created in a vacuum. They are influenced by prevailing administrative and political resources that are available to decision-makers and organizations when crisis occur (Stern and Nohrstedt, 1999: 3). Stern and others (2002: 540) argue that:

When crisis occur in early transitional regimes, they generate response settings that incorporate actors who are both less than certain about their own competence and unfamiliar with those of their counterparts. This is likely to trigger either of two rather extreme patterns of inter-organizational behavior. Either we see self-seeking antagonism between organizations that perceive one another as rivals competing for dominance, or "newgroup" behavior is evident, i.e. a form of conflict avoiding collective improvisation during which all the actors taking part are susceptible to tendencies to conform with emergent norm-setting by ad-hoc leadership.

Events described in this chapter show how the Serbian key-decision makers perceived this particular incident and, more important, how they dealt with it and what was the operative response. Namely, it is important to consider the possibility that assassination of a leader can shake a polity to its very core, provoking struggles over the political succession, shaking elite and mass senses of security and political order, and widening political cleavages in society (Stern and Hansen, 2001: 164). After the assassination, the Serbian crisis decision makers found themselves in the crisis situation, dealing with a shortage of information, high uncertainty over not knowing what is to follow, and under time pressure, aware of the fact that their decisions not only have to be prompt, but will have a deep impact on the events to follow in the unfolding crisis as well as on the national security of the republic and entire Serbian society as well.

3.2.2. Assessing the Depth of the Crisis

3.2.2.1. Operational Response

Immediately after Djindjic was shot, his bodyguards alarmed the security personnel of the government building and uniformed policemen, who went to the building from which the shooting came. Ten minutes after the incident, a circle of policemen searching for the assassins was made. Dozens of policemen, armed with personal and automatic weapons, arrived at the crime scene and the whole block around Nemanjina Street 11 was cordoned off, among them Admirala Geprata, Kneza Milosa, a part of Sarajevska and Balkanska Street. The police occupied the building at Admirala Geprata 14, from which no one was allowed to leave, while the employees of the Serbian Ministry of Internal Affairs (MIA), Secretariat of the Interior Belgrade, the Police Brigade and the Directorate for the Criminal Investigations Police were looking for clues and any kind of evidence the assassins might have left behind. Exits from the nearby cafés “Monjument”, “Lira” and “Hrabro srce” were prohibited, the entrance to the building next to the government was blocked as well, as all guests were identified and investigated to gather possible information about the shooting. An hour after the assassination the investigative judge of the District Court in Belgrade, Aleksandar Covic, arrived to the scene, together with the deputy state prosecutor. Trace dogs were included in the investigation in order to trace the lead in the building at Admirala Geprata 14. In the search for material evidence, two firemen trucks with ladders were used in order to find any possible shells in the awnings of the cafes “Monjument” and “Lira”.²⁶

These police actions resulted in the fact that Belgrade, the capital with two million people, was blocked just shortly after the incident. State borders, the Belgrade airport and the Belgrade harbor were under tight control, the strongest checkpoint being on the highway to Novi Sad. In twenty minutes, Belgrade’s entire police force was on the streets ready to complete their only mission, to arrest Djindjic’s assassins.²⁷

The next day, on March 13, 2003, the MIA held a Press Conference, stating that cooperation of all security structures of the country, namely, Serbian and Montenegrin Armed Forces (SMAF)

²⁶ MIA, Press conference. March 13, 2003; Kraljevic and Uskokovic, 2003; and Ubijen premijer Zoran Djindjic, March 12, 2003 <http://serbiancafe.co.uk/?go=news/ubistvo> (October 4, 2003).

²⁷ *ibid.*

(former Yugoslav Army - YA), Security and Intelligence Agency, and the Serbian MIA had been established, and that a plan had been made and would be realised in order to arrest the people responsible for this terrorist act. The Director of the Secretariat of Internal Affairs Belgrade, Milan Obrenovic, added that the majority of the criminal group was on the run, their homes were being searched and that they were being hunted across the territory of Serbia and Montenegro. Cooperation with neighbouring and other European countries was already established and was to continue. The Minister of Internal Affairs Dusan Mihajlovic promised they would arrest people responsible for the crime and liquidate anyone who would resist the police.²⁸

When the state of emergency was announced, the Serbian police started arresting people on a large scale. Within 24 hours of the assassination, 56 people suspected of taking part in the plot were arrested, three of the arrested Zemun clan members asked for a status of protected witness. Based on the information collected within the first 24 hours after the assassination, security forces gathered enough intelligence to confirm the allegations made by the Government on the day of the murder. Namely, that the Zemun group was directly involved in the assassination attempt on the highway as well as in the murder. It was also confirmed that the clan's members, aided by other groups and accomplices, hired several mercenary teams for the operation.²⁹

Djindjic's **funeral** took place on March 15, 2003, in the Lane of the Great of Belgrade's New Cemetery. The requiem service was held from noon to 13.00 o'clock in Saint Sava's Cathedral, followed by a mourning crowd of hundreds of thousands of people in a funeral procession to the New Cemetery, where the Prime Minister was buried with full state and military honors.³⁰ Some noted (Traynor and Anastasijevic, 2003) that "not since Tito died in 1980 had Belgrade witnessed such an outpouring of grief. The streets were bedecked with flowers for the funeral cortege." This outburst is understandable, since the Serbs as a nation experienced an overwhelming political trauma, bringing the nation together in the event that instantly gained mythical proportions.³¹ Due to the long list of the eminent foreign and domestic guests that

²⁸ MIA, Press conference, March 13, 2003.

²⁹ The Government of the Republic of Serbia, Press Release, March 13, 2003. Uhapseno 56 ljudi, osmoro sa objavljene liste osumnjicnih. Henceforth, the Government of Republic of Serbia will be referred to as *the Government*

³⁰ The Government, Press Release, March 14, 2003. Sahrana premijera Djindjica 15. marta u Aleji velikana.

³¹ Vertzberg claims (1997: 864) that: "A collective political trauma is a shattering, often violent event that affects a community of people (rather than a single person or a few members of it) and that results from human

attended the memorial service, the Cathedral and the surrounding streets were heavily guarded, providing security not only to the congregation in common, but to high officials who came to pay their last respects. In order to provide security for the funeral procession and avoid any possible disruptions or even new assassination attempts on politicians attending the funeral, valuable time and resources were taken from the police investigation and the chase after assassins.

3.2.2.2. Institutional Response

Coupling the notion of crisis only with that of threat is misleading. Indeed, crises also open up new windows of opportunity (Stern and Hansen, 2000: 19). This line of argumentation holds that an institutional crisis creates not only problems for policymakers and other actors in a sector; at least some of them may view the crisis as an opportunity to instigate reform, either with regard to content or organization of policymaking. In this perspective, institutional crises constitute opportunities for breakthroughs that are politically infeasible or simply unthinkable in normal times (Boin *et al*, 2002: 2)

Shortly after the assassination, members of **the Government of the Republic of Serbia** gathered in the government building to participate in a special governmental meeting of extended composition. At the emergency meeting the Government concluded that Djindjic's murder had put country's constitutional system and security in jeopardy. That had consequences for civil rights and freedoms, and the work of state institutions, which justified the assumption that more serious consequences to the country's sovereignty, constitutional system and security could occur. Conditions were such that a state of emergency was to be declared. All government bodies were to take immediate measures within their jurisdiction to end the state of emergency as quickly as possible. Furthermore, the Army of Serbia and Montenegro was to assume special powers of the MIA.³² It was said that all emergency measures would be taken in order to catch the people responsible for the murder. Immediately after the Government held a meeting, the deputy Prime Minister Nebojsa Covic, who had been appointed acting Prime Minister, gave a statement to the press, telling the media that the Government had given a proposal to the acting president Natasa Micic to declare a state of

behaviour that is politically motivated and has political consequences. Such an event injures in one sharp stab, penetrating all psychological defensive barriers of participants and observers, allowing no space for denial mechanisms and thus leaving those affected with an acute sense of vulnerability and fragility.”

³² The Government. Press Release, March 12, 2003. Vlada Srbije predlozila da v.d. predsednika Srbije proglasi vanredno stanje.

emergency in Serbia, which she did at 18.15 in accordance with the *Law on Measures in case of State of Emergency*, articles 1 and 4.³³

The Serbian Constitution (from 1990) defines the state of emergency in the article 83, item 8, in which it specifies that the President of the Republic shall, “at the proposal of the Government, if the security of the Republic of Serbia, the freedoms and rights of men and citizens or the work of State bodies and agencies are threatened in a part of the territory of the Republic of Serbia, proclaim the state of emergency, and issue acts for taking measures required by such circumstances, in accordance with the Constitution and law.”³⁴ Referring to this article, as well as to the Law on Measures in case of State of Emergency, Natasa Micic said, “The state of emergency on the territory of the Republic of Serbia is declared. The assassination of the Prime Minister Zoran Djindjic represents an attack on the country’s constitutional system, and is a major crime against its safety and stability. This criminal act is an attempt to stop the fight against organized crime, democratic reforms, integration into international community and to undermine not only the stability of the country, but also of the whole region. I decided to accept the state of emergency proposal made by the Serbian Government so that safety of people and property can be maintained, and so that the state organs can confront organized crime with the harshest measures available. To that end, the state will use all methods a law-abiding state can use in a state of emergency to bring to justice the masterminds and perpetrators of this (crime) and all other recently committed crimes/.../.”³⁵

The official statement of the Serbian Government was that on March 12, 2003, warrant for the arrest of the biggest organized criminal group in the area of the former Yugoslavia should have been signed. Namely, several months lasting operation in the fight against organized crime - appointing a special prosecutor, collecting evidence and taking statements from protected witnesses - was coming to an end. The Government listed many criminal acts, among them the assassination and attempted assassination of Zoran Djindjic, the kidnapping and murder of the former Serbian president Ivan Stambolic, the murder of four opposition party members in a

³³ Bogdanovic, 2003a: 14; and Ubijen premijer Zoran Djindjic, March 12, 2003, available at: <http://serbiancafe.co.uk/?go=news/ubistvo> (October 4, 2003).

³⁴ Suspending civil rights often has a negative connotation, since it is often associated with undermining democracy opposed to assisting it. One of the examples is India in 1975 when “the prime minister, Indira Gandhi, staged a coup d’état, declared a state of emergency, suspended civil rights, and imprisoned thousands of leading opponents” (Dahl, 2000: 161).

“traffic accident” in October 1999 (the “Ibarska magistrala” case), the attempted assassination of the opposition leader Vuk Draskovic in Budva and others. They accused the organized crime group Zemun clan, made up of around two hundred criminals, of attempting to avoid arrests, halting the government’s fight against organized crime by assassinating the Prime Minister, hiding behind the shawl of patriotism, attempting to influence politics, establishing connections with certain state structures, bribing journalists and political analysts, and of public attacks on the Serbian Government. For these acts, twenty-three leaders of the Zemun clan were specifically named, the first on the list of the accused was Milorad Lukovic - Legija.³⁶

The Government added that since the assassination attempt on the motorway, a thorough investigation had been launched throughout the country and abroad that was supposed to lead to arrests of those involved within days.³⁷ To conclude, in the extraordinary session held immediately after the assassination, the Government declared three days of state mourning from Thursday, March 13, to Saturday, March 15, 2003. The next day the Government held its 160th sitting on which it decided on the schedule of five deputy prime ministers in attendance that were to conduct government’s sessions, sign and adopt governmental acts.³⁸

The next day, on March 13, at 11 a.m., **the National Assembly of the Republic of Serbia** held its first session under the state of emergency. The vice-chairperson of the Assembly, Gordana Comic, who presided the session, informed the Deputies that the session was being held in accordance with the Article 79, paragraph 4 of the Constitution of the Republic of Serbia, and Article 4, paragraph 4 of the Act on Measures Adopted in Case of a State of Emergency. According to the latter, the Assembly meets without being convened as the President of the Republic proclaims a state of emergency. Comic also notified the deputies that the Assembly had received the government’s proposal to proclaim a state of emergency and an Order on special measures adopted under a state of emergency.³⁹ The Assembly normally proceeded with its work, issuing a stream of laws and orders, starting with appointing Mr. Zoran

³⁵ The Government. Press Release, March 12, 2003. Natasa Micic, v.d. predsednika Republike Srbije, proglasila vanredno stanje u Srbiji.

³⁶ The Government, Press Release, March 12, 2003. Vlada Srbije odlucno nastavlja borbu protiv organizovanog kriminala.

³⁷ The Government, Press Release, March 12, 2003. Ubijen premijer Srbije Zoran Djindjic.

³⁸ The Government, Press Release, March 13, 2003. Utvrdjen raspored za vodenje sednica Vlade Srbije.

³⁹ The National Assembly of the Republic of Serbia. March 13, 2003. Sednica Narodne Skupstine Republike Srbije odrzana za vreme vanrednog stanja. From hereon the National Assembly of the Republic of Serbia will be referred to as *the Assembly*.

Zivkovic, the Vice President of the DS, as the new Prime Minister of Serbia, as well as Cedomir Jovanovic as one of the six deputy prime ministers.⁴⁰

Regardless of the state of emergency, **the Federal Assembly of Serbia and Montenegro** voted to approve the new Council of Ministers, that is, the first government of the state union. The lawmakers elected three Serb and two Montenegrin ministers, clearly indicating that their work is not hindered by Djindjic's murder.⁴¹ Prior to Djindjic's assassination, it was Zoran Zivkovic who was supposed to become a new minister of defense. However, Zivkovic was now appointed Serbian Prime Minister, while pro-western Boris Tadic took the post of a new Defense Minister.

The Democratic Party held a commemorative assemblage on March 13, 2003. Cedomir Jovanovic, the DS's vice president, sent a clear message to its political opponents, stating that they will continue Djindjic's ideas about making a modern Serbia, which is going to be constitutionally defined and included into European integration. Jovanovic said that he can see Djindjic's vision, and repeated the late Prime Minister's words, "You can shoot at me. You can kill me, but this country will continue to exist and the system will manage the problems I am dealing with" (Popovic, 2003).

3.2.3. The State of Emergency

Ivkovic notes (2003: 4) that "the state of emergency, as the effectuation of the exception that is inherent to legal order, has the paradoxical structure of being the legal form of that, which does not have a legal form; as everything that the sovereign decides could happen. The measures taken are legal measures that cannot be understood from only a legal point of view, because events take place in juridically empty space of exception." Agamben points out (in Ivkovic 2003) that the characteristics of the state of emergency are that law is separated from the force of law, and that because force of law is present without form, the state of emergency remains distinct from the state of nature. Before the consequences of the state of emergency are presented, it is important to recognize what did the term "state of emergency" mean in this

⁴⁰ The Assembly (2003). Odluka o izboru predsednika i potpredsednika vlade republike Srbije i ministara u vladi Republike Srbije.

⁴¹ Serbian and Montenegrin Armed Forces (henceforth *SMAF*). Press Release, March 18, 2003. News.

particular case study or what was the legal form of that, which has largely been presented as a progressive opportunity to install true democracy and restore order to the nation.

Order on Emergency Measures Applied during the Time of State of Emergency in Serbia, declared by the Government after it had officially been announced that Zoran Djindjic is dead, defined nine measures to be taken during the state of emergency.⁴² Among others, the following measures characterized six weeks following the assassination: certain citizens rights and freedoms guaranteed by the Constitution of the Republic of Serbia were restricted and specific competence of state bodies in the course of a state of emergency were defined. In terms of major restriction provided in the Order, the MIA was entitled to arrest a person jeopardizing safety and other citizens, and retain that person in up to 30-day custody without the right to an attorney or visits by relatives. Both, arrest and custody, were regulated by relevant decisions, which were subject to complaints that could be filed to the MIA. The Minister of Internal Affairs could temporarily limit or prohibit people's movement on public places or in certain areas, order certain persons to stay in the place of their residence, order to seal the access to certain places or buildings as well as disable exits from them. Further on, the director of the SIA could take certain measures against particular persons; confidentiality regarding letters and other means of communications was violated, meaning that people could be followed and phone conversations could be spied and taped. Moreover, authorized people could enter homes and other places without warrants; strikes, public assemblies, syndicates, political, and other actions with the aim of obstructing all the above mentioned measures were also outlawed. And last but not least, censorship was introduced, banning public dissemination of information related to the motives behind the state of emergency, and allowing only official releases that came from the competent state bodies.

Nevertheless, the Serbian population strongly supported these harsh measures. According to the Strategic Marketing & Media Research Institute (SMMRI) opinion polls from March 2003, 73 percent of the Serbs backed the state of emergency, indicating high levels of trust in the police. On the contrary, 11 percent of the Serbs did not support the imposed state of emergency, while 16 percent were undecided.⁴³ Djindjic's DS became the most popular party, while Kostunica's Democratic Party of Serbia (Demokratska stranka Srbije – DSS) and

⁴² The Government, Press Release, March 12, 2003. Mere koje se primenjuju za vreme vanrednog stanja.

⁴³ MIA, 2003. Стање, резултати, реформе хиљаду тврдих дана 2001 – 2003. Available at: http://ppt.mup.sr.gov.yu/Prezentacija%202001-2003_files/frame.htm (January 10, 2003).

Milosevic's Socialist Party of Serbia (Socijalistička partija Srbije – SPS) lost support. Similarly, public opinion polls on the one hand showed increased positive perception of Djindjic, from 25% before the assassination to 70% after the assassination. On the other hand, Kostunica's popularity continued to decrease and reached 25%, its lowest point, in June 2003 as opposed to 85% in May 2001. Two thirds of those polled after Djindjic's murder had a negative opinion of The Hague indictees Vojislav Seselj and Slobodan Milosevic, both sitting in jail indicted for war crimes.⁴⁴

However, Vertzberger warns (1997: 867) that responses to trauma “are not the results of systematic introspection but are induced by panic and anxiety. Individuals in such circumstances react reflexively and not reflectively, by choosing the most easily available response that is at the same time the most representative symbol of atonement and distancing.” In this respect we can explain the surprising statistical data by human urge to distance itself from the moral universe of the perpetrators of the crime, and the consequent need to show support for the state of emergency and thereby the ruling elite.

3.2.4. The Operation Codename Sabre

Since finding and convicting the assassins became a national priority, the Serbian MIA raised the mobility of all its services and started the “Operation Sabre” (“Akcija Sablja”). Goals of the operation were to identify, find and arrest the assassins, their assistants and other collaborators that were anyhow connected to them. For that reason, people suspected of having connections with the Zemun clan were daily interrogated and arrested.⁴⁵ The Government and the MIA assessed the operation very successful, partly, because it was conducted in cooperation with other security services in Serbia (SIA and SMAF) as well as with police forces from other countries. This resulted in an unprecedented, the biggest, the most comprehensive and successful action of the Serbian police in the fight against organized crime. Over the record-breaking period the police practically cleansed the whole underworld, despite the fact that this underworld included figures that were, at some point, more powerful and affluent than the state itself, and better equipped than the police.⁴⁶

⁴⁴ Various public polls results from October 2001 onwards are available at the webpage of the Strategic Marketing & Media Research Institute (SMMRI): <http://www.smmri.co.yu> (March 26, 2004).

⁴⁵ The Government, Press Release, April 29, 2003: Akcija Sablja.

⁴⁶ Helsinki Committee for Human Rights in Serbia. The Premier Zoran Djindjic Assassination and Impact of the State of Emergency: May 31, 2003: 16. Henceforth, this report will be referred to as “Helsinki Committee 2003”.

Merely during the state of emergency, which lasted 42 days, from March 12, 2003, to April 22, 2003, **11,665 people were apprehended**, suspected of being, this way or another, connected to Djindjic's assassination, tied up with organized crime or in possession of information crucial for tracing down suspects. 2,272 of them were detained, depending on the time needed to gather crucial evidence and information on detainees. 898 of them were kept in custody for ten days, 452 of them for 20 days, and 861 for 30 days.⁴⁷ On the Serbian territory alone, the police identified 123 criminal groups comprising of 844 members. Consequently, 3,560 criminal suits were filed against 3,946 people believed to be responsible for 5,671 criminal acts. These numbers reflect the fact that during the course of the Operation Sabre, the police have resolved many unsolved criminal cases; among others, 29 murders, 29 attempted murders, 64 extortions, 8 kidnappings, 30 criminal acts of taking bribes, 258 deeds of illegal production and distribution of drugs, and as many as 11,480 other criminal acts. 1,313 pieces of weapons of various calibers, 356 hand grenades and 110,100 pieces of ammunition were temporarily confiscated, as well as 74 kilos of drugs and other objects were impounded.

Moreover, the biggest drug trafficking routes from Bulgaria, Macedonia, Holland, and Columbia to Austria and Switzerland, as well as the routes throughout Serbia were cut off.⁴⁸ Among other **resolved cases**, the police have also discovered that the Zemun clan was responsible for a bomb attack on the DSS's headquarters in Belgrade as well as for blowing up Ljubisa Buha's company "Defense Road" in Zemun Polje.⁴⁹ Symbolically, during the Operation Sabre, the police in body armor stormed and bulldozed *The Fortress*, the Zemun clan's headquarters on Silerova Street in Belgrade's suburb Zemun.

One of the most significant cases resolved during the Operation Sabre was the case of Serbia's missing former president Ivan Stambolic, who disappeared on August 25, 2000. The investigation of the politically motivated murder, which was allegedly carried out in order to remove Stambolic as a potential presidential candidate in the September 2000 elections,

⁴⁷ There were many different assessments about the numbers of apprehended and detained. That is why I decided to be specific with statistics. Moreover, there were some accusations made about the excessive use of force and bad living conditions in detention units, however, international inspectors did not register any major departures from standards or violations of human rights (Helsinki Committee, 2003: 13). On the other hand, Amnesty International was very critical of state of the emergency, and accused the police of torturing detainees. Some incidents were described very vividly in its report (EUR 70/019/2003).

⁴⁸ Detailed information on the work of the Serbian MIA during the Operation Sabre and the State of emergency is presented in the *Annual report on the work of the Ministry of Internal Affairs for year 2003*, though available only in Cyrillic: Извештај о раду министарства унутрашњих послова републике Србије у 2003. години.

⁴⁹ MIA, Press Conference, April 29, 2003. Akcija "Sabljka."

showed that Stambolic had been kidnapped by five SOU members, killed and buried in a pit filled with quicklime on Mount Fruska Gora.⁵⁰ Apart from the SOU members, the following people were later charged with the involvement in the Stambolic murder and the attempted assassination of the Serbian Renewal Movement leader Vuk Draskovic: Milorad Lukovic - Legija, the former head of the State Security Service Radomir Markovic, and the former YA Chief of Staff Nebojsa Pavkovic (Beta, March 24, 2004). Furthermore, Slobodan Milosevic's wife, Mira Markovic, left Serbia to stay with her son in Russia in February 2003. Based on charges relating to corrupt property deals as well as involvement in Stambolic murder, she was accused of incitement of the murder (Tarlac, 2003c: 8).

Though most important, Djindjic's (alleged) assassins Zvezdan Jovanovic, assistant of the SOU Commander, and his helpmate in the murder Sasa Peljakovic - Pele, also a member of the SOU, were arrested on March 25, 2003.⁵¹ Moreover, all the assassins and organizers of the murder were identified, and the murder weapon (sniper rifle "Heckler and Koch", model G-3 SG 1, allegedly belonging to the SOU) was found.⁵² The motive and political background of the murder were corroborated and the MIA initially charged 45 people in connection with the assassination, the criminal act of terrorism as well as associating to commit hostile activities in conjunction with the command structure of the SOU and individuals from the SIA. It was confirmed that the motive came directly from the leaders of the Zemun clan, Dusan Spasojevic - Siptar, Milorad Lukovic - Legija, and Mile Lukovic - Kum. The Government went a step further, releasing the information that the murder was a terrorist act code-named "Stop to The Hague".⁵³ Approximately at the same time, on March 27, 2003, Dusan Spasojevic and Mile Lukovic - Kum (not to be mistaken for Milorad Lukovic - Legija) were killed in a shooting with the police, while [allegedly] resisting arrest (Tarlac, 2003b: 9).

According to the MIA, the group intended to hide for a couple of days, before conducting terrorist acts against state institutions and killing more prominent figures, among them Goran Svilanovic, the Minister of Foreign Affairs, Cedomir Jovanovic, vice president of the DS as well as Vladimir Popovic, the head of the government's information office. With these acts constitutional order would be endangered, uncertainty widespread, and Serbia's security at

⁵⁰ The Government, Press Release, March 28, 2003. Pronadjeni ostaci Ivana Stambolica na Fruskoj Gori.

⁵¹ The Government, Press Release, March 25, 2003. Privedeni osumnjiceni za ubistvo premijera Djindjica.

⁵² MIA, Press Release, March 25, 2003. Izvršena ekspertiza snajperske puske.

⁵³ The Government, Press Release, April 29, 2003. Podneta krivicna prijava protiv 45 osoba odgovornih za atentat na premijera Djindjica.

stake. This would lead to fertile grounds for the SOU to become operatively engaged and a threatening factor to the republic, and would enable them to get some help from the patriotic anti-Hague forces in the country and take over the power in Serbia.⁵⁴ Taking into account the conditions in Serbia described in the earlier chapters, the motive seems very plausible, although one cannot help wondering why an actual attempt to follow the original plan after the murder was not made. Namely, even though all the circumstances the perpetrators had predicted came into being, and the state was destabilized, there was an absence of any attempt to follow up the murder with a coup d'état or any other political disruptions. This brings us to an important juncture that unfortunately cannot be explained without the plotters' own testimonies. What went wrong that the conspirators did not fulfill the plan? Did they get scared by the severe measures undertaken by the authorities and were just not prepared for such a response?

Nevertheless, by committing Djindjic's murder, the Zemun clan (also officially) became an organization conducting not only criminal but also terrorist and political activities. The group's alleged connections to numerous individuals from the state apparatus were disclosed, such as the police, judiciary, public prosecutor's office, the SIA, various political parties and the entire command of the SOU. Consequently, on March 25, 2003, the Government made a decision **to dismiss the SOU**, this being one of the most important consequences of the assassination. Members of the SOU were ordered to return their service weapons, equipment, uniforms, tags and I.D.s, while the Gendarmerie took possession of the SOU's equipment and weaponry.⁵⁵ On disbandment, all SOU's members were vetted, and those deemed to have clean hands have been reintegrated into a Gendarmerie force (Barnet, 2003: 41). Therefore, there was some loud criticism on the account that the members of the SOU were just reassigned to new positions.

Just before the state of emergency was lifted on April 22, 2003, the MIA published (the alleged) detailed course of events as well as the names of people that were involved in the assassination, where it claimed that as many as 12 people were directly and six people indirectly involved in the murder. The SIA's agents Branislav Bezarevic and Toni Gavric, who were employed in the Surveillance Division, observed through security cameras when Djindjic had left his house and informed "those who needed to be informed" about his movement.

⁵⁴ MIA, Press Conference, April 29, 2003. Akcija "Sabljica;" and MIA, Press Release, March 19, 2003. Saopštenje.

⁵⁵ The Government, Press Release, March 25, 2003. Razpustena Jedinica za specialne operacije.

Another car tailed Djindjic's car on its way from Dedinje to Nemanjina Street. At the same time, one more vehicle was circling around the government building to monitor the operation. Another group was positioned near the buss station "Kod Londona", about 100 meters from the government building.⁵⁶ It is up to the judiciary process to corroborate these statements, however, facts revealed up until now show an impressive will of a skillfully organized group with significant resources as well as information to conduct such a crime.

There was a long list of many well-known figures that were arrested as part of the investigation into Djindjic' murder and/or connection to organized crime. For example, chief of the Military Security Service Aca Tomic; Vojislav Kostunica's former adviser for security issues Rade Bulatovic; former Yugoslav Army chief Nebojsa Pavkovic; former deputy - chief of SIA Milan Bracanovic; former Prime Minister of Republika Srpska Krajina Borislav Mikelic; commander of the SOU Dusan Maricic; former State Security chief Jovica Stanisic and former commander of SOU Franko Simatovic, the latter both wanted by the ICTY. The Serbian deputy public prosecutor of Milan Sarajlic was also arrested; he admitted to having links to the Zemun clan, obstructing legal proceedings and murder investigations, receiving money in exchange for information he gathered at meetings with employees working in the police, SIA, government, court and public prosecutor's office.⁵⁷ And to make matters even more fascinating, Svetlana Rznatovic "Ceca", the turbo folk star and the widow of the notorious warlord Zeljko Rznatovic Arkan, was arrested on suspicions of having close ties to the Zemun clan.⁵⁸

All of the above mentioned arrests are significant not only for putting an end to organized crime and corruption, but also for efficiently dealing with legacies of the former regime and continuing the transition. However, the list of high-profile arrests connected to the assassination and other aspects of organized crime is very long and unfortunately beyond the capacities of this thesis. But it is important to mention that even though there is no doubt that criminal penetration in security structures, politics, judiciary as well as Serbian society is a major problem, many of these high profile accusations turned out to be groundless, and many of the accused were eventually set free.⁵⁹

⁵⁶ MIA, April 21, 2003. U atentatu na Djindjica ucestvovalo 18 osoba.

⁵⁷ MIA, March 20, 2003. Sarajlic priznao povezanost sa kriminalnima grupama.

⁵⁸ Serbia cracks down on criminal clans, Jane's Intelligence Review, May 2003: 3.

⁵⁹ In April 2004, the special prosecutor Jovan Prijic decided to drop charges against Vojislav Seselj and Aca Tomic due to lack of firm evidence connecting them to the Zemun clan (Beta, April 6, 2004). Charges against Bulatovic, and Mikleic were dropped. Stanisic and Simatovic were transferred to The Hague. However, Pavkovic and Bracanovic are today defendants in the trial for assassination attempt on Vuk Draskovic. The

And last but not least, the Serbian population became a bit safer, since enormous amounts of illegal weapons were removed from the streets. The National Assembly adopted the *Order on legalization and surrender of arms*, which came into force on March 26, 2003. During the state of emergency or at least within 15 days of the order's implementation, the owners of weapons could ask for an arms registration at local departments of internal affairs, without having to explain weapons' origin. Citizens who possessed weapons that were purchased and possessed illegally could surrender them to the police or military authorities without being charged with illegal arms possession.⁶⁰ During the state of emergency, over 47,000 weapons and explosives that were illegally in citizen's possession were handed over to the police and army. Over two million bullets of various calibers were confiscated or surrendered on the territory of Serbia, and nearly 35,000 arms registration forms were submitted in line with the Law on weapons and ammunition.⁶¹

3.2.5. Army during the State of Emergency

Without much reservation, one can claim that in the past many perceived the SMAF and its predecessor the YA as a factor of potential instability. Numerous affairs, such as illegal arms and technology sales to Iraq, the YA's Counter Intelligence Service's arrests of the US diplomat John Neighbour and Serbia's deputy Prime Minister Momcilo Perisic, suspicions of hiding indictees wanted by the ICTY, to mention just a few, all affected the army's reputation. These incidents proved that the army was not under civilian control and was acting as a state within the state. But ironically, with the assassination of the Prime Minister, the SMAF became a factor of stability, generally contributing to security in Serbia.

The Supreme Defense Council (Vrhovni Savet Odbrane), which formally controls the SMAF, met three times during the state of emergency. The first meeting, chaired by the federal president Svetozar Marovic, was held in the evening of March 12, 2003, and attending officials

indictment for Stambolic murder was also issued against Slobodan Milosevic, Milorad Lukovic Ulemek Legija, Radomir Markovic, Nebojsa Pavkovic and Milorad Bracanovic (Reuters, September 23, 2003). Indictment against Sarajlic was brought in on May 30, 2003, over alleged corruption (Helsinki Committee for Human Rights in Serbia: Human Rights and Accountability 2003, 2004: 121. Henceforth: *Human Rights and Accountability*).

⁶⁰ The Government, Press Release. April 2, 2003. Sirom Srbije oduzeto ili predato pola miliona metaka and MIA, Izveštaj o radu ministarstva unutrašnjih poslova republike Srbije u 2003. godini: 17.

⁶¹ The Government, Press Release, May 17, 2003. Tokom akcije Sablja privedeno 11,665 osoba.

discussed the security situation following the assassination.⁶² The Council had condemned the assassination and supported the measures taken by the Government in fight against terrorism and other types of organized crime. Full cooperation between the Ministries of Internal Affairs of Serbia and of Montenegro was required. Military security services were also expected to provide full assistance to the Serbian police forces. The SMAF Chief of the General Staff Branko Krga was instructed to take measures within his jurisdiction in raising combat readiness of army units. The Council also decided to deploy the SMAF in the fight against terrorism, and in coordination with the Serbian police forces, resolved to remove the cause that created the state of emergency.⁶³

The first order issued to the SMAF referred to reinforced security of the state borders and military facilities, i.e. protection of people, material means and facilities. Special Units and Military Police were ordered to prepare for a higher level of combat readiness and possible specific purpose tasks in the course of events. Moreover, upon the request of the Serbian Special Police Force, the SMAF provided accommodation in the Belgrade garrison for a number of police troops, who came to Belgrade to carry out their tasks. The SMAF Security Service and the Military Intelligence established a coordination and exchange of intelligence.⁶⁴ In an interview for the April 30, 2003 issue of the weekly magazine *Vojska (Army)*, Branko Krga said that army officers and soldiers were not included in arresting the suspects of Djindjic's assassination, but they contributed to citizens' safety inasmuch as they have been expected to and capable of. Military intelligence services conveyed all information to their colleagues in the MIA and SIA as well as cooperated with Montenegrin MIA. In addition, the Army was engaged in collecting illegal arms (Helsinki Committee, 2003: 21).

During its second meeting, on March 24, the Council constituted the Committee for coordination of the SMAF's reform, with a priority on joining the Partnership for Peace (PfP). The Council also made a decision to end professional service of the head of the Security

⁶² Apart from the president and members of the Supreme Defense Council (Svetozar Marovic, acting president of Serbia Natasa Micic and acting president of Montenegro Filip Vujanovic), the session was attended by the following officials: president of the Federal Assembly Dragoljub Micunovic, Minister of Foreign Affairs Goran Svilanovic, deputy Prime Minister of Serbian Government Nebojsa Covic, SMAF Chief of Staff General Branko Krga, Minister of Internal Affairs of Serbia Dusan Mihajlovic, Minister of Internal Affairs of Montenegro Milan Filipovic, former Federal Minister of Internal Affairs Zoran Zivkovic and the Supreme Defense Council Secretary Rear Dusan Stajic.

⁶³ SMAF, Press Release, March 13, 2003. Saopštenje Vojnog kabineta predsednika Srbije i Crne Gore.

⁶⁴ SMAF, Press Release, March 13, 2003. Izjava zmenika nacelnika Generalstaba Vojske SCG Milivoja Pavlovica.

Department, Major General Aca Tomic [who was then arrested on April 8, 2003, and spent months in prison].⁶⁵ The Council held its third meeting on April 15, and reached the decision that army intelligence and security services should be formed within the Ministry of Defense, a move that finally brought these actions under civilian control and made intelligence activities directly subordinated to the Ministry of Defense and no longer to the General Staff.⁶⁶ Furthermore, the Council decided to discharge the Head of the Military Cabinet Rear, Admiral Dusan Stajic, the Head of the Commission for Cooperation with The Hague Tribunal, Lieutenant General Zlatoje Terzic, as well as the Commission itself.⁶⁷ With these decisions the Council clearly indicated its determination to put the SMAF under civilian control and start the long awaited reform in this institution.

3.2.6. Media during the State of Emergency

The state of emergency also had an impact on the media. After Djindjic's assassination, the media was put under strict government's supervision, and new rules for the media behavior were promptly implemented. Under the Law on Measures to be taken in the case of a state of Emergency, the *Order on Preventing Public Information and Distribution of Press and other Means of Mass Communication that Carry Information about the Reasons for Declaring the State of Emergency and Measures To Be Taken in the Course of It* was issued on March 13, 2003. The only sources allowed to be broadcasted and published were the law enforcement bodies, excluding any comments or analyses by independent analysts. Further, the state administration organized daily briefings for editors-in-chief from all the media outlets.⁶⁸ The situation resulted in the predominant presence of the official representatives and a very limited opportunity for the opposition to express their views in major media outlets.⁶⁹

⁶⁵ SMAF, Serbia and Montenegro President's Military Cabinet Press Statement, March 21, 2003.

⁶⁶ SMAF, Press Release, April 16, 2003. Announcement of the Supreme Defense Council Military Cabinet.

⁶⁷ This semi-official body of 28 retired generals was formed in spring 2001 by the then Chief of General Staff Nebojsa Pavkovic and had access to all army classified archives. Its main function was not to cooperate with The Hague but rather to provide documents to assist Serb defendants, such as Slobodan Milosevic, while obstructing prosecution access (ICG Balkans Report No. 145: 4).

⁶⁸ One way the government has exerted pressure on the media has been through a rather controversial figure Vladimir Popovic - Beba. He has a track record of attacking the independent media, and his presence was so controversial that in mid - 2002 Djindjic had him step down as head of the Bureau for Communications and drop from public life. Under the state of emergency, Popovic reappeared in his old job and used daily press briefings to attack political opponents. During this time, he called several reporters on the telephone and criticized their work with profanity and vulgarity, while also reading them details from their secret police dossiers. Popovic officially resigned as Director of the Bureau effective July 15, 2003 (ICG Balkans Report No. 145, 2003: 11).

⁶⁹ Monitoring and Observation of the Media, Republic of Serbia and Montenegro, April 2003: 2.

By mid-April, papers *Identitet* and *Nacional*, distribution of Republika Srpska-based *Prst* tabloid and the Pogorica-based *Dan* daily were banned in Serbia; the *Vecernje Novosti* daily was reproached and the local *Leskovac TV* was fined under the Order. Prior to the assassination, the *Identitet* daily kept assaulting Djindjic and his allies on a regular basis. Two weeks before the murder, this newspaper carried a story detailing Djindjic's security system plus a number of bodyguards and vehicles tasked with providing security for the Premier. The last issue of the newspaper out of print two days before the murder, carried a banner saying "Zoran Djindjic a Free Gunman's Target: The Hague Serbs Contract the Murder", strongly implying that the Prime Minister would be shot (Helsinki Committee: 2003: 3). The Minister of Culture and Media, Branislav Lecic, said that *Identitet* had not been suspended under the new emergency powers, but because the title's associates and founders were thought to be linked with the Zemun clan. Members of *Identitet's* management were arrested and the police started an investigation into whether the Zemun clan financed the paper (Spasic, 2003).

Moreover, the *Law on Public Information* was passed on April 22, 2003, just before announcing the end of the state of emergency. What was supposed to have been a law guaranteeing freedom of the media turned into a law restricting the media (ICG Balkans Report No.145, 2003: 12). The draft of the law was a result of joined efforts made by legal and media experts, following an intensive debate in the period prior to the state of emergency. However, nine controversial articles that were seriously limiting journalists' rights were included into the final draft, without consulting the professional journalist association or independent media experts. In addition, the Council for Radio and TV Broadcasting was also founded during the state of emergency. The law stipulates that the Parliament is to approve the members of the Council, however, there were disputes regarding the appointments of three (out of nine) Council members due to failure to follow legal procedures, resulting in resignation of some members of the Council's.⁷⁰

⁷⁰ Republic of Serbia and Montenegro, Media Evaluation Report 2003: 2, 3.

3.2.7. Legislative and Judiciary Changes during the State of Emergency

During the state of emergency the National Assembly adopted 19 laws, nine of them in domain of, or directly related to, the judiciary.⁷¹ Among the adopted amendments and supplements to the bills that caused most attention, and sometimes concern, were the following laws: the *Law Amending the Penal Code of the FRY* intensified the punishments for some criminal acts and introduced the confiscation of property as an accessory penalty; The *Law Amending the Criminal Law of the Republic of Serbia* exacerbated punishments for some crimes and introduced some new punishable acts (Survey of Serbia and Montenegro, 2003/1: 54 - 56).

The *Law Amending the Law on the Organization and Competences of State Agencies in Organized Crime Control* was among the most controversial, upgrading the original law adopted in July 2002, which introduced the institution of a special prosecutor. New amendments (predominantly the Article 15) changed the definition of organized crime by turning it more inclusive, and invested major competences upon the Special Prosecutor and the Department to Combat Organized crime, which could now preventively detain a person for 24 hours, assumed that this person might provide information about organized crime. Preventive detention could be now be prolonged to up to 30 days under the assumption that this person could interfere with or obstruct Department's actions. A person suspected of committing a crime with the elements of organized crime could be retained in a special detention unit for 30 days, however, when fully justified, the detention could be prolonged for another 30 days. What is more, when necessary for purposes of identification and arrest of people involved in organized crime, a person identified as a member of an organized crime group could be detained in a special detention unit for another three months. And if reasons were particularly justified, detention of such a person could be prolonged for another three months at the most. The right to decide on a detention or its extension is invested upon an official of the Department, the Special Prosecutor and the Minister for Internal Affairs.⁷²

Some argued (Helsinki Committee, 2003: 10) that provisions about preventive detention are unconstitutional, since Article 16 of the Constitution of the Republic of Serbia provides that

⁷¹ Complete list of adopted laws from October 2001 onwards is available at the web page of the National Assembly of the Republic of Serbia: <http://www.parlament.sr.gov.yu/content/lat/akta/zakoni.asp>. All the laws mentioned in this chapter were published in the Official Gazette of the Republic of Serbia No. 27/03.

⁷² For detailed information about the new provision to the Law look at: The Assembly (2003) Zakon o izmenama i dopunama zakona o organizaciji i nadležnosti državnih organa u suzbijanju organizovanog kriminala.

only a person reasonably suspected of having committed a crime could be detained or taken into custody. Additionally, any decision on a person's detention made by persons or bodies other than courts is unconstitutional. The Law did, however, include a provision (Article 5) that the Serbian Legislature shall reconsider all disputable provisions within 90 days from the day the Law comes into force.⁷³ Furthermore, the *Law Amending the Law on the Office of Public Prosecutor* provided that the public prosecutor is to be appointed by the Government. The deputy public prosecutors are to be elected by the recommendation of the Ministry of Justice; the *Law Amending the Law on the High Judiciary Council* has thus deprived that Council of any role in the election of public prosecutors and their deputies, as well as of making decisions on the complaints filed about the removal and transfer of public prosecutors and their deputies (Survey of Serbia and Montenegro, 2003/1: 57).

There were numerous rather **controversial changes in judiciary** during the state of emergency. Among others, on March 19, 2003, the Serbian Assembly decided, by virtue of retirement age, to disbench 35 judges from courts of general jurisdiction and special courts, among them seven judges from the Supreme Court of Serbia.⁷⁴ Protesting such sudden dismissals of judges and prompted by longstanding and serious disputes with the Minister of Justice, the president of the Supreme Court of Serbia, Leposava Karamakovic, "resigned" obviously under strong pressure. On April 11, 2003, the Serbian Legislature decided to unseat 15 judges of general jurisdiction and special courts, as well as two prosecuting attorneys, who had reached retirement age (Helsinki Committee, 2003: 8, 11).⁷⁵

At the same time, the Legislature decided to appoint nine new judges of the Supreme Court of Serbia and 14 judges of the Belgrade District Court. Moreover, on April 22, the Serbian Legislature put appointments and prosecutors to the vote under summary procedure. The acting president of the Supreme Court Sonja Brkic was elected the president of the Supreme Court, acting public prosecutor Djordje Ostojic was elected republican public prosecutor, while the

⁷³ Importantly to mention, the Constitutional Court of Serbia declared the Law unconstitutional on June 5, 2003 (Amnesty International, 2003: 3). Therefore, the Assembly made new amendments to the Law on July 1, 2003, putting out of force the provision on pre-trial detention that accorded special authorization to the Special Prosecutor and the Organized crime Control Service, as well as provisions referring to it (Survey of Serbia and Montenegro, 2003/2: 24).

⁷⁴ For detailed information check: The Assembly (2003). Odluka o prestanku sudijske dužnosti sudijama sudova opšte nadležnosti i posebnih sudova (27/03).

⁷⁵ For detailed information check: The Assembly (2003). Odluka o prestanku sudijske dužnosti sudijama sudova opšte nadležnosti i posebnih sudova (39/03) and Odluka o prestanku dužnosti predsednika vrhovnog suda (43/03).

acting president of the Belgrade District Court, Radoslav Bacovic, was elected the president of the abovementioned court by the majority vote. Several hours later, the acting president of the Republic of Serbia revoked the state of emergency. All the above-mentioned legislative and personnel changes were explained by the necessity to combat organized crime more efficiently (Helsinki Committee, 2003: 11), bearing in mind the purge of the judiciary and corrupt personnel that have obstructed state's efforts to deal with organized crime. However, it is important to note that by giving the Assembly the power to bypass the judicial branch to dismiss, nominate and appoint judges, public prosecutors and court presidents, the principles of judicial independence were undermined, while the judiciary was made increasingly dependent on the politicians.

3.2.8. Reactions to the Murder

It is fair to say that even though Djindjic's murder happened during the pressing Iraqi crisis, Serbia once again received the (lost) attention of the international community, which supported the decision about the state of emergency as such. Bearing in mind possible destabilization of the region, the United Nations Security Council immediately discussed the situation created by the assassination and accentuated Djindjic as a "leading Serbian politician who contributed enormously to the democratization of his country."⁷⁶ Moreover, the president of the Council of Europe Parliamentary Assembly Peter Schieder immediately urged Serbia and Montenegro to become a full member of the Council of Europe, during the regular spring session in April 2003.⁷⁷

Serbia and Montenegro was admitted to the Council of Europe with the state of emergency still on, which was unprecedented. This probably best illustrated that the world had realized the importance of placing Serbia's troublesome developments under the control and within the frame of European institutions (Helsinki Committee, 2003: 7). Though the whole situation did seem a bit ambiguous since "by entering the Council of Europe, Serbia and Montenegro accepted the standards and norms of human and minority rights, press freedom, the independence of judiciary, and the rule of law" (Micunovic, 2003: 7). However, back home these provisions were (although temporarily) greatly violated.

⁷⁶ Press Statement by Security Council President on Assassination of Serbia's Prime Minister. Press Release SC/7688.

Although Djindjic's assassination was widely condemned throughout Serbia, a large-scale campaign against the state of emergency was launched, with the DSS in the leading role, in front of all opposition parties, some non-governmental organizations and media. The state of emergency, as Vojislav Kostunica put it, was "used for a political showdown with the opposition." Apart from insisting on the all-inclusive government, composed of every parliamentary party that wished to join, Kostunica persistently demanded early elections. However, the Serbian Government deemed such requests as a threat to ongoing reforms and the fight against organized crime (Helsinki Committee, 2003: 3). Summing up the effects of the state of emergency, the six-week period was the time of mutual accusations that put forward old grudges between political opponents. Differences in attitudes were again brought to light and opened a way for further discrepancies and conflicts.

3.2.9. Establishment of the Investigative Commission

After the murder of Zoran Djindjic, the Government faced the question of who was to be accountable for the assassination, it therefore decided to establish the *Commission to Investigate the Security System of the Prime Minister of the Government of the Republic of Serbia, Zoran Djindjic*. The Commission was given 60 days to issue a **report** examining the circumstances leading up to Djindjic's assassination and possible flaws in security measures taken to protect the Prime Minister, as well as identifying who was responsible for his death. The Commission report, which the Government unanimously adopted on August 21, 2003, and is open to public, revealed numerous omissions in Djindjic's personal security.⁷⁸

After October 5, 2000, and until SOU's revolt in November 2001, some members of the SOU were directly engaged in personal protection of several DOS politicians, which undoubtedly enabled them an insight into the functioning of the security system. The report revealed facts about **the SOU**, describing unit's transformation from its beginnings in 1991, when the murderous unit was engaged in war activities, to its end in 2003, when the SOU was left with no real purpose in the new environment, where its past was at loggerheads with the political orientation of the new authorities in Serbia. The criminal activities of **the Zemun clan** as well

⁷⁷ Hitan prijem SCG u Savet Europe, March 13, 2003. http://www.nspm.org.yu/ubistvo_premijera.htm (October 15, 2003).

⁷⁸ The Government, August 13, 2003. Izvestaj o uređivanju, oganizovanju i funkcionisanju sistema obezbedjenja predsednika Vlade Republike Srbije dr. Zorana Djindjica, s predlogom mera.

as the missed opportunity of the newly established *Directorate for the Fight against Organized Crime* to pay more attention to the criminal group were disclosed. The Zemun clan's deep connections with the employees of the MIA were also revealed. The Commission especially pointed out Zoran Vukojevic - Vuk, who had regular telephone communications with certain members of the clan. Moreover, during his paid leave he was actively working as a member of security of Dusan Spasojevic. Vukojevic was arrested and forced to resign from the MIA a week after the assassination (The Commission Report, 2003), and reappeared as a protected collaborating witness in the Djindjic trial.

Additionally, flaws in **technical protection** of the government building (which were partially described in crisis development phase in this thesis) were pinpointed. As a consequence of the assassination, the entrance No. 4, which was previously used exclusively as a supply entrance, is now functioning, and government officials use it on regular bases (2003: 30-33). If this entrance had been open on March 12 and if Djindjic had used it, the assassination would have been prevented due to the shape of the entrance, known as the tunnel.

When Djindjic's Government took its post in January 2001, **security activities** concerning particular persons and facilities were organized and systemised within a number of organizational units of the MIA; both the Portfolio of State Security – PSS (Resor drzavne bezbednosti - SDB) and the Portfolio of Public Security – PPS (Resor javne bezbednosti - RJB), the Yugoslav Army, and even DOS coalition had its own security team.⁷⁹ When new organizational changes took place, the activities providing security to the president of the republic, the president of the national assembly and the prime minister of the republic were moved under the jurisdiction of the 6th *Directorate of the PSS* of the MIA and its new 3rd *Department for the Security of the Prime Minister of the Government of the Republic of Serbia*. But during the reorganization, ten people that were responsible for the Prime Minister's safety were offered employment contracts even though they had failed to pass what the commission report disclosed as "security checks" (2003: 41, 48), which basically means they had criminal records.

The Commission also indicated that **communication** between various units of the security system was inadequate and that there were numerous discrepancies within the system itself

⁷⁹ Detailed information about units and their responsibilities is available in the Commission report p. 39 - 46.

(2003: 42-45). Silent tensions between employees loyal to the former regime and those loyal to the new regime contributed to mistrust and even intolerance between members of Djindjic's immediate physical security and other parts of "his" security system. Djindjic's bodyguards were also suspicious of the members of the police of the PPS that were engaged in security of the government building. All these circumstances led to the absence of a unified security system. It was only in the end of January 2003 that Nenad Milic, the deputy Minister of Internal Affairs, ordered coordination between Prime Minister's immediate security and the security services in charge of the government building and Djindjic's residence. It is alarming that Djindjic's personal bodyguards had asked for better **technical equipment** (such as bullet-proof vests, armaments, communication equipment and vehicles) on numerous occasions but never got it. Even when they asked influential persons such as Nenad Milic and Zoran Janjusevic (the advisor in charge of the security) for help, the SIA turned down all the requests. But perhaps the most disturbing revelation was that Djindjic's immediate security never got an assessment of a degree of threat to the Prime Minister's security for one simple reason - an assessment had never been made, not even after the assassination attempt on the highway.

Furthermore, the period between July 19, 2002, and April 2003, was a period lacking harmony in the **legal order** (2003: 3-5, 46, 48). On the one hand, both the MIA and the SIA had the same responsibilities in the field relating to the protection of the Republic of Serbia and the prevention of activities aimed at undermining or destroying the constitutional order.⁸⁰ On the other hand, a legal void was created when the SIA was established. Namely, before the SIA was created, the task of protection of certain persons and facilities had been assigned to both portfolios of the MIA; that is PSS and PPS. However, after legal transformation of the PSS into a separate SIA, this agency was no longer bound to old provisions regarding protection of persons and facilities, while the PSS could no longer be responsible for them, since it did not exist anymore. The responsibility for safety of protected persons was given to the Ministry, leaving the SIA without responsibilities in this area. The legal consequence was that no entity existed that could propose a degree of security protection. The Commission also found out (2003: 47, 48) that the MIA had violated deadlines for passing administrative acts that were foreseen in the *Law on Security Intelligence Agency* (July 2002). Namely, the MIA established

⁸⁰ That happened because in the past the MIA, which had two basic portfolios, was responsible for these tasks. But in order to continue [better expression seems to be to start] reforms in the area of internal affairs and efficiently perform the above mentioned tasks, a new Law on Security Intelligence Agency was passed in July 2002. With this law, the abovementioned responsibilities were taken out of the competence of the MIA. But in

the Directorate for Providing Personal Security on April 9, 2003, five months after the deadline prescribed in the law. Furthermore, the SIA started to employ former employees of the PSS on the basis of individual contracts. This procedure was completed on December 1, 2002; however, former members of the 6th Directorate of the PSS that the SIA did not employ, were not issued the SIA's identity cards but continued their security activities.

The Commission was also very critical of the **Directorate for the Fight against Organized Crime**. It was common knowledge that the biggest criminal group in Serbia was the Zemun clan. It was also very well known that the former chief of the SOU, Milorad Lukovic - Legija, still had about 20 bodyguards, who were members of the SOU and were on the MIA's payroll. These bodyguards, the SOU employees paid by the Ministry, provided security for the Zemun clan leader Dusan Spasojevic. Despite the information about the Zemun clan's criminal activities and obvious connections between the SOU and the Zemun clan, the Directorate had failed to produce any systemized material regarding the latter by January 2003. The Commission report also blames the police (specifically the *Department of Internal Affairs in Zemun*) for ignoring activities in Zemun clan's headquarters, a business-residential facility in Silerova Street and its surroundings. Armed men were guarding the building all day round, and it was often impossible to enter the surrounding streets without going through a special security check. Nevertheless, the local police department failed to report the issues to a higher organ (2003: 50, 51).

Furthermore, the Commission was very critical of the **judicial system**, since prior to Djindjic's murder, *75 criminal accusations* had been brought against the members of the Zemun clan and Surcin clan for serious crimes such as murder, attack on officers of the law, blackmail, robbery, illegal possession of arms and ammunition, counterfeit documents, kidnapping, bribe, breaking in cars, auto theft, serious crimes against general safety of the public, abuse of authority, fraud, interfering with activities of an officer of the law, illegal production and trade with drugs. Yet only 20 criminal accusations had been processed, with only 12 convictions and *four prison sentences* (2004: 54)!

But perhaps the most disturbing fact revealed in the report is that after the assassination attempt on the highway, not a single state body had markedly changed its **methods of work** concerning

reality, from then on, the tasks and duties, which constituted a whole, were divided into two separate bodies: the MIA and the SIA (The Commission, 2003: 4, 5).

Djindjic's safety, nor had the degree of the security measures been raised. Commission report states that if security measures had been raised to the first level, authorities would have been required to provide physical protection of facilities used by the Prime Minister, and their surroundings, within the range of the state of the art arms used by terrorists in assassinations (2003: 52). In that case, houses surrounding the governmental building would have to be checked for possible risks, strongly reducing the likelihood of the assassination in the manner that was conducted on March 12, 2003.

When the Commission report was published, the question of who was to take the blame was raised again, this time with some serious (but not sufficient) **conclusions**. First, the Minister of Internal Affairs suggested to the Government to dismiss the Secretary of the MIA Slobodan Miletic, since he had failed to take measures to adopt and harmonize legal acts concerning the MIA's responsibilities in the field of providing security measures. Secondly, due to flaws regarding organization of security activities, Ljuboslav Sekulic, the chief of the *Directorate for Security* and at the time of the assassination the chief of the *Unit providing security to the organs of the Republic of Serbia*, was dismissed.⁸¹ Thirdly, because of mistakes regarding the security of the government building, the chief of the *Group for Security of the Serbian Government Headquarters* Danilo Koprivica was dismissed. And last but not least, Milan Miljojkovic, the chief of the *Department of Internal Affairs Zemun*, was dismissed from his duty for not taking appropriate measures in his competence against the members of the Zemun clan. The Minister made it clear that during the course of the Operation Sabre, the police arrested and brought criminal charges against the employees of the MIA that were suspected of planning or taking a part in the murder of Zoran Djindjic.⁸²

⁸¹ The Unit carried out the physical security protection of the government building and outdoor security of Djindjic's apartment (The Commission, 2003: 42).

⁸² MIA, Press Release, August 21, 2003. Saopstenje.

4. The Aftermath

It is important to extrapolate the aftermath of the crisis caused by Djindjic's death, that is, secondary consequences, and look upon the systemic impact of Zoran Djindjic's assassination. Namely, the modern crisis is a long-term process rather than an event. Long after the onset of the crisis, crisis managers are confronted with problems that may take on the form of the "crises after the crises." Actions taken during the crisis process become defining elements for the (temporary) resolution of that crisis, but at the same time, they may become steps towards the creation of the next crisis (Rosenthal et al., 2001: 19, 20). The so-called "crisis after the crisis" is often every bit as intense, intractable and potentially debilitating as the acute stage of the crisis is. What is seen as the "aftermath" may actually be the core of the crisis in political and institutional terms, because it is then that tough questions about leadership and responsibility get asked. Consequently, policymakers face a period of uncertainty that may entail both threats and opportunities to their position and goals ('t Hart and Boin, 2001: 28, 37).

4.1. New Era after the Crisis

4.1.1. When Things Get Tough

Zoran Djindjic was the Prime Minister who somehow managed to juggle with opposing political forces while being torn between pushing for reforms on the one hand and staying in power on the other hand. With him gone and nobody with such determination and negotiating skills to take over, things literally got tough. Government officials themselves didn't try much to make the whole "crisis after the crisis" situation any better. Despite international community's hope (and pressure) that Serbia will seize the window of opportunity, revise policies, push for reforms and move a step forward in the transitional process, the Serbian politicians turned to rivalry for dominance in the newly created political vacuum. As a result, significant **differences among members of the Government** became obvious soon after the state of emergency had been lifted. A case in point was (the occurrence) when the deputy Prime Minister Nebojsa Covic gave the first hint of internal divisions in the Government, stating in a TV interview that at least one member of the Government had maintained close ties

to the Zemun and Surcin clans and had frequently visited their headquarters. The obvious target of Covic's attack was another deputy Prime Minister Cedomir Jovanovic.⁸³

In the following months, **corruption and money laundering** became the most popular topic in Serbia. Numerous accusations against members of the ruling political elite flooded the media, as various political actors embarked on a campaign to discredit the Government and present it as unresponsive to recently revealed scandals.⁸⁴ Frequently "mentioned" were the Prime Minister's security advisor Zoran Janjusevic, the director of the Serbian Government's Bank Recovery Agency Nemanja Kolesar, the Minister of Internal Affairs and deputy Prime Minister Dusan Mihajlovic, the deputy Prime Minister Cedomir Jovanovic, the Minister for Transport and Telecommunications Marija Rasteta – Vukosavljevic, and many others.⁸⁵ Yet some of the exposed affairs, such as the "sugar scandal", had more serious consequences than just being another best selling story, and have caused both material and moral damage to Serbia. The "sugar affair" arose from the scam of several politically connected companies inside the country importing sugar in large quantities, and then re-exporting as much as 287,000 tons of sugar into the EU, labelled as of Serbia and Montenegro origin. The Anti-Corruption Council said the Serbian Government had known about the sugar smuggling scam, but had done nothing to stop it.⁸⁶ Consequently, in April 2003, the EU revoked certain agricultural-specific trade privileges it had extended to Serbia and Montenegro.⁸⁷

⁸³ ICG Balkans Report No. 145: 21, 22.

⁸⁴ In a recent Transparency International Corruption Perceptions Index 2003 survey Serbia was shamefully ranked on 106th place (out of 133 countries) with a corruption index 2,3 out of a clean score 10. For more information check Transparency International website: <http://www.transparency.org> (May 15, 2004).

⁸⁵ Based on the letter from the Hungarian police, a probe was launched against the pair Nemanja Kolesar and Zoran Janjusevic. Mladjan Dinkic, the vice-president of the political party G17 Plus, and the former governor of the National Bank of Serbia, accused the pair of large-scale money laundering operations through bank accounts in Seychelles. Consequently, both Kolesar and Janjusevic were forced to resign, as the Ministry of Finance admitted the pair was guilty of tax evasion to tune of 370,000 euros. Furthermore, G17 accused Minister Dusan Mihajlovic of conflicts of interest as it exposed his "business empire" composed of some 13 companies (linked to him directly or indirectly), one of which had won a key procurement tender for the police. They also accused him of trying to conceal the abovementioned Kolesar – Janjusevic affair (Grubanovic, 2003a). Dinkic went a step further, claiming that members of the Government, specifically Cedomir Jovanovic and Raseta – Vukosavljevic, had helped members of the criminal groups Zemun clan and Surcin clan to launder the money and legalize the wealth obtained through criminal activities. In a press conference in October 2003, Dinkic said that the Government gave the alleged mastermind behind Djindjic's assassination, Milorad Lukovic Legija, lists of companies that were to be privatised, enabling him to invest 100 million euros into privatisation of certain Serbian companies (B92, August 26, 2003).

⁸⁶ As early as February 2002, the EU, on becoming wise to the scam, issued warnings to Serbian Privatisation Minister Aleksandar Vlahovic and the then Yugoslav deputy Prime Minister Miroljub Labus. But neither man reacted (Southeast Europe Online, November 24, 2003).

⁸⁷ ICG Europe Report, No.154: 4.

Countries that are looking to join European mainstream are faced with constant conditionality from the rest of the international community. Ottaway (2003: 183) addresses this problem by arguing that:

Governments in donor-dependent countries have their policy-making ability severely restricted by the economic and good-governance conditionalities imposed by international financial institution and other donors./.../This restriction on policy choices permissible for democratic governments and parties is a serious obstacle to democracy promotion. It limits debate and makes voters sceptical about the possibility of influencing government policies in the most crucial areas. In the end, beneficiaries of forced policy orthodoxy are populist parties, nationalist parties, and parties based on religious or ethnic identities that appear to offer the public distinct choices. Such parties do not necessarily provide concrete economic and social benefits to their members./.../But the leaders of their ilk provide an emotional outlet and a promise of political salvation of one kind or another.

Serbia proves a telling example, as during the last year there have been several public statements that Serbia and Montenegro wishes to join the PfP, the most remarkable one was made by the Supreme Defense Council on March 20, 2003.⁸⁸ Yet a precondition for membership in the PfP is **cooperation with the ICTY**, which remains a delicate subject. That is, the war legacy question remains a deeply contentious issue amongst the Serbs, since a national, popular or political catharsis has not yet occurred. Consequently, the ICTY remains deeply unpopular in Serbia, and there is a wide perception that the whole process is discriminatory and anti- Serb (Edmunds, 2003: 70).

Nonetheless, on April 14, 2003, the Federal Assembly amended the *Law on the FRY Cooperation with the International Tribunal for Criminal Prosecution of Persons Responsible for Gross Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia from 1991 onwards*. The Law now applies to all persons that committed criminal acts in the Tribunal's jurisdiction, irrespective of when the indictment against them was issued. Furthermore, the accused, besides witnesses, are now relieved of the duty to keep secrets.⁸⁹ With these amendments the Federal Assembly acknowledged full jurisdiction of the ICTY, without, at the same time, derogating the right of domestic courts to prosecute war crimes suspects not indicted by the tribunal.⁹⁰

⁸⁸ SMAF, Serbia and Montenegro President's Military Cabinet Press Statement, March 21, 2003.

⁸⁹ Survey of Serbia and Montenegro, No. 1, 2003: 52, 53.

⁹⁰ Human Rights and Accountability, 2004: 140.

Yet positive steps concerning the cooperation with the ICTY made during the state of emergency were soon undermined. Once Stanistic, Simatovic and Sljivancin were extradited, the cooperation with The Hague Tribunal was actually put to bed. Addressing the UN Security Council, Carla del Ponte accused the Belgrade authorities of “insufficient cooperation with the Tribunal”.⁹¹ Despite the standstill Serbia and Montenegro submitted a formal request for the PpP membership on June 20, 2003.⁹²

Cooperation with the ICTY further deteriorated when the Tribunal announced the indictment against army Generals Nebojsa Pavkovic and Vladimir Lazarevic, police General Vlastimir Djordjevic (who fled the country as early as 2000) and deputy Interior Minister General Sreten Lukic. Government officials reacted emotionally to the indictment, the Interior Minister Mihajlovic even stated: “I will respect any Government’s decision, but I won’t be the minister who transfers Generals Lukic and Lazarevic to The Hague.” He added he would rather resign than arrest his deputy. Similarly, on October 24, some 4000 policemen in uniforms (mostly members of the special Gendarmerie units, but also of the Special Anti-Terrorist Unit) gathered in downtown Belgrade to protest Lukic’s indictment (Grubanovic, 2003b). With these actions Serbia clearly indicated that extradition of the above-mentioned generals is not likely to happen anytime soon in the future.

Government is effective when it acts to deal with what citizens understand to be the major issues and problems they confront and for which they believe government action is appropriate (Dahl, 2000: 125). Due to persistent and growing **economic troubles**, the Serbian Government was judged by its (un)success at creating jobs. As Ottaway points out (2003: 120), declines in production, a loss of jobs, and falling standards of living have been part and parcel of the initial phase of post-communist transitions everywhere. Such problems have been accentuated where the break-up of a country has destroyed a once-integrated market. Finally, the war also contributed to economic difficulties. Similarly as in Croatia a couple of years ago, the Serbian public in 2003 was angered by the perceived unfairness of the privatization process, the blatant self enrichment of the elite, the widespread corruption that could no longer be hidden by media control, and bankruptcy of many companies that could no longer pay employees on time.⁹³ Due

⁹¹ Human Rights and Accountability, 2004: 51.

⁹² ICG Balkans Report No. 145: 7

⁹³ One must, however, remember that reforms were started in 2002 under very difficult economic circumstances: per capita GDP about US\$ 1000, inflation rate 115% per annum, share of grey economy in the social product almost 50%, black market exchange rate five times higher than the official one, external and internal government

to privatization process, unemployment grew and reached 32% in 2003 (as opposed to 29% in 2001) and remained Serbia's number one economic and therefore political problem.⁹⁴ Unsatisfied workers and employees had high expectations that were manipulated and boosted by numerous political and economic groups that had negative opinion about the privatization process.⁹⁵ At the end, the need for instant physical and economic wellbeing won over empty promises of democratic prosperity that is "on the way". After all, people were not to blame. With one third of the population unemployed and living under the poverty line, they could hardly relate to democratic dreams, that is, something distant and vague that might never come, yet demands sacrifices.

The **hostile feelings towards the ruling elite**, which had gradually built up in the society, had been dominating the politics for quite some time until they finally reached the point of no return in the autumn 2003. Insurmountable differences between opposing parties and politicians led to a complete stalemate in the Assembly and most areas of the reform process. As a result, the National Assembly adopted "its" last law in July 18, 2003, before falling into a complete political stalemate. Consequently, during the last year, the Serbian politicians failed in one of the most important tasks, that is, in preparing and adopting a new constitution.⁹⁶ This process was postponed many times, but during the state of emergency, the National Assembly adopted a Law on the Mode and Procedure of Amending the Constitution of the Republic of Serbia.⁹⁷ Under the Articles 2 and 3, the Law established a Constitutional Committee tasked with preparing a new constitution. But disagreements among politicians concerning some fundamental questions about the status of the state arose. Consequently, the Constitutional Committee itself was inactive and stopped functioning in November 2003.⁹⁸

debts amounting to 10% of the social product, over 800,000 unemployed people, about 700,000 refugees, two thirds of fixed assets destroyed or written off (Survey of Serbia and Montenegro, 2003/1: 61).

⁹⁴ Nevertheless, inflation was reduced to the projected 8%; GDP grew as did the real wages. Average salary in August 2003, when compared to October 2000, increased four times, now amounting 11,500 dinars, minimal wage increased 14 times and a consumer basket 1.6 times (Human Rights and Accountability, 2004: 196 - 210).

⁹⁵ Human Rights and Accountability, 2004: 196 - 210.

⁹⁶ Article 65 of the Constitutional Charter of Serbia and Montenegro adopted on February 4, 2003, stipulates that both member states should amend or adopt new Constitutions in order to harmonize them with the present Constitutional Charter within 6 months as of date of the adoption of the Constitutional Charter.

⁹⁷ The Assembly: Zakon o nacinu i postupku promene Ustava Republike Srbije. Official Gazette No. 39/03.

⁹⁸ Human Rights and Accountability, 2004: 103, 104.

4.1.2. The Elections

The revival of ethnic nationalism accompanied with growing economic difficulties gave the opposition a chance to vigorously campaign on a nationalist and economic platform. Calls for early parliamentary elections became increasingly stronger as some parties had left the DOS alliance, which ultimately disintegrated, thus reducing the government's majority in the National Assembly. Following the political, institutional and constitutional blockade, the Serbia's ruling coalition broke the promise that Djindjic's pro-reform path would be pursued. In November the Assembly debated no-confidence motions in the speaker of the Parliament Natasa Micic and in the Government. But the motions were never put to a vote, as the Parliament had been dissolved before the debate was scheduled to resume. On November 13, just three days before the third attempt to elect a president of the republic, Micic called for early parliamentary elections to take place on December 28. Due to a wide choice from across the political spectrum, many saw these elections as the first elections in which voters would be able to vote for their preferred option rather than for a party they dislike the least. Four parties included persons indicted for war crimes in their candidate lists, three indictees (Vojislav Seselj, Slobodan Milosevic and Nebojsa Pavkovic) were actually leading party lists.⁹⁹ Both Milosevic and Seselj (the latter surrendered himself to the ICTY in February 2003), headed their campaign from prison.

Results of the elections came as a wake up call to the West, as they showed how deep the political crisis in Serbia really is. Ominously, the third attempt to elect a Serbian president failed again due to insufficient voter turnout. Two weeks later, Seselj's Serbian Radical Party (SRS) emerged from the parliamentary elections as the biggest single political force, winning one third of parliamentary seats (28%). They were followed by Kostunica's DSS (18%), DS, now led by Boris Tadic (13%), debutante G17 Plus (12%), Milosevic's SPS (8%), and Serbian Renewal Movement / New Serbia (SPO / NS: 8%), while other parties scored under 5%.¹⁰⁰ Outcomes of both presidential and parliamentary elections fully identified the actual state of affairs at the political scene that used to be rather blurred. Such outcome denied the thesis about Serbia's democratic potential or its democratic tradition, indicating that today's Serbia is somewhere between a general wish to join Europe and a militant conservativeness, which renounce responsibilities and obligations implied in the European option. The very fact that

⁹⁹ OSCE, International Election Observation Mission, Republic of Serbia: 1-3, 6.

The Hague indictees were on candidates' lists for the elections revealed that the policy in which all means are taken as legitimate, wars and war crimes included, has not been relinquished so far. And this is what presents the greatest obstacle to democracy in the post-war Serbia.¹⁰¹

Because Serbia had no president, and the acting president was the speaker of the "old" Parliament, it was unclear how anyone would be given a mandate to form a government. Until the new Parliament constituted itself and elected a speaker who would fulfil the role of an acting president, Kostunica took upon himself and the DSS the responsibility to form a coalition. As the impasse solidified, the Parliament finally held its inaugural session on January 27, 2004. Today, out of 250 parliamentary seats, 104 belong to the two parties most closely associated with the excesses of the Milosevic era, the SRS and the SPS. Both are nationalist, chauvinistic, strongly anti - Western and anti - reform, and were heavily compromised under Milosevic. The conservative populists (Kostunica's DSS and the SPO/NS coalition) maintain a highly ambiguous, sometimes negative attitude towards reform and European integration, with a nationalist orientation. Parties that have maintained a clear and continuous pro-reform stance over the last three years, now hold only 71 parliamentary seats.¹⁰²

As a result of long negotiations, the Serbian Parliament appointed Vojislav Kostunica as the Prime Minister, and approved his proposed 18-member cabinet in the beginning of March 2003. The new Serbian Government is **a minority government** made up of representatives of the DSS (9 ministers), G17 Plus (four ministers) and the coalition SPO / NS (four ministers), and is supported by the SPS.¹⁰³ The reason the international community expressed concern over Serbia's future is that Kostunica, in military circles perceived as a guardian of continuation of nationalistic policy and the status quo, chose that "Djindjic's" reformist Democratic Party should not be present in the new Government, and rather decided to depend upon support from the Milosevic's SPS.

A case in point is the sudden **surrender** of the alleged mastermind of Djindjic's assassination Milorad Lukovic - Legija, after he had spent 14 months in hiding. His lawyer pointed out,

¹⁰⁰ CeSID, Early Parliamentary Elections 2003.

¹⁰¹ Human Rights and Accountability, 2004: 9, 10.

¹⁰² ICG Europe Report No. 154: 4, 5, 11. Further information about the composition of the Parliament is available on the National Assembly's website: www.parlament.sr.gov.yu (May 25, 2004).

¹⁰³ The Government, March 3, 2004. Izbrana nova Vlada Republike Srbije.

“Colonel Lukovic has decided to turn himself in because he believes that this government will abide by the law, and that the truth concerning the assassinations of Djindjic and former Serbian president Ivan Stambolic will be determined in accordance with the law” (Beta, May 4, 2004).

4.1.3. How Could It Happen?

One of course cannot help to wonder why the sudden **change in people’s values**. After the assassination that had shocked the entire Serbian society, sympathy and approval of government’s actions soon diminished, and at the end hit the bottom rock when it manifested itself in the outcome of early elections. This phenomenon is not unknown and was also detected when Israel’s Prime Minister Yitzhak Rabin was assassinated in 1995. Similarly, this “critical moment” had less of a lasting impact on the public’s political values, beliefs and attitudes than might have been anticipated from the magnitude of the event and intensity of the immediate responses (Vertzberger, 1997: 864).

The question that logically comes up is “How could this happen?” Vertzberger offers an answer, claiming that (1997: 866, 868) the surprise effect of a sudden traumatic event, such as an assassination, does not allow for the preparation of alternative defenses, nor for careful reassessment of currently held values, beliefs and attitudes or at least their realization and justification. The seeming changes of cognition following a critical moment can thus often be misleading. What actually changes is the salience of particular issues, so that changes in measured attitudes may reflect what turns out to be only a temporary attention shift. Once the effect of the critical moment wears off, attention shifts back to normal, the distraction effect disappears, and attitude measurements return to their former state. Therefore, the power of situational stimuli to induce short term emotions and actions that are congruent with the newly acquired values, beliefs and attitudes should not be regarded as indications of long term change.

This explanation clearly rationalizes high support for Djindjic’s Democratic Party and the state of emergency expressed by people in public polls, followed by the attention shift towards numerous scandals and return to former nationalistic tensions. An observer can definitely draw numerous parallels among the Serbian and Israeli cases, which makes it an interesting point of

departure for future comparative studies and research on assassinations and induced political traumas.

However, we have to be cautious when we refer to Vertzberger's ideas about correlation between an assassination and a consequent political trauma. The assassination of one of the most popular Swedish politicians, Foreign Minister Anna Lindh, proves to be a telling example. This strong advocate of the pro-euro campaign was brutally assassinated in September 2003, just days before the national referendum on adopting the euro. Yet her death didn't significantly impact the outcome of the referendum, as her followers had hoped and anticipated. A clear majority of the Swedes rejected the euro, turning to safety of the traditional Swedish *krona*, exactly as public polls had predicted prior to her assassination. Moreover, a public poll showed that one third of the population diminished their confidence in responsible authorities, such as the intelligence service (SÄPO), police and psychiatric medical care (Malin Modh, 2003).

4.1.4. The Trial

After the Separate Investigative Department for the Fight against Organized Crime had completed a three-month investigation into the assassination of the Prime Minister, the case was handed to the special prosecutor, who filed charges against Milorad Lukovic Legija and forty-three other persons. Fifteen suspects were accused of the assassination and terrorism, whilst eighteen persons were charged with conspiring against the state and thirty-nine were charged with criminal conspiracy.¹⁰⁴

Special Department of the District Court started the Djindjic trial on December 22, 2003, by reading the indictment (OJT Kts.br.2/03) by which 36 people were accused of 15 murders, three kidnappings, two terrorist acts and other criminal acts.¹⁰⁵ In February, however, the indictment for Djindjic's murder was separated from the other criminal acts, and 13 people were

¹⁰⁴ The Government, Press Release, August 21. Optuznice protiv 44 osobe za organizovanje ubistva premijera Djindjica.

¹⁰⁵ The initial indictment that the Special Prosecutor Jovan Prijic raised on August 21, 2003, primarily referred to 44 persons (Lawyers Committee for human Rights: Analiza sudjenja optuzenima za ubistvo premijera dr Zorana Djindjica, December 24, 2003: 3.

charged with involvement in Djindjic's assassination.¹⁰⁶ Since the trial is an ongoing process that is expected to unfold in the future, it is beyond the scope of the present study, and it isn't fair to draw any conclusions before judges reach their verdict. Yet it is worth mentioning that Djindjic's trial is accompanied with numerous scandals. Case in point is an incident when six men, all members of the Gendarmerie, appeared in the courtroom wearing t-shirts with the emblem of the disbanded Special Operation Unit (Pasalic, 2004: 19), with a clear intention to intimidate everyone in the state of the art courtroom, if not Serbian public in general. Furthermore, on March 1, 2004, Kujo Krijesterac, one of the key witnesses who had recognized one of the suspects in the Admirala Geprata Street, was killed by shots from an automatic gun while trying to park his van (Veljkovic and Uskokovic, 2004). Some speculate that this could be a warning sign for other key witnesses. And last but not least, lawyers of the accused to-be-assassins try do to their best to obstruct the tribunal's work by submitting numerous requests, complaints and accusations to the court.

At the third day of the trial, Zvezdan Jovanovic, former Assistant Commander of the SOU and the *alleged* assassin that had actually pulled the trigger, said he understood the indictment, but refused to state his plea in light of the fact that the public had convicted him even before the trial started. He added that he didn't believe in the impartiality of the court or judiciary in the country for that matter. Therefore, he decided to defend himself and remain silent during the trial. Controversially, the court decided to read the minutes from the interrogation of defendant Jovanovic on April 7, 2003. Lawyers of the defendants strongly objected to this reading, as they claimed that Jovanovic's lawyer wasn't present during the interrogation and had signed the transcription of the confession only later on.¹⁰⁷ In this statement Jovanovic allegedly claimed that Legija told him "they are going to have a lot of problems with The Hague" and that "the SOU will be disbanded". So (he allegedly said) he killed the Prime Minister because of political reasons, as he wanted to put an end to sending soldiers and true patriots to The Hague. Additionally, he wished to prevent the SOU and Serbia to be dissolved (Vasic, 2004a).

¹⁰⁶ The accused in detention are former members of the SOU and the Serbian secret police: Zvezdan Jovanovic (charged with actually pulling the trigger), Milorad Lukovic Legija, Sasa PejkoVIC, Branislav Bezarevic, Zeljko Tojaga; Dejan Milenkovic and Dusan Krsmanovic. Currently at large are: Milos and Aleksandar Simovic, Ninoslav Konstantinovic, Vladimir Milisavljevic, Sretko Kalinic and Milan Jurisic (Beta, February 17, 2004). Three people got a status of a collaborating witness: Ljubisa Buha - Cume, Miladin Suvajdzic - Djura Mutavi and Zoran Vukojevic - Vuk.

¹⁰⁷ Lawyers Committee for Human Rights: Analiza sudjenja optuzenima za ubistvo premijera dr. Zorana Djindjica, December 25, 2003: 4.

Only time will tell how much of this is true and how will the drama in the courtroom end. But the trial for Djindjic's murder is a unique opportunity for Serbia to prove that she is prepared to break away from the legacy of the past that is giving the Serbian judiciary a bad connotation. It is a chance for Serbia to show that the rule of law is no longer selective and that even the untouchables are now subjected to justice. In the mean time, six people accused of the plot (including Milorad Lukovic - Legija) sit in jail, while another seven are being tried in absence.

4.2. The Impact of Djindjic's Murder on the Transitional Process

When trying to argue or assess whether a factor A caused an event B, social scientists frequently use counterfactuals. That is, they either ask whether or claim that "if A had not occurred, B would not have occurred" (Fearon, 1996: 39). It is indeed fascinating to play with thought experiments and hypothesise what would have happened if Djindjic had not died on March 12th 2003. But key events that change the course of history, such as the assassination of the Prime Minister Djindjic, occur only once and therefore can't be subjected to experimental laboratory conditions in which we were able to analyse single components, their correlations and reactions. As Tetlock and Belkin argue (1996: 19, 20), there is no way to hold "all other things equal" when we perform thought experiments on social systems that are densely interconnected. They also speculate that perhaps one reason why assassinations attract so much counterfactual attention is that it is so easy to imagine "getting away with" changing only a few casual antecedents and producing a consequential result.

With a little rewriting of history, it is very tempting to posit hypothetical worlds in which Djindjic would had used the government entrance No. IV, where he would had been protected from sniper's bullets; where he would had worn a bullet proof vest, or where security levels of his protection would had been raised after the assassination attempt on the highway. Yet we must consider the perpetrators' determination to kill Zoran Djindjic that was demonstrated by numerous assassination attempts. Namely, if the Prime Minister had not died on March 12, would assassins come up with a new assassination plan and kill him a few days later? Or would Djindjic manage to set off a minor version of the Operation Sabre in pursue to deal with organized crime? How would persons from the interrelated patriotic forces and criminal underworld react? Would Djindjic live to see a coup d'état? There is no simple answer to the "what if" questions in this case study. That is why every counterfactual is a condensed or

incomplete argument that requires connecting principles that can sustain, but not imply, the conditional claim (Tetlock and Belkin, 1996: 21). And no matter how fascinating constructing the counterfactuals is, it demands a great deal of assumptions and implications. The “what if” questions alone in this case study are so overwhelming that they call for a separate study. Therefore, I decided not to speculate about what might have happened if... and focus on the facts instead, that is, the systemic impact of the assassination.

4.2.1. Conditions for the Impact

Leiden argues (in Be-Yehuda, 1999: 169) that an assassination can have a high impact when:

- The system is highly centralized;
- The political support of the victim is highly personal;
- The “replaceability” of the victim is low;
- The system is in crisis and / or in a period of rapid political and social change;
- The death of the victim involves the system in confrontation with other powers.

However, Ben Yehuda (1999) is not entirely sure whether all these conditions must co-exist simultaneously for an impact effect to exist, or whether only part of the conditions must be present, and if so, what part. For these reasons it is necessary to check if the abovementioned conditions existed in Serbia at the time of Djindjic’s assassination, and if so, which.

Constitutional and legislative environment regulating sub-national levels of the government in Serbia and Montenegro is rather conflicting. The state union itself is loose, since substantial power is decentralized to sub-national levels of the government, primarily to the republics, and to a lesser extent Serbia’s autonomous provinces Vojvodina and Kosovo, the latter currently under international administration in accordance with the UN SC resolution 1244. Yet Bardos stresses (2003: 670) that the republics of Serbia and Montenegro are **highly centralized**. Local (that is municipal) governments do not have many autonomous sources at their disposal. And even though municipal governments do raise some revenues autonomously, most rely on supplemental funding from the central government. Moreover, control over police forces is the responsibility of the republics, and in both, Serbia and Montenegro, authority over these institutions is highly centralized.

When discussing **personal support** Djindjic might have had, it is important to mention that political parties and party life in Serbia, Montenegro, and Kosovo continue to be dominated by charismatic individuals rather than specific political ideologies or party programs (Bardos, 2003). We cannot overlook that Djindjic was a controversial leader, liked and disliked at the same time. On the one hand his policies were penetrated with reform oriented drive which resulted in political support from his advocates at home and abroad, describing him as the most talented politician in Serbia; he was modern, progressive and pragmatic, had brave political intelligence, working energy and stubborn ambitions, with the aim to succeed in democratic and social revival of Serbia.¹⁰⁸ Some of that support was seen on the day of his funeral when dozens foreign delegations came to offer their condolences, followed by a mourning crowd of hundred thousands of people. Many of them melodramatically saw the assassination as an attempt not only to murder Djindjic but also Serbia that he was creating. For them Djindjic became a legend or the Balkan hero, as they liked to refer to him. His willingness to bend under pressure, highlighted by the extradition of Milosevic to The Hague, made him a favourite of both Clinton and Bush administrators. That sowed fear and hatred among ex-communist and politically connected criminals [as well as the so called nationalists or patriots], who retained influence in Serbia. Moreover, Djindjic was known for his Machiavellian manoeuvring and willingness to make and break alliances to suit his immediate needs (Smith, 2003). The media also implied he took part in embargo busting, especially in oil [and cigarette] smuggling, and illegal trade of hard currency on the Yugoslav black market.¹⁰⁹ Uncorroborated stories like these, combined with largely unpopular reforms, contributed to constant low points in the public opinion polls. Thus Djindjic was aware that his rule did not enjoy broad popularity, a fate he claimed to share with radical reformers in other transitional states (Kusovac, 2002: 46).

In addition, one can say that the “**replaceability**” of the victim was low, for the murdered Prime Minister was not to share attention with possible rivals, therefore, there were no likely successors that immediately came to mind. Besides, even though majority of politicians claimed they will go on with the reforms, there was not a single politician in Serbia who had such an ability to balance different interests in the government coalition. Even Djindjic’s successor Zoran Zivkovic addressed the Serbian Parliament in his inauguration speech saying, “Do not expect me to be the Prime Minister Djindjic. I have no ambition to even dream of

¹⁰⁸ Mladost Srbije dobila svog heroja. Novosti, March 17, 2003.

¹⁰⁹ Zoran Djindjic: Pragmatic or Machiavellian, 2003.

becoming what he was to this nation.”¹¹⁰ Moreover, Djindjic was not only pushing for reforms, he became a personification of reforms in Serbia, trying to become a partner in international community, which had carefully groomed him specifically for that part.

Furthermore, Serbia is going through **extensive transitional changes**. The murder happened at the time when relations between the two republics were unstable; belligerent relationship between political competitors contributed to tense domestic political environment flooded with numerous scandals, and the Government was struggling to stay in power on daily bases. Increasing levels of corruption, criminality and poverty, another common dominators in countries going through transitional process, were also present in Serbia. Economic and social changes were newly started, shift in people’s attitudes, values and beliefs contributed to higher demands for economic prosperity, stronger and open civil society, freedom of expression, functioning state institutions, respect for (Serbian) human values, to mention just a few. On the other hand, the nationalism was (again) gaining power, antagonism towards the West and xenophobia were rising. That mainly occurred due to reluctance to cooperate with the ICTY, to change their perception of the past and consequently face the question of responsibility for war crimes. These attitudes created deep discrepancy between people’s expectations for better future and their unwillingness to do something about it.

Due to a decade long international isolation, lawlessness, corruption, economic decline and other drawbacks of authoritarian rule combined with numerous lost wars, the Serbian society was impregnated with organized crime. Its elements managed to find a way into the SOU, which had been the most probable source of instability until its disbandment. As the SOU demonstrated in November 2001, the unit had a potential to cause armed revolts, coerce the Government to make top personnel changes or perhaps even change political forces, all behind the shawl of patriotism. So when organized crime had reached endemic proportions and became so developed and powerful that one could easily describe it as its own state within the state, Djindjic tried to confront these **alternative centres of power** and paid the price for his determination with his own life. It is obvious that the moral universe from which the victim and the assassins came from could not be more different if one wanted them to be.

¹¹⁰ The Government, Press Release, March 18, 2003. Prime Minister-Designate Zoran Zivkovic’s keynote

4.2.2. Assessing the Impact

Assessing the impact of an assassination is beyond doubt difficult. This is particularly the case when we have in mind the murder of the Prime Minister Djindjic, whose death became a real political trauma of macro level proportions. Combined with the abovementioned favourable conditions it was doomed to produce a systemic impact. For the purpose of evaluating the importance of a murder, Havens, Leiden and Schmitt (in Ben-Yehuda, 1999: 167) suggest six possible types of systemic impacts of political assassinations:

- No discernible changes are produced;
- Personal changes occur that would have not taken place otherwise;
- Some change induced in particular policies;
- Inducing profound alteration in the political system;
- Inducing an actual social revolution, or
- Helping a whole political system to collapse and disappear.

Undoubtedly, we can claim that during the state of emergency many **personal changes** occurred that wouldn't have taken place otherwise in the manner they did. Starting with direct personal changes, Zoran Zivkovic was appointed the Serbian Prime Minister. Before the assassination, Zivkovic was supposed to become a defense minister, however, after the murder, Boris Tadic became the Defense Minister while Zivkovic succeeded Djindjic. Moreover, Cedomir Jovanovic became the fifth deputy prime minister in the Serbian Government.¹¹¹ For moral reasons, if nothing else, the opposition had to present itself as being compassionate about their rival's death, so they condemned the murder and called for unity in these "hard times". That is why luckily there were no big scandals around the previously mentioned procedures of power transfer. It is true, however, that the state of emergency prohibited the media from publishing any comments or analyses and allowed them to publish only the law-enforcement statements.

In honour of the assassinated Prime Minister, members of the Democratic Party decided not to elect a new Party president in 2003. On February 22, 2003 however, they elected Boris Tadic as Djindjic's successor over the outgoing Prime Minister Zoran Zivkovic (Didanovic, 2004).

address to the Serbian Parliament.

¹¹¹ (2003) The Assembly. Odluka o izboru predsednika i podpredsednika Vlade Republike Srbije i ministara u Vladi Republiki Srbiji; and "Zoran Zivkovic siguran kandidat?" Danas, March 15, 2003.

Besides, we shouldn't forget the controversial disbandment of the SOU, some of whose members were arrested, while others were integrated in the units within the MIA. Next, three scapegoats, Ljuboslav Sekulic, Danilo Koprivica and Milan Miljojkovic, were fired after the Commission report had been published. Moreover, due to alleged connections to the Zemun clan, there were also numerous dismissals of high-ranking officials, such as the deputy public prosecutor Milan Sarajlic, the judge of the Belgrade District Court Zivote Djoincevic, the chief of the Military Security Service General Aca Tomic, and others. While some (such as Sarajlic and Djoincevic) are still awaiting the trial, charges against many who were accused of having links with the underworld were dropped.¹¹² As mentioned in the previous chapter, other personnel changes were of secondary nature and derived from the amended legislation, which was passed under the state of emergency and gave the Assembly controversial powers to dismiss (and appoint) dozens of judges as well as public prosecutors.

Policy is a more general notion than a decision. A policy covers a bundle of decisions, and it involves a predisposition to respond in a specific way (Hague et al., 1988: 256). Therefore, it would be overstated if we claimed that Djindjic's death caused revolutionary adaptations of **government's policies**. Zivkovic's Government remained of the same composition and decided to follow the same direction, tasks and goals as Djindjic had wanted and strived for. That is, to integrate the country into the international structures, improve living conditions, restructure the economy, build institutions and pursue all kinds of reforms, including the judicial one.

Yet controversial adaptation of legislation and consequential massive dismissal of judges that happened during the state of emergency, were clear and successful attempts to change the judicial policy and erode judiciary's independence. Although the judicial system was corrupted and dysfunctional, the ruling elite had no right to use authoritarian measures to pursue democratic goals. Due to high levels of criminality in the country, some amendments were understandable, while others were unconstitutional and later revoked by the Supreme Court. One could, however notice some positive legislative developments resulting in the long awaited dismissal of some judges from Milosevic's period, on the initiative of a judicial authority and in keeping with procedure. The Grand Personnel Chamber relieved of office 20

¹¹² Such was the case of Aca Tomic, when in April 2004 the Supreme Court of Serbia overruled Supreme Defense Council's decision by which General Tomic was discharged of duty. After spending months in prison, charges against Tomic were dropped and he was returned to active duty (Anastasijevic, 2004).

judges and cautioned 17, due to malpractice and incompetence. The Supreme Court of Serbia announced that some judges had been found guilty of breaking the law and bribe taking but did not give their number. Furthermore, in July 2003, acting on the proposals of the Grand Personnel Chamber, the Assembly relieved of office 18 judges of courts of general jurisdiction over malpractice or incompetence. But according to available data, with the exception of Djordje Mirkovic, no member of the Belgrade judiciary was criminally prosecuted for an offence linked to organized crime.¹¹³

However, some of the **policy outputs** were drastically different from those at the time when Djindjic was heading the Government. Massive arrests during the state of emergency were, nevertheless, just measurable results of the continuing policy to deal with organized crime, therefore, the zealous attempt to do so can't be considered as a policy change. During the Operation Sabre, the police disclosed weak points (mainly corruption) of several law-enforcement institutions and judiciary. They therefore won the first round of the match against organized crime, but only at the functional, i.e. police level. Results of combating organized crime in Serbia at the structural level were almost insignificant, as the financial and political circles remained out of the reach of the police and secret services.¹¹⁴ Additionally, both politics and judiciary have the final test still in front of them, that is, the high profile trials for politically motivated killings.¹¹⁵ Namely, the past experiences in Serbia show that the trials alone do not guarantee success in the fight against organized crime and dealing with the legacies of the Milosevic's era.

Policy making can be a messy and conflict-filled process in which different groups – executive agencies, political parties, lobbies, and sometimes experts – push for different goals, with the outcome ultimately being a compromise dictated by the necessity to gather enough support for a decision (Ottaway, 2003: 235). In this case study before Zivkovic's Government could think

¹¹³ Mirkovic was the president of the Fourth Municipal Court in Belgrade who decided to release from prison Dejan Milenkovic - Bagzi after the assassination attempt on the highway. Mirkovic was relieved of duty on April 22, 2003 (Human Rights and Accountability, 2004: 115, 116, 124).

¹¹⁴ Human Rights and Accountability, 2004: 16.

¹¹⁵ Several crimes got their trial epilogue due to police action in the Operation Sabre. On September 23, 2003 the Special prosecutor's Office brought in a joint indictment against 10 defendants for the murder of former president Ivan Stambolic in August 2000 and the assassination attempt on the leader of the Serbian Renewal Movement Vuk Draskovic in Budva in June 2000 (Human Rights and Accountability, 2004: 130-133). Furthermore, in September 2003 the Supreme Court of Serbia overturned the verdict on the defendants tried for the assassination of four Serbian Renewal Movement members and the assassination attempt on Vuk Draskovic in October 1999 in the so-called "Ibar Highway" incident. The Supreme Court ordered a retrial with a different panel of judges (Bijelic, 2003). The trial for the murder of the police General Bosko Buha was also started.

about the hasty decisions it had made, pursue the goals, or alter policies, the weak and fragmented ruling elite lost the support it needed to continue with reforms. On the contrary, the opposition took time to reorganize itself, and had launched a campaign for early elections thus hoping to alter the **political system**.

Since government is the chief instrumentality through which the political system works (Apter, 1996: 372), a lot of criticism, some of which was described in the previous chapter, was directed towards executive politicians. But a country's political system is more than just its institutions and formal processes of government. It includes the dynamic interplay of people's ideas and interests: the whole process of demand and response which politics represents (Derbishire and Derbishire, 1991: 3). Reluctance of the Serbian Government to effectively deal with the newly revealed scandals caused reasonable legitimacy doubts. Furthermore, due to political fragmentation, pace of reforms was slow and Djindjic's pragmatic personality and negotiating skills were definitely missing in the fiery political rivalry. Ruling politicians were not able to respond to people's demands regarding economic safety, and other unpopular measures were started. Reform of the armed forces, sacking high ranking military officers, and pursuing PfP membership, when it has been only four years since the coalition forces bombed the country and when a precondition for the membership is a full cooperation with the ICTY, all contributed to the rise of nationalism. The Serbian people gave a pro-western government a chance in the beginning of 2001, but the pro-democratic experiment did not fulfil their expectation. Finally, majority of the population rejected democratic ideals on the early parliamentary elections. So they turned back to what they were familiar with, forgetting that nationalism was, in the first place, the cause that led them to the present situation. Election results revealed the real political culture in Serbia and showed that nationalism is deeply embedded in people's fundamental values and sentiments. Only time will tell if their decisions were correct.

But as latest developments show, there is still hope for Serbian democratization process. One must give credit to the Serbian electorate for choosing pro-western Boris Tadic over hard-line nationalist Tomislav Nikolic in June 2004 presidential elections. It seems possible that Tadic is the one who will finally be able to fill the gap left by Djindjic's murder.

5. Conclusions

The DOS coalition that won the 2000 elections in the FRY and Serbia was united in one issue only - to remove Milosevic from power. Immediately after this goal was achieved, the differences on key questions of protecting Milosevic's legacy emerged into the open. That led to power struggles between the two main political camps and their leaders, Kostunica and Djindjic, thus reducing capabilities to make vital changes and deal with the legacies of repression. After negotiated transfer of power and in pursuit to start much needed reforms, Djindjic eventually began to distance himself from the former regime security structures such as the SOU. Capability for possible atrocities was well demonstrated by the SOU's revolt in November 2001. At that point it became obvious that small but deadly armed structures in Serbia, which were left without any real purpose in the new political environment, were able and willing to blackmail authorities to make changes, such as dismissal of top personnel of the Portfolio of State Security. But Djindjic's drive to pursue post-authoritarian and post-conflict transition and deal with the legacies of the past was not without a political cost. Because he was determined to democratise the country and was not giving up the fight against alternative centres of power, he became a discriminate target of the interconnected underworld and parts of the security structures. This said, I can verify my first hypothesis that: *While struggling for the transfer of power from the authoritarian regime to a new political system, Serbia was incapable of dealing with the legacies of repression, which had ultimately cost Zoran Djindjic his life.*

In the months prior to Djindjic's assassination, the Government was preparing for a showdown with the organized crime and had already identified the leading criminals in the country. A carefully planned assassination on March 12, 2003, was just another murder in a series of power-struggle-assassinations that had happened in the country during the last couple of years (See Appendix A). The murder proved that Serbia was prey to lawless powers, which were able to infiltrate into various institutions. The Government didn't hesitate to strike back. It seized the opportunity for otherwise politically infeasible action and decided to deal with organized crime at the price of disrespecting basic human rights. The Government launched the police Operation Sabre and proposed the acting president Natasa Micic to declare a state of emergency. This gave authorities special competences, severely restricted people's rights, introduced censorship and ordered cooperation between all security structures in the country.

The same day the Government issued a statement offering answers to causes of the assassination, claiming it knew who was responsible for the murder. The Government accused the Zemun clan of committing the assassinations of Zoran Djindjic and Ivan Stambolic, attempted assassination of Vuk Draskovic as well as other serious criminal deeds. Interrelated worlds of the Zemun clan and the SOU had connections within the police, intelligence service, media, judiciary, and even pop stars, giving them a reasonable chance to set opposing political powers in motion, perhaps even usurp the powers of the Government at the time when institutions were weak or didn't exist at all. Consequently, I can verify my second hypothesis that claims: *Due to the underlying conditions in Serbia, imposing a state of emergency was an adequate response to mitigate the crisis caused by Djindjic's murder.*

Majority of the Serbian population was unprepared for the traumatic event, as was the assassination of the Prime Minister Djindjic, and had experienced a political trauma. The Serbs shared a widespread opinion that the launched police Operation Sabre and draconian measures, which were allowed during the imposed state of emergency, were a sustainable price to pay for catching the killers. But the ruling elite's aspirations were higher than just fighting the organized crime on the operative level. Because of the history of dysfunctional judiciary, the Assembly decided that democracy must come from above; thereby using authoritarian measures and adopting numerous laws that seriously undermined independence of judiciary. Dozens of judges were retired or dismissed, including the president of the Supreme Court of Serbia. In addition, during the 42 days of the state of emergency, more than 11,000 people were apprehended, out of which more than two thousand spent time in jail due to the new amendments in legislation. Out of these 11,000 people, only a few dozens are being prosecuted today; while the others are angry because their names were publicly scandalized.

The police concluded investigation into the Djindjic's murder within three months, and the trial is now taking place in the Special Department of the District Court in Belgrade. Thirteen people are accused of involvement in Djindjic's assassination, among them several members of the now disbanded SOU. Zvezdan Jovanovic, the man accused of pulling the trigger, was a member of the SOU. Two out of three alleged masterminds behind the assassination, Dusan Spasojevic and Mile Lukovic, were the leaders of the Zemun clan and were killed while resisting arrest. The third one, Milorad Lukovic - Legija, former commander of the SOU, turned himself in after spending fourteen months on the run, claiming he did so because of the positive changes in the political environment. If the trial will continue with today's pace, quite

some time will pass until (and *if*) the truth about Djindjic's murder will be revealed. An open and fair trial for Djindjic's murder is therefore the only opportunity for the Serbian judiciary to prove that it can conduct court cases without undermining the rule of law and democracy.

Judging by the success of the Operation Sabre, public outpour of grief, and support Serbia got from the international community under the state of emergency, one could speculate that immediate consequences of the murder would positively contribute to the way back to normalcy in political arena to be normal if not smooth. But the initial calmness and unity after the murder were soon broken by accusations that the Government was using the state of emergency as a political persecution. Opposition was determined to seize the opportunity of the political vacuum that was created after Djindjic was removed from the political scene. Numerous corruption and privatisation scandals started to blossom as opposition's allegations of links between organized crime on the one hand and top politicians on the other were getting louder with each day, thus reducing public trust in political institutions. Resurface of nationalism and unimproved quality of people's life regarding their economic needs prevailed over democratic ideals, which the Government promised to achieve, and revealed the shallowness of the transitional process. Finally, the struggle for political power resulted in a reform standstill that prevented the Assembly to pass laws and, at the end, led to the disintegration of the DOS and early parliamentary elections. By including the war crime suspects on candidate lists and voting for them, Serbia sent a negative hint to the entire international community and neighbouring countries, which had had dreadful experiences with the idea of a greater Serbia in the past. Nearly to date from Djindjic's murder, Serbia got a new government. Ironically, Vojislav Kostunica, Djindjic's biggest rival, took the post of a new prime minister. The above mentioned events as a whole point out to the conclusion by which I can verify my third hypothesis that: *Zoran Djindjic's assassination caused a political trauma and initiated response settings that impeded democratization process.*

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7. Appendix

Appendix A: Assassination Attempts in FRY / Serbia and Montenegro since 1999

Date	Incident
<i>March 11, 1999</i>	Milorad Vlahovic , a police colonel and deputy chief of the Criminal Investigation Unit of Belgrade police, shot dead.
<i>July 8, 1999</i>	Dragan Simic , a police colonel and chief of the Secretariat of Internal Affairs <i>Savski venac</i> , shot dead in Belgrade.
<i>October 4, 1999</i>	Vuk Draskovic , the opposition leader, survives lorry veering into his convoy, leaving four other members of the Serbian Renewal Movement dead.
January 15, 2000	Zeljko Raznatovic alias “Arkan”, a notorious paramilitary leader and Serbian warlord indicted by the UN court, shot dead in a hotel lobby in Belgrade.
February 7, 2000	Yugoslavian Defense Minister Pavle Bulatovic shot dead in a Belgrade restaurant.
March 20, 2000	Branislav Lainovic alias “Dugi”, former commander of the paramilitary group Serb Guards, was shot dead in the streets of Belgrade. The police also interrogated him about the murder of Arkan.
April 25, 2000	Zika Petrovic , director general of Yugoslav Air Transportation “JAT” and personal friend to Milosevic’s family, shot dead in front of his parents’ house in Belgrade.
<i>April 27, 2000</i>	Zoran Uskokovic alias “Skole”, a businessman with a criminal record, killed in a Spanish collar attack. In certain media he was marked as the man behind the murder of Arkan.
<i>May 13, 2000</i>	Bosko Perosevic , president of the provincial government of Yugoslavia’s Vojvodina province, shot dead at the opening of a fair in Novi Sad.
<i>May 31, 2000</i>	Goran Zugic , security adviser to Montenegrin president Djukanovic shot dead while getting out of his car in Podgorica.
<i>June 4, 2000</i>	Zoran Ristovic “Prika” former member of the SOU was found dead in Resnik.
<i>June 15, 2000</i>	Failed shooting at the opposition leader Vuk Draskovic at his house in Budva.
<i>August 3, 2001</i>	Momir Gavrilovic , former State Security senior official was killed near his apartment in Belgrade just hours after he had visited the President’s office, allegedly, to reveal some secret information about crime and corruption.
<i>August 25, 2000</i>	Former Serbian president Ivan Stambolic was kidnapped, shot dead and buried in Mountain Fruska Gora.
<i>October 19, 2001</i>	Slavko Mijovic , paramilitary leader indicted by the ICTY and a close associate of Arkan, killed by a gunman in a Belgrade cafe.
<i>June 10, 2002</i>	Bosko Buha , deputy chief of Serbian Public Security Service and former Belgrade Police Brigade General, shot dead in a parking lot in Belgrade.
September 27, 2002	Sredoje Sljukic alias “Sljuka”, a businessman and the leader of a Zlatibor-based criminal gang, and brother Zoran killed in “Spanish collar” attack on a Belgrade highway.

October 5, 2002	Jovan Guzijan alias “Cuner”, leader of the Zvezar gang, killed in similar circumstances as Sljukic on a Zemun – Novi Sad road.
November 27, 2002	Nenad Batocanin , a high-ranking officer of the Federal Interior Ministry and former Milosevic bodyguard, and Zeljko Skrba , a well-known criminal, were shot dead in a car near a soccer stadium in Belgrade.
February 21, 2003	Unsuccessful lorry attack on Zoran Djindjic ’s convoy.
March 12, 2003	Zoran Djindjic killed by a sniper outside the government building.

Sources: CNN, Assassinations in former Yugoslavia (2003); Jane’s Intelligence Review, April 4, 2003: 12; ICG Balkan Report 141, 2003: 4; Grujic (2004); Schwarm (2000); The Government, Press Release, August 16, 2001. Gavrilovic Dossier; and / Ubistva-Hronologija: hronologija politickih ubistava, March 14, 2003.

8. Povzetek

Diplomska naloga je študija umora Zorana Djindjiča in posledic, ki so sledile tekom prvega koledarskega leta po atentatu. V nalogi so zastavljeni štirje cilji. Opisan je širši politični in zgodovinski kontekst ter okoliščine, ki so vodile do Djindjičevega umora. Analiziran je razvoj krize, takojšnje posledice umora ter izredno stanje. Nadalje so predstavljene sekundarne posledice, ki so se odvijale v prvem koledarskem letu po umoru. In nenazadnje, preučeni so pogoji, v katerih se je zgodil atentat. Le-ta je nato ocenjen v smislu systemskega vpliva.

Po strmoglavljenju Slobodana Miloševića z oblasti je večina ključnih oseb iz Miloševićevega obdobja ostala na svojih mestih, s čimer je bila zaščitena njegova polemična zapuščina. Hkrati je bil politični prostor, ki se je začasno zedinil prav z namenom Miloševićevega prevrata, močno razdeljen. Nesoglasja znotraj DOS, naraščajoča moč organiziranega kriminala in prepletenost le-tega s posameznimi deli varnostnih struktur, sodstva, politike in drugimi segmenti srbske družbe so oteževala potrebne politične, ustavne, sodstvene, varnostne in druge reforme. Zoran Djindjič, ki se je kot predsednik srbske vlade zavzemal za omenjene reforme in integracijo Srbije in Črne Gore v evro-atlantske strukture, je postal tarča varnostno-kriminalne naveze Enote za specialne operacije (JSO) srbskega Ministrstva za notranje zadeve in kriminalnega združenja Zemunski klan. Tekom najmanj treh znanih poskusov atentata na Djindjiča v začetku leta 2003 se je srbska vlada pripravljala na odločilen spopad s skupinami organiziranega kriminala. Za ta namen je bil le teden dni pred usodnim atentatom imenovan poseben tožilec za organizirani kriminal, medtem pa je policija zasliševala priče in zbirala obremenilne dokaze. V tej bitki s časom so pripadniki naveze JSO – Zemunski klan (domnevno) uspeli do potankosti organizirati atentat na Djindjiča, ki ga je 12. marca 2003 natančno izvedel izurjen ostrostrelec.

Glede na predhodno zbrane informacije, resnost dogodka ter možnost, da atentat ne bo edini primer nasilja, je srbska vlada na Djindjičev umor odreagirala jasno in odločno. Na izrednem zasedanju, ki je sledil atentatu, je odločila, da sta ogrožena ustavni red in varnost republike, zato je bilo odrejeno sodelovanje Varnostno-obveščevalne agencije (BIA), Vojske Srbije in Črne Gore ter Ministrstva za notranje zadeve (MUP). Na predlog vlade je v. d. predsednica republike Nataša Mičić uvedla izredno stanje, tekom katerega so bila v veljavi mnoga sporna

določila, ki so grobo kršila človekove pravice. Med drugim je bila uvedena cenzura, več medijskih hiš pa je bilo prepovedanih oziroma denarno kaznovanih.

MUP je začelo Operacijo Sablja z glavnim ciljem identificirati in aretirati atentatorje, njihove pomočnike in sodelavce. Zgolj tekom izrednega stanja je bilo privedenih preko 11.000 ljudi, osumljenih povezave z atentatom, organiziranim kriminalom ali posedovanja ključnih informacij, od tega je bilo preko 2.000 ljudi pridržanih v priporu. Policija je rešila na desetine umorov in tisoče drugih kriminalnih dejanj. Eden najpomembnejših rešenih primerov je bilo odkritje ostankov bivšega srbskega predsednika Ivana Stamboliča, za čigar umor so kot neposredni morilci obtoženi člani JSO, kot naročitelji pa nekdanje najvišje figure varnostnega sistema. Policiji je kmalu uspelo aretirati domnevnega ostrostrelca, našli so morilsko orožje in potrdili motiv ter politično ozadje Djindjičevega umora. Za organizacijo atentata so oblasti obdolžile bivšega poveljnika JSO Milorada Lukoviča Legijo ter dva vodilna člana Zemunskega klana. Slednja sta bila ubita, saj sta se domnevno upirala aretaciji. Verjetno najpomembnejša odločitev tekom šestih tednov izrednega stanja pa je bila razpustitev zloglasne JSO.

Vendar izredno stanje ni potekalo brez zapletov. Parlament je sprejel številne nove zakone, nekateri od njih so grobo kršili človekove pravice, spet drugi so posegli v neodvisnost sodne veje oblasti. Še bolj sporne so bile odločitve, s katerimi je parlament odstavil in/ali upokojil na desetine sodnikov in jih nadomestil z novimi. Take in podobne odločitve so močno vznemirile politične nasprotnike, ki so vladajočo oblast obtožili, da izkorišča izredno stanje za obračun z opozicijo. Tako je bila »kriza po krizi« prav tako intenzivna in negotova kot samo izredno stanje. Politični nasprotniki so postali tesni tekmeci za prevlado v novo nastalem političnem vakuumu, pri čemer niso zbirali načinov in besed za očrnitev nasprotnikov. Obtožbe o vpletenosti vodilnih politikov v organiziran kriminal ter škandali o korupciji in pranju denarja so začeli polniti časopisne rubrike. Po drugi strani pa so naraščali ekonomski problemi, brezposelnost je dosegla rekordnih 32 %. Dokaj pozitivno sodelovanje s haaškim tribunalom, ki ga je bilo opaziti po atentatu, se je popolnoma zaustavilo. Nesoglasja med politiki so privedla zakonodajno vejo oblasti do popolnega zastoja, ko sprejemanje zakonov in delovanje parlamenta ni bilo več mogoče. Decembra so sledile zgodnje parlamentarne volitve, na katerih je skoraj tretjino glasov dosegla Srbska radikalna stranka. Rezultati volitev so tako odkrili zastrašujoče stanje na politični sceni ter na novo prebujene nacionalistične težnje.

Zaskrbljujoče dejstvo je tudi, da današnja manjšinska vlada ne vključuje Djindjičeve Demokratske stranke, temveč se raje zanaša na Miloševićevo SPS.

Pogoji v času Djindjičevega umora so bili takšni, da je imel uspešno izveden atentat možnost vpliva na dogajanje v Srbiji. Sistem je bil namreč močno centraliziran ter v obdobju intenzivnih političnih in socialnih sprememb; možnost uspešne zamenjave žrtve je bila majhna; politična podpora žrtvi je bila (pri delu populacije) zelo osebna; in v Djindjičevo smrt je bil vpleten kriminalno-varnostni sistem, ki ji bil v nasprotju z drugimi, to je državnimi, silami. Tako je atentat pripomogel k številnim spremembam na vodilnih položajih. Vladna politika je ostala večinoma nespremenjena, izjema so bili poskusi spodkopavanja neodvisnosti sodstva. Kmalu je politični sistem začel doživljati precejšnje spremembe, nacionalizem je spet pridobil na teži, vse to pa se je odrazilo na rezultatih parlamentarnih volitev.

V sklepnem delu diplomske naloge so poudarjeni trije zaključki. Prvič, ko si je Srbija prizadevala za prehod iz avtoritarnega v nov politični sistem, je bila nezmožna opraviti z zapuščino Miloševićevega režima, kar je vodilo do smrti Zorana Djindjiča. Drugič, zaradi temeljnih okoliščin v Srbiji je bila uvedba izrednega stanja primeren ukrep za omejitev krize, nastale ob Djindjičevem umoru. In tretjič, umor Zorana Djindjiča je povzročil politično travmo, ki je sprožila odzive, ki so ovirali demokratizacijski proces.