

INTERVIEW

Law should rule in Serbia, not crime

SLOBODAN RADOVANOVIC *SPECIAL PROSECUTOR*



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Slobodan Radovanovic says that he felt his appointment to the prestigious and responsible judicial function of the Special Prosecutor "in the beginning as a personal and professional challenge". Today, the challenge evolved into increasing confrontation with responsibility, says he for Justice in Transition.

- Only from this position can one see that Serbia is literally embraced by crime. I will firstly point at corruption in the broadest sense. On the other side, there is the judicial system which should produce certain results through its activities. My experience so far is that we are experiencing the last minute when the state must use its organs, in the concrete case we speak of the Special Prosecutor, and begin winning battles against crime. There is no third solution for the situation we are in and it is in this context that I see my role and you can suppose how big the responsibility is.

International organizations' reports on the work of judicial organs in Serbia praise the work of the Special Prosecutor's Office. How much does this mean to you, does it open some doors through which it is not easy to get through? I have in mind only the work of the Prosecutor's Office which you lead.

Recognition by the international organizations and their positive evaluations certainly mean a great lot. In the first place, because these evaluations are based on results; we need these results really very much now, and we need them exactly in the context I mentioned when I said that Serbia was embraced by crime. The activities of this Prosecutor's Office are directed not only towards prosecuting felony and the perpetrators. In the previous period we tried to establish as strong as possible contacts with colleagues from Europe and the United States of America. Our plan is to establish close cooperation and links with the prosecutors in the region, with the aim to reach as good as possible results in our basic duty, the fight against crime. Within this international cooperation we have managed to present ourselves as a modern prosecution which is trying not only to fully cooperate with all institutions of the kind, but also to implement all modern means in the fight against crime. Furthermore, contacts with colleagues from other countries and with international organizations and representatives of various institutions are easily noticed by those who monitor the work of the judiciary in Serbia. I think this is generally beneficial, and it certainly brings Serbia closer to the modern and developed world.

The topic of this issue of Justice in Transition is the assets forfeiture regarding illegally acquired property. It seems that social consensus has been established in regard to such a law. However, do you still expect further resistance, having in mind organized crime supported by the informal centers of power?

As regards assets forfeiture I have frequently been saying that in this respect the developed countries are far ahead from Serbia. The endangerment of the right to private property or some other guaranteed right is no longer raised as an issue, because new global standards emerged and modern states protect their institutions and fight with all means against the violation of law; assets forfeiture is perhaps on the very top of possible measures. As regards the situation in Serbia, I think that the law will be received with general support, but how? A huge part of the population certainly wants to see the first effects of its implementation; on the other hand, the informal centers of power will maybe formally support such a law although it is certainly going to face serious resistance. In view of the situation regarding crime in Serbia we must certainly recognize that many people would not welcome such a law. They will do anything to prevent it and I only do hope that the climate in Serbia is favorable for the passing of a modern and efficient law harmonized with global standards.

The Special Prosecutor's Office is working on a big number of cases of a different character. Are you satisfied with the conditions – the legal framework, the potential regarding cadres and expertise, the technical conditions? And finally, is there political will?

Well, to solve successfully the problem of crime in a country such as Serbia, the system must have efficient institutions, and I will allow myself to tell something regarding Serbia's judiciary, to tell that there are many problems in this field. Unfortunately, nowadays we have a network of extremely inefficient prosecutors' offices and courts, and many judicial functionaries who are encapsulated in their inefficiency, easygoingness and the lack of the desire to improve. Of course, I find this very dissatisfactory, because it would be a completely different feeling to see people ready to work hard, to face challenges and to undergo further education. This is the reason why I think that, regardless of all comments related to new laws and their implementation, or the conditions for their implementation, it is necessary to start as soon as possible to implement them. I hope that this will force many to change their old habits. The problem lies with people who must take initiative, and at the moment I would first of all give support to young people who want to work in the judiciary, rather than creating excuses as reasons of their incapability.

Are you satisfied with the protection of witnesses in cases of organized crime?

As regards witness protection in cases dealing with organized crime, I can say that there were no incidents in any of the cases in which the witness protection program was implemented. These are programs which demand a high level of organization, expertise and material support, and such situations like the murder of Zoran Vukojevic-Vuk are the consequence of leaving the protection program. The unit which protects the witnesses in cases of organized crime enjoys respect beyond Serbia's borders as well, which has been frequently confirmed in international gatherings.

Serbia is on the Balkan, European and world route of trafficking in human beings, weapons and drugs. Could we expect in the near future to have some new cases in this regard?

On this occasion I would like to emphasize that in the times ahead of us this Prosecutor's Office will have to devote particular attention to drug trade in our region. In this context we shall establish complete cooperation with countries in the surroundings and in Europe, in order to reach results which will be satisfactory not only for Serbia but also for other countries; these countries look very much at what is happening here in regard to drugs, since present operational data show that many European countries have serious problems because of drug exports either from the territory of Novi Pazar or other parts of Serbia. I do hope that we shall soon have serious cases and good results in this field. Further, it is known that we had results in breaking some channels of trafficking in human beings and in this regard we must continue to work seriously and in interaction with prosecutors and the police particularly in the neighboring countries.

Since you are the Special Prosecutor, can you tell us anything on the links between organized crime and war crimes, and is there some case which would demonstrate this link also in the form of judicial truth?

- Well, he who is capable of being a criminal in times of peace is also a criminal in times of war.

Of course, this has nothing to do with patriotism and the fight for one's own state; the even greater evil is that in the war some people have managed to hide behind patriotism and make profit for themselves, committing simultaneously also war crimes.

And it is exactly the trials against such crimes that can put a stop to their "patriotic" appeal; these trials can bring satisfaction to all those who in any way had become victims regardless of which nation they belong to. Certainly, the same individuals can also be part of organized crime; both war and peace give them the opportunity to commit their crimes.



Do you personally, and your team, feel to be under pressure? I have in mind the political pressure, the pressure of the media, and also personal pressure. Are you facing threats?

- There certainly is pressure, and it is often indirect. On the one hand, it is known that in Serbia today there are many informal centers of power; on the other hand, it is also the fact that activities of this Prosecutor's Office have spoiled the plans of many. Indirect pressure is often exercised through sending different information to me or my colleagues with the aim to discard certain cases or results, and it is also not a rare situation that through different channels we hear comments and statements or analyses which have nothing to do either with the work of this Prosecutor's Office, or with the actual state of affairs. But I have said frequently that we all are experienced prosecutors. This does not surprise us anymore, let alone causes worry. Our aim is to do our work as good as possible and the fact is that people who work with me have also renounced parts of their privacy and daily peace and calmness, exactly because believe in what they do.

How do you assess cooperation with the media?

Cooperation with the media is just as it should be and it was my aim to achieve this when I came to this Office. I have frequently said that media can help, but not by defending and protecting me from I do not know whom, but rather by researching everything that was not done so far, or was done in a way in which it should not have been done. I have frequently personally instructed the media to initiate issues related to some old cases which have been "somewhere lost, forgotten, unfinished". This is in our common interest and all media must take the path of revealing the full truth; and, this Prosecutor's Office should not hide anything from anybody or for any reason, and even when we do make some well-intended suggestion to some of the journalists to be provocative, my advice is exactly that they should be as provocative as possible in order to clear up as many things as possible, because I think that what we have accomplished until now is the real truth and that it should be available to the broadest public.

What was the biggest challenge for you in the Special Prosecutor's Office so far,?

We started large task of revealing the flow of money taken out of Serbia to Cyprus and to other countries. I think that all traces of crime in Serbia today – corruption and misuse in privatization, as well as other types of crime – are rooted in times when political and social conditions were used for uncontrolled removal of huge financial assets, for depositing them in certain accounts, and using them later for most different purposes. It is my aim and my desire to reveal at least parts of this affair. We would thus open the door wide for solving the issue of corruption and establishing full rule of law in Serbia.

Interview led by: Jasna Sarcevic-Jankovic

Pressure and trust

Media have lately often spoken of initiating a trial for armed mutiny in 2001 supposed to have been linked to the assassination of Zoran Djindjic.

As regards this issue of the Red Berets, which the media often dealt with, I see it all as an attempt to exercise pressure upon the judiciary. Concretely, also upon the work of the Special Prosecutor, because according to some statements it is allegedly expected that certain proceedings will be started.

There must be full trust in professionalism of the prosecution and independence of this Prosecutor's Office from any influence or pressure. I will stand behind this. Hence, any decision taken in regard to this issue will be absolutely legal and completely professional.