



Australian Government
Refugee Review Tribunal

Country Advice

Serbia

Serbia – SRB36154 – Serbian Volunteer Guard – Arkan’s Tigers – International Criminal Tribunal for the Former Yugoslavia – War Crimes – Organised Crime

5 March 2010

1. Please provide a brief history of the SDG (1990-1996)

The paramilitary group, the ‘Serbian Volunteer Guard’ (SDG), commonly known as ‘Arkan’s Tigers’ (‘Tigers’, ‘Arkanovci’ or ‘Arkanovi Tigrovi’) was established on 11 October 1990 by notorious Serbian underworld figure Željko Ražnatović, popularly known as Arkan.¹

The SDG were one of many Serbian paramilitary groups which took part in the conflicts in the former Yugoslavia, between 1991 and 1999. At various times during the conflict, membership of the SDG expanded to include other paramilitary, Yugoslav People’s Army (JNA) or special forces units. This response will focus on the involvement of Arkan’s Tigers in the Balkans conflict

Serbian paramilitary groups varied in skill and motivation, from professional soldiers to loosely affiliated groups of criminal gangs and football hooligans. The more ‘professional’ units including the Tigers were often armed, funded and trained through the Yugoslav People’s Army (JNA) or other state security organisations.² Some other groups were known as ‘weekend warriors’ – living and working during the week in Serbia and crossing into contested territory in neighbouring villages on weekends to loot and vandalise property.³

The symbiotic relationship between the Milošević regime and organised crime in Serbia flourished in an increasingly unstable Yugoslavia. Criminal organisations fought amongst each other, vying to expand and develop new black and grey markets in petrol, cigarettes and narcotics. Longtime Milošević allies, including Ražnatović, were favoured beneficiaries. Paramilitary units, led by known underworld figures, were useful both in terrorising local non-Serb populations, and as efficient looting and raiding parties. Spoils from the front funded criminal enterprise based in Belgrade.

During the regime of Slobodan Milošević (May 1989-October 2000), the state police, the military and the key figures within the lucrative and expanding world of organised crime became increasingly co-dependent. Milošević actively encouraged the existing practices of using criminals as informers and also in various operations. His consolidation of power

¹ *The Prosecutor of the Tribunal v Željko Raznjatovic also known as ‘Arkan’* (26 September 1997) [1997], International Criminal Tribunal for the Former Yugoslavia Indictment, Case Number: IT-97-27-I <http://icr.icty.org/firmResultSet.aspx?e=wveb3digodsyth45d2pnrz55&StartPage=1&EndPage=10> – Accessed 4 March 2010 – Attachment 1

² *Prosecutor of the Tribunal v Jovica Stanisic and Franko Simatovic* [2008], *International Criminal Tribunal for the Former Yugoslavia Third Amended Indictment*, Case Number: IT-03-69-PT, p.2. – Attachment 2

³ Burg, S. L. & Shoup, P. S. 1999, *The war in Bosnia- Herzegovina: ethnic conflict and international intervention*, M. E. Sharp, New York, source: Google books.

culminated in his take over of the Serbian State Security Service in 1991. The Service understood that:

they were not civil servants... their only task [was to] secure the regime and the rule of one man only, and therefore that the enemy was wherever the next threat came from.⁴

The State Security Service was put in charge of the elaborate network of links between the government institutions, businesses and organised crime.⁵ So-called black and grey segments of the economy were booming in this period, all under the tight control of the regime. The criminal gangs which thrived under Milošević saw the conflicts as a chance to increase their wealth and influence, as well as a unique opportunity to capitalise on the burgeoning black market in petrol, cigarettes and other items affected by United Nations (UN) sanctions.

Milošević and Serbia's criminal underworld, "worked together in dispatching paramilitary forces to the war zones, and in sanction-busting operations against the United Nations trade embargo."⁶ Leaders of these groups were closely associated with the Milošević regime, either because they also held high ranking positions within key state security organs or they were heavily involved in racketeering and organised crime. For Arkan, and many other underworld figures, these career paths were not mutually exclusive.

When Slobodan Milošević refused to concede defeat at the 2000 elections, a coalition of Serbian opposition parties, known as the 'Democratic Opposition of Serbia' (DOS) organised a series of public demonstrations, culminating in mass demonstrations on 5 October in Belgrade. Significantly, the infamous Red Berets largely comprising former paramilitary forces personnel, including former Tigers, previously invaluable enforcers for the post-conflict Milošević government, supported regime change and did not attack the protestors.⁷

On the 6 October 2000, Milošević conceded defeat and the newly elected President, Vojislav Koštunica took office. At the time, Koštunica's future Prime Minister and fellow opposition leader Zoran Đinđić commented, "[w]e had to beat him otherwise he would have arrested us and killed us at the first opportunity."⁸

Vojislav Koštunica and Đinđić formed a coalition government in January 2001, the first non-Communist government in Serbia. Later the same year a serious rift developed between the two after Đinđić had Milošević arrested by the Red Berets and deported to The Hague. Đinđić also incorporated the International Criminal Tribunal for the former Yugoslavia (ICTY) statute into domestic Serbian legislation which facilitated the arrest and deportation of Serbian war criminals to The Hague for trial.⁹ This directly threatened the vast network of former paramilitary units who had melted back into civilian life by rejoining the organised criminal organisations which had continued to operate virtually unabated after Milošević's deportation. The threat Đinđić posed to the post-war criminal order and radical Serbian nationalism was

⁴ International Crisis Group 2000, *Serbia: the Milošević Regime on the Eve of the September Elections*, ICG Balkans Report No. 99, 17 August, p.7 <http://www.crisisgroup.org/home/index.cfm?id=1738> – Accessed 4 March 2010 – Attachment 4

⁵ International Crisis Group 2000, *Serbia: the Milošević Regime on the Eve of the September Elections*, ICG Balkans Report No. 99, 17 August, p.7 <http://www.crisisgroup.org/home/index.cfm?id=1738> – Accessed 4 March 2010 – Attachment 4

⁶ Partos, G. 2003, 'Crime and politics meet in Serbia trail', *BBC News*, 22 December <http://news.bbc.co.uk/2/hi/europe/3340021.stm> – Accessed 25 February 2010 – Attachment 5

⁷ Partos, G. 2003, 'Serbia's elite enemy within', *BBC News*, 26 March, <http://news.bbc.co.uk/2/hi/europe/2888943.stm> – Accessed 4 March 2010 – Attachment 6

⁸ 'Obituary: Zoran Đinđić' 2003, *BBC News*, 13 March, <http://news.bbc.co.uk/2/hi/europe/2844081.stm> – Accessed 25 February 2010 – Attachment 7

⁹ 'Obituary: Zoran Đinđić' 2003, *BBC News*, 13 March, <http://news.bbc.co.uk/2/hi/europe/2844081.stm> – Accessed 25 February 2010 – Attachment 7

too great to be borne. Đinđić was assassinated by former Tigers commander and underworld kingpin, Milorad Ulemek in March 2003.

Arkan and the Tigers

Željko Ražnatović was the son of a Yugoslav airforce officer. He was a thief in his youth, and during his time in prison, Ražnatović met several criminals who were to dominate the Serbian underworld, including Ljubomir Magas known as “Zemun Ljuba”¹⁰ for his close association with the notorious Belgrade criminal gang, the Zemun clan. In the early 1980’s Ražnatović became known for daring bank and jewellery robberies across Europe and famously escaped prison in Belgium, the Netherlands and Germany. During this early period, it is widely believed he worked as a hit man for the Yugoslav secret police.¹¹

The initial twenty six members of Arkan’s Tigers were recruited in October 1990 from the hooligan groups, or ‘Delije’¹² affiliated with the Red Star football club based in Belgrade which Ražnatović owned.¹³ A hard line Serb nationalist, Ražnatović recruited Tigers members,

[by] promoting the group as an instrument of defence of Serbs living outside Serbia and for the protection of Serbian interests throughout Yugoslavia.¹⁴

Ražnatović also selected ‘volunteers’ from Serbian prisons who were released by Milošević in order to serve with the Tigers.¹⁵ In November 1990 Ražnatović travelled to Knin in the Krajina region of Croatia, to arm and train Serb forces there. Later in November, on his way back to Belgrade, Ražnatović was arrested by Croatian police and indicted for “preparing armed rebellion and the overthrow of constitutional order”. He spent the next seven months in a Croatian jail.¹⁶ After secret negotiations

¹⁰ Svarme, F. 2010, ‘Arkanova ostavstina’ [Arkan’s Legacy], *Vreme*, 14 January <http://www.vreme.com/cms/view.php?id=906970> – Accessed 26 February 2010 – Attachment 8

¹¹ ‘Željko Ražnatović’ (undated), Encyclopaedia Britannica <http://www.britannica.com/EBchecked/topic/712386/Zeljko-Raznatovic> – Accessed 26 February 2010 – Attachment 9

¹² “**Delije** (Serbian: Делије) or **Delije Sever** (Serbian: Делије север) is an umbrella name referring to the supporters of various sports clubs that compete under Red Star Belgrade Sports Society banner. [T]he term in Serbian generally signifies a brave, strong or even handsome young man... On May 13, 1990 an estimated 3,000 of the Delije members traveled to Zagreb’s Maksimir to see Red Star take on Dinamo Zagreb. Always an intense rivalry, the fact that this particular match took place just weeks after Croatia had held its first multi-party elections in 50 years (won by parties favouring Croatian independence) only served to increase the tension between the two. The ensuing riot was one of the most violent events in sporting history, and many believe that the violence in Zagreb that day was the first sign of the war that was going to come... Members of the *Delije* provided the base for Arkan’s *Tigers*... The *Tigers* made a dramatic appearance on the north stand during the Belgrade derby game of 22 March 1992, played between Red Star and Partizan, where they held up road signs saying: ‘20 miles to Vukovar’, ‘10 miles to Vukovar’, ‘Welcome to Vukovar’. More signs followed, each named for a Croatian town that had fallen to the Serbian army. Arkan was then director of the Red Star supporters’ association.”

‘Delije’ 2010, Wikipedia, last modified on 28 February 2010 – <http://en.wikipedia.org/wiki/Delije> – Accessed 26 February 2010 – Attachment 10

¹³ Svarme, F. 2010, ‘Arkanova ostavstina’ [Arkan’s Legacy], *Vreme*, 14 January <http://www.vreme.com/cms/view.php?id=906970> – Accessed 26 February 2010 – Attachment 8

¹⁴ *The Prosecutor of the Tribunal v Zeljko Raznjatovic also known as ‘Arkan’* (26 September 1997) [1997], International Criminal Tribunal for the Former Yugoslavia Indictment, Case Number: IT-97-27-I <http://icr.icty.org/frmResultSet.aspx?e=wweb3digodsyth45d2pnrz55&StartPage=1&EndPage=10> – Accessed 4 March 2010 – Attachment 1

¹⁵ Bosnian Institute 2005, ‘Book Review of Vasic, M., *Atenat na Zorana Dindica [The Assassination of Zoran Dindic]*’, *Politica*, Belgrade (translated and reprinted from Globus Weekly Newspaper), 18 March, Zargreb http://www.bosnia.org.uk/about/bi_books/long_reviews.cfm?book=11723, – Accessed 5 March 2010 – Attachment 11

¹⁶ Svarme, F. 2010, ‘Arkanova ostavstina’ [Arkan’s Legacy], *Vreme*, 14 January <http://www.vreme.com/cms/view.php?id=906970> – Accessed 26 February 2010 – Attachment 8

between Serbian and Croatian authorities, he was released in June 1991. Elizabeth Pond, writing on the Balkans for the Brookings Institution, found that Milošević released Arkan and other criminals from prison so that he and other notorious criminals could lead paramilitaries in the ethnic cleansing which would come to dominate the Balkans conflict.¹⁷

The Tigers were active during the first Balkan conflict between 1991 and 1995, and were remobilised by Arkan to participate in the war in Kosovo in 1999.¹⁸ Although Ražnatović claimed he had thousands of men at his command, it is thought that the operational capacity of Arkan's Tigers was between 300 and 400 members at any one time.¹⁹

The Office of the War Crimes Prosecutor in Belgrade found that the paramilitary unit 'the Scorpions', originally part of the Jankova Brigade of the Serbian army of Krajina were subordinated to the Serbian Volunteer Guard, operated by Arkan.²⁰ The Helsinki Committee for Human Rights in Serbia, a well respected non-government organisation advocating for accountability for war crimes and other human rights issues within Serbia, assert that Arkan's Tigers and other paramilitary groups, including the Scorpions under Vojislav Šešelj, former leader of the Radical Party, "operated under the command of the Serbian State Security Service."²¹ This is supported by the International Crisis Group which reported that, observers allege that the Serbian Ministry of the Interior Police (MUP) is backed by a number of unofficial commando units, among them the Tiger Commandos.²² Indeed, Arkan and Vojislav Šešelj both publicly claimed their forces were "subordinate to the Serbian authorities, and Milošević in particular."

'Let us understand each other', Arkan told an interviewer. 'We are not just talking about paramilitary units. Every member of those units must, first of all, be responsible to the Serbian people, and must respect the parliament and the President of the republic.'²³

The Tigers were based at a training camp at Erdut in Eastern Croatia on the Serbian boarder where recruits were trained in weapons handling and techniques, setting and disassembling mines and explosives, first aid and survival skills. The training grounds at Erdut were also sites of indoctrination for new members,²⁴ where

¹⁷ Pond, E. 2005, 'Kosovo and Serbia after the French *Non*', *The Washington Quarterly*, Autumn, pp.19-36 – Attachment 12

¹⁸ 'Arkan back in Belgrade' 1999, *BBC News*, 26 March, <http://news.bbc.co.uk/2/hi/europe/304559.stm> – Accessed 3 March 2010 – Attachment 13

¹⁹ Human Rights Watch 2010, *World Report 2010 – Serbia*, 20 January, (Source: Refworld) <http://www.unhcr.org/refworld/docid/4b586ce3c.html> – Accessed 5 March 2010 – Attachment 14

²⁰ Office of the War Crimes Prosecutor 2005, *Press release*, 16 June http://www.tuzilastvorz.org.rs/html_trz/DRUGI_O_NAMA/DON_2005_06_16_LAT.PDF – Accessed 24 February 2010 – Attachment 17

²¹ 'Arkan's Men and Scorpions under state security umbrella' 2009, Bosnia Institute website (Source: SENSE News Agency, The Hague, 27 August), 31 August http://www.helsinki.org.yu/tjbosnia_t04.html – Accessed 5 March 2010 – Attachment 18

²² 'Arkan back in Belgrade' 1999, *BBC News*, 26 March, <http://news.bbc.co.uk/2/hi/europe/304559.stm> – Accessed 3 March 2010 – Attachment 13

²³ Sell, L. 2002, *Slobodan Milošević and the destruction of Yugoslavia*, Duke University Press.

²⁴ Extensive materials exist which discuss ways in which active participants in the Bosnian conflicts describe their involvement in 'cleansing' and other conflict episodes. See for example, Calic, M., 'Ethnic Cleansing and War Crimes, 1991- 1995', in Ingrao, C., & Emmert, T. A., (eds), *Confronting the Yugoslav Controversies: a Scholar's Initiative*, United States Institute of Peace Press, Washington D. C.

For an analysis of the idiom used by former active paramilitary members response to questions of their participation in ethnic cleansing and other atrocities see for example, Natalija Basic's comments,

Serb recruits were taught that in fighting the enemy, they had no right to spare children, women, or the aged... Young soldiers were also forced to watch torture, gang rape, and killings and forced to participate. To refuse was to risk death.²⁵

The Tigers were famous for their internal discipline, and Arkan apparently enforced a total ban on alcohol and gambling. There are several accounts detailing the harsh punishments meted out to members for even minor infractions.²⁶ After training, soldiers were distributed to various battlefields in order to protect “unprotected Serbian populations”.²⁷

Participation in the Balkan conflict

Through the latter half of 1991, the Tigers participated in Serb military actions in and around Vukovar, in eastern Croatia near the Serbian border, and south of Erdut,²⁸ including the siege of Vukovar between August and November, 1991.²⁹

After the cease fire resulting from the Vance Plan in early 1992, the Yugoslav People’s Army (JNA) agreed to withdraw from Croatian territory. However, a large amount of defence materiel was left in Croatia. A number of Serb paramilitary units also remained in the area including the Tigers.³⁰

Early in 1992, the Tigers were deployed in Bosnia-Herzegovina in communities with significant non-Serb populations including Bijeljina and Zvornik.

During this period, ...these locations forcibly came under Serb domination and large segments of the Muslim population were either killed or expelled. Arkan’s Tigers actively participated in these operations in order to secure Serb control over these towns.³¹

the practice of ‘ethnic cleansing is described in a euphemistic way and as a routine (‘action’). Combat soldiers even portray this development as necessary for ‘our security’, where perpetrators had simply ‘to do their job’. At first considered a response to an existential threat, it soon becomes a task that one can do well or poorly.

Basic, N., ‘You can’t run away’, as printed in Pouligny, B., Chesterman, S., & Schnable, A., (eds.) *After Mass Crime: Rebuilding states and Communities*, United Nations University Press, New York, pg 159 – Attachment 46

²⁵ Sells, M. A., *The Bridge Betrayed: religion and genocide in Bosnia*, University of California Press, Berkley, pg 75 – Attachment 47

²⁶ see for instance, Simons, M. 2003, ‘Mystery Witness Faces Milošević’, *New York Times*, 24 April <http://www.nytimes.com/2003/04/24/world/mystery-witness-faces-Milošević.html?pagewanted=1> – Accessed 5 March 2010 – Attachment 15

²⁷ ‘Srpska Dobrovoljacka Garda (Serbian Volunteer Guard) (undated), Serbian nationalist website (translated using Google translate) <http://vukovar.50webs.com/arkanovitigrovi.html> – Accessed 18 February 2010 – Attachment 16

²⁸ Google maps calculates Vukovar is about 30km from Erdut taking between 6 and 8 hours route dependent on foot, or approximately a 30 min drive, ‘Directions from Erdut to Vukovar’ 2010, Google Maps http://maps.google.com.au/maps?f=d&source=s_d&saddr=erdut+croatia.&daddr=vukovar+croatia&hl=en&geocode=&mra=ls&sll=45.437972,19.103165&sspn=0.203322,0.44014&ie=UTF8&ll=45.443272,19.008408&spn=0.203303,0.44014&z=11&dirflg=d – Accessed 5 March 2010 – Attachment 19

²⁹ ‘Arkan back in Belgrade’ 1999, *BBC News*, 26 March, <http://news.bbc.co.uk/2/hi/europe/304559.stm> – Accessed 3 March 2010 – Attachment 13

³⁰ *The Prosecutor of the Tribunal v Zeljko Raznjatovic also known as ‘Arkan’* (26 September 1997) [1997], International Criminal Tribunal for the Former Yugoslavia Indictment, Case Number: IT-97-27-I <http://icr.icty.org/firmResultSet.aspx?e=wveb3digodsyth45d2pnrz55&StartPage=1&EndPage=10> – Accessed 4 March 2010 – Attachment 1

³¹ *The Prosecutor of the Tribunal v Zeljko Raznjatovic also known as ‘Arkan’* (26 September 1997) [1997], International Criminal Tribunal for the Former Yugoslavia Indictment, Case Number: IT-97-27-I <http://icr.icty.org/firmResultSet.aspx?e=wveb3digodsyth45d2pnrz55&StartPage=1&EndPage=10> – Accessed 4 March 2010 – Attachment 1

After this period of fighting, Arkan's Tigers withdrew to their base in Erdut which was maintained as a training and operational centre. Ražnatović remained in command of the unit but also embarked on a political career, establishing the Party of Serbian Unity in 1993 and won a seat in the Serbian Parliament as a representative from the Kosovo Autonomous Region of Serbia.³²

Between 1993 and 1995, the Croatian Army's (Hrvatska vojska or HV) major offensive against Serb held regions of Croatia continued to gain momentum. As Serb held territory fell, and Croatian forces were joined by the Bosnian Army (ABiH), Serb populations including soldiers and civilians fled to the city of Sanski Most in Bosnia-Herzegovina. Local Serb authorities invited Arkan's Tigers into the area to, "restore order and to check the advance of the ABiH".³³ Ražnatović set up checkpoints throughout the area and Serb paramilitary troops began forcibly drafting Serb men to fight against the ABiH.³⁴

It was during this time stationed at Sanski Most that Arkan and his paramilitary unit perpetrated a series of crimes against non-Serb residents, including the mass execution of 65 Muslim civilians and the detention and other inhumane treatment of 35 non-Serb men. In 1997, Željko Ražnatović was indicted at the International Criminal Tribunal for the former Yugoslavia for crimes committed at Sanski Most in September, 1995.

Arkan and the Tigers are also mentioned extensively in the indictment of Jovica Stanisic (head of the Serbian State Security Service, 1991-1998) and Frank Simatovic (commander of the Special Operations Unit of the State Security Service).³⁵ The indictment states, among other charges, that Stanisic and Simatovic, in concert with Ražnatović and several other leaders of regular and irregular Serb forces stationed in and around Vukovar, were responsible for the deaths of hundreds of non-Serb civilians in the aftermath of the siege.

2. Who was involved and what has happened to those involved? (1996-2003)

The fate of the Tigers was inextricably linked to the post-war reconstruction of Serbia. After the cessation of hostilities in the former Yugoslavia in 1996, Arkan's Tiger's withdrew again to Erdut. References to the fate of the Tigers are scarce, but Vojislav Šešelj gave evidence in the trial of Slobodan Milošević stating that after the war in Bosnia-Herzegovina and the Dayton Accord, Arkan disbanded the Tigers:

I never spoke well of Arkan in public. We were always in conflict. But I have to tell the truth: After the war in Bosnia and Herzegovina and the Dayton Accord, Arkan disbanded his Serb Volunteer Guard, and it never reappeared anywhere in any incident or event. It simply did not exist any longer. He continued dealing in criminal activities after the war, but the Serb Volunteer Guard no longer existed.³⁶

The Prosecutor of the Tribunal v Zeljko Raznjatovic also known as 'Arkan' (26 September 1997) [1997], International Criminal Tribunal for the Former Yugoslavia Indictment, Case Number: IT-97-27-I <http://icr.icty.org/frmResultSet.aspx?e=wveb3digodsyth45d2pnrz55&StartPage=1&EndPage=10> – Accessed 4 March 2010 – Attachment 1

³³ *The Prosecutor of the Tribunal v Zeljko Raznjatovic also known as 'Arkan'* (26 September 1997) [1997], International Criminal Tribunal for the Former Yugoslavia Indictment, Case Number: IT-97-27-I <http://icr.icty.org/frmResultSet.aspx?e=wveb3digodsyth45d2pnrz55&StartPage=1&EndPage=10> – Accessed 4 March 2010 – Attachment 1

³⁴ ³⁴ *The Prosecutor of the Tribunal v Zeljko Raznjatovic also known as 'Arkan'* (26 September 1997) [1997], International Criminal Tribunal for the Former Yugoslavia Indictment, Case Number: IT-97-27-I <http://icr.icty.org/frmResultSet.aspx?e=wveb3digodsyth45d2pnrz55&StartPage=1&EndPage=10> – Accessed 4 March 2010 – Attachment 1

³⁵ *Prosecutor of the Tribunal v Jovica Stanisic and Franko Simatovic* [2008], International Criminal Tribunal for the Former Yugoslavia Third Amended Indictment, Case Number: IT-03-69-PT, p.2 – Attachment 2

³⁶ International Criminal Tribunal for the former Yugoslavia, *Public Transcript of Hearing August 24th, 2005* (English) Witness Examination, Vojislav Šešelj, IT-02-54-T, pg 43089, lines 8-13 – Attachment 20

At the war's end, Ražnatović had become the most powerful gangster in Serbia. As Veran Matic, editor in chief of the independent Serbian radio and television network, B-92, described:

[e]verything was in one house,... Politics was criminalized and crime was politicized. Arkan was a criminal, a war criminal- and president of a political party, a member of Parliament and owner of the biggest music star in the country. They determined the values of Serbian society.³⁷

Members of several former paramilitary units including the Tigers, were incorporated into the newly formed Special Operations Unit (JSO), also known as the 'Red Berets' (borrowing the name of a constituent unit).³⁸ Around this time, several men close to Arkan, particularly those involved in the recruitment of Tigers volunteers, were murdered.³⁹

In January 2000, Željko Ražnatović himself was shot and killed in the lobby of the Intercontinental Hotel in Belgrade.⁴⁰ Arkan's bodyguard and another associate were also killed. There are two main theories surrounding his death. The first was that Milošević had Ražnatović killed to prevent the gangster giving evidence at the International Criminal Tribunal for the former Yugoslavia (ICTY) detailing the direct involvement of the Serbian Government, and Milošević in particular, in war crimes and crimes against humanity perpetrated against non-Serb civilian populations during the Bosnian conflict.⁴¹ The second theory is that Arkan was killed in a gangland assassination,⁴² possibly on the orders of Slobodan Milošević's son Marko who was rumoured to be in competition for a lucrative petrol smuggling operation under the UN sanctions.⁴³

In the period after Arkan's death, the Immigration and Refugee Board of Canada could not find any reference to the Tigers operating as an organised entity in Serbia. However, they report that,

Montenegro reportedly hosted a number of former members of Arkan's paramilitary unit as part of the 7th Battalion of the Yugoslav Military Police, a 'shadowy group' composed of other former paramilitary soldiers, former criminals and veterans of the Kosovo war.⁴⁴

³⁷ Green, P. 2003, 'Belgrade Journal; For Partying Mobsters, the Morning After: Prison', *New York Times*, 5 May <http://www.nytimes.com/2003/05/05/world/belgrade-journal-for-partying-mobsters-the-morning-after-prison.html> – Accessed 3 March 2010 – Attachment 21

³⁸ 'Unofficial site of the Red Berets' (undated) <http://www.crveneretke.com/> – Accessed 3 March 2010 – Attachment 22

³⁹ 'Serb Volunteer Guard [SDG / SSJ] "Arkan's Tigers"' 2000, Federation of American Scientists website, updated 1 February 2000 <http://fas.org/irp/world/para/sdg.htm> – Accessed 24 February 2010 – Attachment 23

⁴⁰ Simpson, J. 2000, 'Arkan 'victim of gang warfare'', *BBC News*, 11 June http://news.bbc.co.uk/2/hi/programmes/from_our_own_correspondent/786799.stm – Accessed 24 February 2010 – Attachment 24

⁴¹ Erlanger, S. 2000, 'Suspect in Serbian War Crimes Murdered by Masked Gunmen', 16 January, *New York Times* <http://www.nytimes.com/2000/01/16/world/suspect-in-serbian-war-crimes-murdered-by-masked-gunmen.html> – Accessed 24 February 2010 – Attachment 25

⁴² Simpson, J. 2000, 'Arkan 'victim of gang warfare'', *BBC News*, 11 June http://news.bbc.co.uk/2/hi/programmes/from_our_own_correspondent/786799.stm – Accessed 24 February 2010 – Attachment 24

⁴³ Rowland, J. 2000, 'Serbia in fear after Arkan death', *The Guardian Newspaper*, 17 January <http://www.guardian.co.uk/world/2000/jan/17/balkans1>, – Accessed 5 March 2010 – Attachment 26

⁴⁴ Immigration and Refugee Board of Canada 2003, YUG42093.E – *Serbia and Montenegro: The Serb Volunteer Guard (SDG or Arkan's Tigers); their treatment of Muslims; current activities; whether former members were active in the district of Sandzak or surrounding area in June 2001*, 24 October, available at: <http://www.unhcr.org/refworld/docid/403dd21814.html>, – Accessed 5 March 2010 – Attachment 27

Units of the 7th Battalion began withdrawing from Montenegro into Southern Serbia in early 2001.⁴⁵ The sources consulted during this current research project could find neither references to the continued activity of Arkan's Tigers, nor their official disbandment.

In October 2001, four men including Milan Đuričić, a former police officer and former member of the Tigers, were tried for Arkan's murder.⁴⁶ During the trial the men claimed they had been tortured by police in order to extract confessions.⁴⁷ The court convicted Đuričić and two others of Arkan's murder, the fourth died in a prison hospital during the trial. At sentencing, the judge noted that, "[t]here are more people involved, numerous things have remained unclear, but the court has at least established the responsibility of the accused."⁴⁸ The motivation for his murder has never been satisfactorily resolved.⁴⁹

Arkan's assassination was one of several high profile murders that began in 1991 during the jostling for narcotics trafficking routes through Eastern Europe and underworld territory disputes which escalated throughout the late 1990's. Victims included influential business men and members of 'regime circles' including the Deputy Minister of Police and the Minister for Defence.⁵⁰ Within the environment of thriving black and grey market activity, tightly controlled by the regime, the International Crisis Group observes, "[o]ne of the side effects of conflicts in that environment was assassination. The victims in the... nineties were criminals."⁵¹ Indeed, according to the BBC, Arkan's career,

illustrated the close ties between the government and the gangsters... The killings of prominent politicians and mafia leaders continued after Arkan's death, but most of them had links to Slobodan Milošević.⁵²

The death of Arkan in January, and the success of the Democratic Opposition of Serbia and Zoran Đinđić's election as Prime Minister in October 2000 signalled a change in attitude toward traditional relationships between organised crime and the state in Serbia. Criminal organisations were intensely suspicious of Đinđić after he delivered Milošević to the ICTY, as many former paramilitary had returned to civilian life as members of powerful organised crime gangs, such as the Zemun clan. Đinđić's pro-Western reforms also threatened to crack down on the black and grey markets which had thrived under Milošević, particularly under the climate western sanctions created during the conflict of the 1990's. Đinđić assassination galvanised the Serbian government and catalysed the previously sluggish processes of reform. The Special Prosecutor's Office for Organised Crime and the Belgrade War Crimes Commission were established and 'Operation Sword' was launched by Serbian police to crack down on organised crime. At least in theory, blanket impunity for war crimes and criminal activity was finally coming to an end.

⁴⁵ Human Rights Watch 2010, *World Report 2010 – Serbia*, 20 January, source: Refworld <http://www.unhcr.org/refworld/docid/4b586ce3c.html> – Accessed 5 March 2010 – Attachment 14

⁴⁶ Kroeger, A. 2001, 'Serbian warlord's ally shot', 22 July, *BBC News* <http://news.bbc.co.uk/2/hi/europe/1609003.stm> – Accessed 19 February 2010 – Attachment 28

⁴⁷ 'Defendants in Arkan murder trial accuse police of torture' 2000, *Centre for Peace in the Balkans*, 18 October <http://www.balkanpeace.org/index.php?index=article&articleid=12863> – Accessed 26 February 2010 – Attachment 29

⁴⁸ 'Three convicted of Arkan murder' 2001, *BBC News*, 26 October <http://news.bbc.co.uk/2/hi/europe/1622486.stm> – Accessed 26 February 2010 – Attachment 30

⁴⁹ 'Arkan' (undated), StateMaster website <http://www.statemaster.com/encyclopedia/Arkan> – Accessed 5 March 2010 – Attachment 31

⁵⁰ International Crisis Group 2000, *Serbia: the Milošević Regime on the Eve of the September Elections*, ICG Balkans Report No. 99, 17 August, p.7, <http://www.crisisgroup.org/home/index.cfm?id=1738> – Accessed 4 March 2010 – Attachment 4

⁵¹ International Crisis Group 2000, *Serbia: the Milošević Regime on the Eve of the September Elections*, ICG Balkans Report No. 99, 17 August, p.7, <http://www.crisisgroup.org/home/index.cfm?id=1738> – Accessed 4 March 2010 – Attachment 4

⁵² Kroeger, A. 2001, 'Serbian warlord's ally shot', 22 July, *BBC News* <http://news.bbc.co.uk/2/hi/europe/1609003.stm> – Accessed 19 February 2010 – Attachment 28

Balkans specialist and journalist, Tim Judah describes the period between 1999 and the assassination of Zoran Đinđić, as one in which,

Serbia [was] rapidly restoring relations with its neighbours and becoming a 'normal' country again... [but] what has emerged [since Đinđić's assassination] is the extent to which the tentacles of organised crimes reached to the very heart of the Serb state.⁵³

After the assassination of Zoran Đinđić in March 2003, the Serbian Government declared a state of emergency. Mourning the lost opportunity Đinđić presented for Serbia to step into the European community, and rejecting the violent nationalism and criminal overlords that had characterised much of their recent history, five hundred thousand Serbs spontaneously took part in a silent street procession in Belgrade.⁵⁴ The Government immediately announced that the Zemun clan, a notorious criminal organisation was responsible for the assassination:

This organised group, generally known as the Zemun clan, consists of 200 criminals, against whom over 300 charges have been filed so far. The charges include a bomb attack..., organised trade in narcotics, over 50 murders in Belgrade and elsewhere... [and] dozens of kidnappings of the past several years.⁵⁵

In response to the killing, Serbian authorities arrested and held thousands of people for questioning⁵⁶ including Milorad Lukovic also known as Milorad Ulemek, a leader of the Zemun clan and former commander of the elite Special Operations Unit (JSO), former member of Arkan's Tigers and commander of the Red Berets who initially supported Đinđić and the post-Milošević government.⁵⁷

Forty-five people were charged with conspiracy to commit murder⁵⁸ and in May 2007, twelve men were convicted of Đinđić's assassination including Ulemek and Zvezdan Jovanovic, former assistant commander of the Red Berets.⁵⁹ During the trial, two key witnesses were found murdered.⁶⁰ Motives listed for the Đinđić assassination in the indictment of his killers were, "to bring hardliners back to power, to avoid being sent to The Hague, and because they feared a crackdown on lucrative organised crime."⁶¹

Ulemek and his conspirators alleged during the trial that the plot to kill Đinđić was developed with the "knowledge and support of the leaders of the Radicals party, including Vojislav

⁵³ Judah, T. 2003, 'Serbia still riven by feuds', *BBC News*, 7 March

<http://news.bbc.co.uk/2/hi/europe/3042724.stm> – Accessed 25 February 2010 – Attachment 32

⁵⁴ Knight, S. & agencies 2007, 'Underworld boss jailed for Serbian PM killing', *Times Online*, 23 May <http://www.timesonline.co.uk/tol/news/world/europe/article1830167.ece> – Accessed 25 February 2010 – Attachment 33

⁵⁵ 'Full Text: Serbian Statement on Djindjic Killing' 2003, *BBC News*, 12 March

<http://news.bbc.co.uk/2/hi/europe/2845513.stm> – Accessed 5 March 2010 – Attachment 34

⁵⁶ Judah, T. 2003, 'Serbia still riven by feuds', *BBC News*, 7 March

<http://news.bbc.co.uk/2/hi/europe/3042724.stm> – Accessed 25 February 2010 – Attachment 32

⁵⁷ Partos, G., 'Serbia's elite enemy within', *BBC News*, 26 March 2003,

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⁵⁸ Judah, T., 'Serbia still riven by feuds', *BBC News*, 3 August 2003,

<http://news.bbc.co.uk/2/hi/europe/3042724.stm> – Accessed 18 February 2010, Attachment 32; and 'Serb president's killers jailed', *BBC News*, 18 July 2005, <http://news.bbc.co.uk/2/hi/europe/4692591.stm> – Accessed 5 March 2010

⁵⁹ 'Đinđić trial witness murdered', *BBC News*, <http://news.bbc.co.uk/2/hi/europe/3546503.stm> - Accessed 5 March 2010 – Attachment 36

⁶⁰ Dimitrova, S., Jovanovic, I., 'Serbian government criticised after key Đinđić trial witness killed', *Southeast European Times*, 5 June 2006,

http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2006/06/05/feature-01 - Accessed 25 February 2010 – Attachment 37

⁶¹ Bliandzic, B., 'Twelve convicted in murder of Serb leader Djindjic', 23 May 2007,

<http://www.reuters.com/article/idUSL2351147> - Accessed 5 March 2010 – Attachment 38

Šešelji". Šešelji is currently on trial for war crimes in The Hague⁶² for his actions as the former leader of the paramilitary group, the Scorpions who fought with Arkan's Tigers in the 1990's.

Tim Judah observed that,

[w]hat has... become clear [since the assassination of Zoran Đinđić] are the overlapping links between organised crime, parts of the Serbian secret police, its former elite police unit, the not disbanded Red Berets, extreme nationalist groups and those connected to war crimes.⁶³

The assassination of Đinđić motivated the Serbian Government to attack,

the crime gangs and accused war criminals who... worked hand in glove with the police and secret services and were the backbone of Slobodan Milošević's murderous decade of dictatorship.⁶⁴

Shortly after the arrest of several former Red Berets members in connection with the Đinđić investigation, including commanders and senior officers, the elite police force made up of former members of the Red Berets and other special forces operatives, known as the 'Special Operations Unit' was disbanded.⁶⁵ Many former members of the Red Berets were also arrested for other crimes in the government crack down on organised crime.⁶⁶ Two high ranking members, the former head of Serbian State Security Jovica Stanisic and his deputy Franko Simatovic, are currently standing trial for war crimes and crimes against humanity at the ICTY.⁶⁷

Despite the power vacuum created by the Đinđić assassination, the Serbian Government pressed ahead with the reform agenda he had championed. In July 2003, the Office of the War Crimes Prosecutor was established, following the passage of the *Law on Organization and Competence of State Bodies in the Proceedings Against War Crimes Perpetrators* and The Parliament of Serbia and Montenegro voted to broaden cooperation with the UN War crimes tribunal. The laws empower the unions' Ministry of Human and Minority Rights to decide on the extradition of Serbian and Montenegrin citizens to The Hague. The law also "allows witnesses and suspects to disclose classified state and military information as a part of UN tribunal proceedings."⁶⁸

The Belgrade War Crimes Chamber continues to investigate crimes committed during the conflicts in the former Yugoslavia. In June 2009, four members of the Scorpions were sentenced to prison terms between 15- 20 years for crimes against Kosovo-Albanian civilians

⁶² Knight, S. & agencies 2007, 'Underworld boss jailed for Serbian PM killing', *Times Online*, 23 May <http://www.timesonline.co.uk/tol/news/world/europe/article1830167.ece> – Accessed 25 February 2010 – Attachment 33

⁶³ Judah, T. 2003, 'Serbia still riven by feuds', *BBC News*, 7 March <http://news.bbc.co.uk/2/hi/europe/3042724.stm> – Accessed 25 February 2010 – Attachment 32

⁶⁴ Green, P. S. 2003, 'Serbia Cracks Down on Mobsters and War-Crime Suspects', 21 April, *New York Times* <http://www.nytimes.com/2003/04/21/world/serbia-cracks-down-on-mobsters-and-war-crime-suspects.html?pagewanted=1> – Accessed 25 February 2010 – Attachment 21

⁶⁵ Partos, G. 2003, 'Serbia's elite enemy within', *BBC News*, 26 March, <http://news.bbc.co.uk/2/hi/europe/2888943.stm> – Accessed 4 March 2010 – Attachment 6

⁶⁶ former assistant commander, Zvezdan Jovanovic;

First commander, Franko Simatovic;

Ex security police chief and Red Berets founder Stanisic; and

the alleged assassin and former Red Berets senior officer, Zvezdan Jovanovic.

⁶⁷ *Prosecutor of the Tribunal v Jovica Stanisic and Franko Simatovic* [2008], International Criminal Tribunal for the Former Yugoslavia Third Amended Indictment, Case Number: IT-03-69-PT, p.2 – Attachment 2

⁶⁸ 'Serbia-Montenegro Parliament Paves Way for New Extraditions' 2003, *Southeastern European Times* (Sourced from: Reuters, BBC, Radio B92, Serbian Government Website), 16 April

http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2003/04/030415-SVETLA-001 – Accessed 25 February 2010 – Attachment 39

committed in 1999.⁶⁹ The Chamber is currently running trials relating to alleged crimes in Bosnia, Croatia and Kosovo.⁷⁰

The passage of key pieces of legislation and funding of new key justice institutions has changed the political landscape in Serbia. In spite of these significant changes, large segments of the Serbian population do not trust the impartiality of the ICTY, and feel that so-called war criminals are in fact national heroes. The resistance toward handing over key Serbian commanders on one hand, and increasingly visible advocacy for human rights issues, including ending impunity for war crimes, on the other demonstrate the deep divisions which remain within the Serbian popular consciousness. Slobodan Milošević died in his cell at the ICTY in March 2006.⁷¹

3. Are members of the SDG targeted by anyone at the moment?

The sources consulted do not indicate that former Tigers, or former members of other paramilitary organisations are being targeted by extra judicial entities, *merely* because of their membership. However, there are two primary ways an individual may become a target:

i. Targeted due to knowledge of paramilitary activities

If on return, the applicant is identified by law enforcement authorities as a person of interest, former associates of the applicant may consider his presence an unnecessary risk and seek to intimidate him into silence. The long term associations and networks maintained by former paramilitary members make it possible that the applicant is recognised by his fellow recruits on return.

ii. Targeted due to knowledge of other criminal activities

Organised crime has been a prominent feature of the Serbian political landscape prior to and during the Balkans conflicts and continues to play a significant role post-conflict. The complex links which existed between legitimate organs of state as well as irregular security and paramilitary forces and criminal organisations are present in the post- conflict era and continue to challenge Serbian authorities.

Although Serbian police and prosecuting authorities, including the Belgrade Office for the Prosecution of War Crimes, have contributed significantly to the stabilisation of Serbia, several witnesses in high profile murder cases, including two prosecution witnesses in the Đinđić murder, have been found dead before they have given evidence.

It is possible, given the applicant's claimed knowledge of Arkan's criminal operations in Belgrade, that former members would be suspicious of him should he return to Belgrade. The operational membership of the Tigers was small enough that it is possible former members remember each other.

The continuing interest of the Serbian police, particularly the Special Prosecutor's Office for Organised Crime, may encourage criminal organisations to pre-emptively neutralise risks posed by potential witnesses, regardless of the quality of information the applicant actually possesses.

⁶⁹ Human Rights Watch 2010, *World Report 2010 – Serbia*, 20 January, source: Refworld <http://www.unhcr.org/refworld/docid/4b586ce3c.html> – Accessed 5 March 2010 – Attachment 14

⁷⁰ Human Rights Watch 2010, *World Report 2010 – Serbia*, 20 January, source: Refworld <http://www.unhcr.org/refworld/docid/4b586ce3c.html> – Accessed 5 March 2010 – Attachment 14

⁷¹ 'Milošević died a 'natural death': Dutch prosecutors' 2006, ABC News website, 5 April, source: *Agence France Presse* <http://www.abc.net.au/news/stories/2006/04/05/1609550.htm> – Accessed 25 February 2010 – Attachment 40

4. Would former paramilitary members receive assistance from the Serbian authorities if they were threatened?

No information has been discovered during this research to suggest that former paramilitary members receive a different level of protection from authorities than other elements of the Serbian population.

Those who come to the attention of criminal or nationalist groups such as human rights activists, journalist and others publicly agitating for war crimes accountability and critical of organised crime, regularly face threats from both state and non-state actors, including the media. For example, prominent human rights advocacy organisations, The Humanitarian Law Centre (HLC), the Helsinki Committee and the Lawyer's Committee for Human Rights were accused of, "aiming to destroy Serbian state... Their main offence was to demand accountability for war crimes committed in Croatia, Bosnia and Herzegovina and Kosovo during the 1990's."⁷²

Attempts have been made to set their offices on fire, the Serbian media attack the women and their organisations for being 'anti-Serbian'. Vojislav Šešelj has accused prosecution witnesses of being "prepared by the HLC, [and] of having been paid by the HLC to give testimony against him."⁷³ Amnesty International further notes that "investigations into alleged ill-treatment by the police or assaults on [human rights defenders] by non-state actors in which the perpetrators have been identified, are rarely resolved." For instance, in April 2007 a grenade was thrown into the window of journalist, Dejan Anastasijevic's flat after his publication of an article calling for the end of impunity for war crimes. Former members of the Scorpions and sometime members of the SDG were arrested in connection with the attack. Anastasijevic also gave evidence against Slobodan Milošević at The Hague.⁷⁴

5. Does the International Criminal Tribunal for the former Yugoslavia have any current interest in Serbian Volunteer Guard members or activities?

No. The ICTY aims to complete its mandate by concentrating on the prosecution and trial of senior leaders involved in the conflicts. The objective of the ICTY is to try those individuals *most responsible* for "appalling acts such as murder, torture, rape, enslavement, destruction of property and other crimes listed in the Tribunal's Statute."⁷⁵

Estimates as of end 2009 suggest that all trials are expected to be completed by mid-2011, with the exception of that of Radovan Karadžić, which is expected to finish in late 2012.⁷⁶

Other cases involving intermediate and lower-ranking accused are referred to national courts in the former Yugoslavia. In the case of Serbia, the Belgrade War Crimes Chamber or domestic criminal courts hear cases against alleged war criminals residing in Serbia.

⁷² Amnesty International 2009, *Serbia: Human Rights Defenders at Risk, September*, Index: EUR 70/014/2009 <http://www.amnesty.org/en/library/asset/EUR70/014/2009/en/62eed1a1-0150-4999-aca5-6909720e053b/eur700142009en.pdf> – Accessed 5 March 2010 – Attachment 41

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⁷⁴ 'Serb ex-paramilitaries held over journalist attack' 2007, *Reuters*, 9 May <http://uk.reuters.com/article/idUKL0971231020070509>, – Accessed 5 March 2010 – Attachment 42

⁷⁵ 'About the Tribunal' (undated), International Criminal Tribunal of the Former Yugoslavia website <http://www.icty.org/sections/AbouttheICTY> – Accessed 5 March 2010 – Attachment 41

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