

# THE SIGNIFICANCE OF DEMOCRATIC AND CIVIL CONTROL OF SECURITY SERVICES FOR THE AIM OF PREVENTING POLITICAL VIOLENCE - CASE STUDY OF THE REPUBLIC OF SERBIA AFTER 2000

Ilija Životić<sup>1\*</sup>, Darko Obradović<sup>2</sup>

<sup>1</sup>School for Engineering Management FIM, Serbia, e-mail: [ilija.zivotic@fim.rs](mailto:ilija.zivotic@fim.rs)

<sup>2</sup>Center for Strategic Analysis, Serbia, e-mail: [darko@czsa.org](mailto:darko@czsa.org)



**Abstract:** Democratic and civilian control of the security services is the foundation of a society's democracy. The standard of living measured through the prism of GDP, the level of the unemployment rate, social and health care, and free education are mostly only apparent factors that mask some much more complex phenomena such as the entrapment of democracy if there is no civil and democratic control of the security services, which as will be shown in their work, they very often directly decide on life and death. This especially applies to countries with totalitarian regimes in which any oppositional opinion is sanctioned or, as in the case of Serbia after 2000, in countries where democracy is still young. National security and the security of every individual citizen can be seriously threatened in cases where there is no civilian and democratic control of the security services. The absence of this type of control results in uncontrolled, unconstitutional, and illegal behavior of members of the security services, which is often characterized by the belief that its members, while committing the most serious crimes, are actually protecting their country and order from destruction. This work aims to prove the hypothesis of the need for democratic and civilian control of the security services as the basis of government through a case study of the rebellion of the Special Operations Unit of the State Security Department of the Ministry of Internal Affairs of Serbia, as well as through the case of the murder of Prime Minister Zoran Đinđić, for which members of the former security service were also legally convicted. rights in modern democratic societies.

Keywords: national security, democracy, control of security services, rule of law

## 1. INTRODUCTION

The former Socialist Federal Republic of Yugoslavia (SFRJ) saw the end of the Cold War full of national tensions thanks to the leaders of the six republics who fed their political egos with inflammatory speeches all for the purpose of staying in power. And so, while the majority of European countries used the end of the Cold War for the general progress and democratization of their societies, in our region this momentum was not even noticed, but something quite the opposite happened. Civil war and general destruction ensued. In the same part of Europe, a paradox occurred, while our neighbors, the Hungarians, Romanians, and Bulgarians, managed to get through the extremely dangerous chapter of the Cold War with minimal violence and to embark on an upward trajectory in terms of economic and social reforms since the collapse of the Warsaw Pact and the Soviet Union. area, the bloodiest conflict on European soil since the end of World War II took place (United Nations,n.d). At the same time, it should be emphasized that the former state was not only part of the non-aligned movement, but also the founder of the same movement, therefore exempted from the political-military tensions between NATO and the Warsaw Pact, which is also emphasized in the current National Security Strategy (National Assembly Republic of Serbia,2019).

In that conflict, the security services of all member republics of the former SFRY played a major role. After the political changes that took place on October 5, 2000, many citizens expected their rapid impact on the functioning of the security services in the Republic of Serbia. First of all, the expectations were towards a change in leadership, way of working, methods and goals, while independent experts focused on democratic and civil control of the work of the security services.

However, according to many authors, until the political changes of 2000, the security services of Serbia had the primary role of protecting the political system and its leaders from any changes(Ejduš, 2010). This thesis is also confirmed by several final verdicts against the top managers of the former State Security Department (RDB) for crimes committed with the aim of physically eliminating political opponents of the then holders of power in the Republic of Serbia, such as Ivan Stambolić, two attempted murders of

\*Corresponding author: [ilija.zivotic@fim.rs](mailto:ilija.zivotic@fim.rs)



one of the leaders of the opposition, Vuk Drašković and the subsequent murder of Prime Minister Zoran Đinđić, as well as the still-unenforceable decades-long sentence for the murder of journalist and publisher of the anti-regime daily Slavko Ćuruvija (Matić, 2022).

However, the changes in the security service, which were supposed to be the backbone of democratic changes, were delayed, so the former head of the RDB, Radomir Marković, remained in that position for almost 4 months (Ekipa TEME, 2003). This development of events led to the destruction of documents in the RDB, according to the statement of the person in charge of the investigation (Insajder, 2017). The events that followed even after his dismissal showed that the security service is still outside the flow of democratic changes and that the new ruling group does not have complete control over the work of the service. According to the former Minister of Defense of the State Union of Serbia and Montenegro it was normal to expect that in the throes of political changes, a more in-depth study of the security services would be undertaken, especially related to their future role and place in the new socio-political conditions in the country, primarily by opening secret files and shedding light on the work of the services on political crimes, but the reform of the services was slow (Davinić, 2014). Two events involving identical actors confirm this hypothesis. Protest of the JSO Special Operations Unit and the assassination of Prime Minister Zoran Đinđić.

## 2. THE ROLE OF SECURITY SERVICES AND DEMOCRATIC CONTROL OF THEIR WORK

In order to adequately respond to the global security environment, it is necessary to understand the challenges, risks and threats on the one hand, while on the other hand it is necessary to adapt the capacities, abilities and legal framework of the work and operation of the security services. As important, we should add the ability of society to recognize threats, even those that come as a result of the absence of adequate democratic control.

In order to fully understand the role of the security system and its special part such as the security services, it is not possible to understand without knowledge of political power, military power, economic power and the related threats that come from different domains. Each form of the above contains basic interests and values in the totality of an organized society or state. From the point of view of political power, it is reflected in the Constitution and Laws, which derives from the legitimacy that separates the power or force of the state from violence. The order in a society can be disturbed within the framework of the conflict of different social groups and their interests, as well as the existence of external threats. Democracy as a social organization ensures the fair participation of the interests of different social groups in one society, which reduces the level of conflict in society. To a large extent, social groups will resolve their conflicts with democratic methods - the change of government, control of the work by representative bodies, civilian control of armed and security forces, the right to peaceful protests.

The role of the security services in terms of deterring threats to the Republic of Serbia must be seen in the current circumstances. Certain legal and institutional solutions must be subjected to a detailed analysis in order to look at the needs of society and the sources of threats based on an objective assessment. In this paper, we will try to look at contemporary challenges, risks and threats, as well as the consequences of the absence of civil and democratic control over the work of services.

At the center of national security is the state, however nation states are not the only sources and forms of threats to vital national interests and values. The survival of the state and its interests can be threatened by state actors who would act renegade from within due to the absence of adequate civil and democratic control. The first steps towards reform were made after the democratic changes on October 5, 2000. To begin with, the creation of a smaller but more professional armed forces designed to contribute to international peace and security was not entirely synchronized with the predominant threat perception that still prioritizes defense of territorial integrity (Ejdus, 2012).

A political formula like "national interest" suggests a policy direction that can be distinguished from several others that can be presented as alternatives. (Wolfers, 1952). Wolfers sees the national interest as a national security concept, that is, as a policy goal that needs to be reached or achieved. The realization of the "national interest" in post-autocratic regimes is often an insurmountable obstacle to effective civilian and democratic control. The experiences of the FRY remind us that behind the "national interest" the most brutal political murders by the state apparatus, i.e. the security services, can be hidden. National security is a state of unhindered realization, development, enjoyment and optimal protection of national and state values and interests, which is achieved, maintained and improved by the function of citizen security, the national security system and supranational security mechanisms, as well as the absence of (individual,

group and collective) fear of their endangerment, and a collective sense of tranquility, certainty and control over the development of future phenomena and events of importance for the life of society and the state (Đukić, 2016). Security is a function of the state, and national security is both a need and an interest at the same time. If the state realizes its interest in national security, it performs its function, and if it has the ability to perform its function, we come to the beginning of realizing its sovereignty, that is, satisfying national security. Therefore, every citizen as an individual can realize his interests. The above definition supports the empirical confirmation that only states that can protect national security with the associated protection of the individual - societal security are successful states. And a state that is unable to control its national security system or puts it to use against its own citizens effectively loses its sovereignty. We define "failed states" as the condition of "state collapse" - for example, a state in which it can no longer perform its basic security and development functions and has no effective control over it. Security services without effective control are one of the main characteristics of failed states, the most recent examples of which are the military coups in Mali, Burkina Faso, Niger and Wagner rebellion in Russia. Safety is a property of a real social, natural or technical subject (being, creation or thing) manifested as an established, maintained and improved condition and (or) value, which is expressed through the fulfillment of the minimum safety standards inherent to that subject, which enables it to realistically the basis for survival, growth and development regardless of the carriers, forms, time and place of endangerment (Stajić, 2008).

By the term national security, we can mean a set of functionally connected state bodies, local self-government bodies and other organizations, which act in accordance with the legal order of the state and strive to protect the internal and external security of the state, society and citizens (Dragišić, 2009). There is no national security without functionally connected state bodies, which in the case of the security services would represent mutual functioning based on the legal order on the system of subordination and division of power. Arbitrary arrests and liquidations carried out by the security system without the involvement of the judicial branch of government and parliamentary control sooner or later lead to the creation of rogue centers of power. Over time, such centers of power establish parallel renegade structures of government where they can achieve a monopoly on certain areas of social life contrary to the Constitution and laws.

National security requires adaptability. Security services, as the main factors of national security, must have a secure framework and the ability to know what, how and when to defend a society, including threats that may come from them. In order to further define the precise needs of the dimension of control, two approaches are included: vertical accountability and its return to elections and horizontal accountability with the subordination of political power to law. (Keppel, 2023). The degree of democracy of a given society and the strength of the rule of law represent the basis for vertical and horizontal control over the executive part of the security system. Different democratic states have different approaches to civil-democratic control of security services. What they have in common is the result and function of that control. If control ensures the protection of legality, early detection of internal weaknesses and protection of human rights, it can be stated that the political system has control over the institutions of force in its state.

The security services have a very complex task to undertake simultaneous preventive measures that should prevent the manifestation of threats. It is necessary to constantly improve programs and work methods that emphasize prevention with a public-private partnership with the academic community, the non-governmental sector, and international partners. The role of the intelligence-security system is based on defense against traditional threats from state actors.

Under civilian and democratic control, we can introduce control by elected civilians in democratic elections that are set on the basis of legal procedures and criteria. As one of the main indicators of the existence of civilian control, it is taken when a state official has power over decisions concerning missions, organization, employment in military matters (Trinkunas, 1999). As the term suggests, newly established democracies are those recovering from authoritarian or military rule, and the authors go on to emphasize that in these nations, civilian control is generally less secure as the country recovers from years of military or authoritarian rule. (Mukherjee, Pion-Berlin, 2022). Such was the case with the murder of the first democratic prime minister of Serbia, Zoran Đinđić. Security institutions that remained outside of political control, over which no reform was carried out, reached out to directly influence the political life of the country itself. Due to its sensitive nature, the complete management of the security system must be subject to control and supervision. That control can be horizontal in the line of legislative, executive and judicial power. The security system in democratic countries is constantly under scrutiny. The evaluation of the actions of the security services in the majority of cases is determined by the judicial authority through court proceedings. During that procedure, the legality of the actions undertaken is evaluated. What constitute a challenge in terms of civil and democratic control are those actions and actions that are undertaken for which there is no judicial verification of legality. The organization of the conspiracy by the security system

has its indicators in the organization of a series of illegal activities aimed at influencing political processes until the moment of the open manifestation - the assassination of Prime Minister Đinđić. While intelligence services can threaten a regime regardless of its nature, tensions are particularly acute in democracies because this form of government rests on openness, the free flow of information, and unfettered debate. (Jervis, 2007) There is an eternal search for a balance between the activities of the security services, their efficiency and civilian control. Security services, by their function, deal with the detection and prevention of threats that come within the system. For more than 50 years, scientists and researchers have been searching for alternative modalities of mutual control within democratic arrangements, supervision and legitimacy of actions in a democratic system. The separation of powers provides a balance for the purpose of mutual protection when it comes to illegal orders by the holders of power. Democratic states are always in search of maintaining the balance embodied in the formulation of freedom and security. Institutional control mechanisms involve providing direction and guidance for the intelligence agencies, exercised through institutions that range from organic laws and other regulations that empower the civilian leadership to civilian-led organizations with professional staffs (Matei, Halladay, 2019).

Therefore, the settings of civil and democratic control must be made in the context of adopted strategies, theoretical and practical knowledge that constantly intersects and is in positive competition with each other in order to optimally contribute to the realization of national interests and values that we wrote about in the first chapter. The political thinker Niccolò Machiavelli himself, in his epochal work *The Ruler*, considers intelligence and security activities to be an inseparable part of politics. It is the same today. With the important difference that today's activities are conditioned by the democratic decision-making process and social consensus.

The struggle for control between the intelligence services and the civil authorities does not necessarily have the premonition of a conflict, but a struggle for affection and support for certain means or actions. The aspiration is for new democracies or young democracies to overcome the weaknesses that burden them to develop effective security services, legitimate and under civil-democratic control. The reform of the security services itself must be based on the needs of protecting the national interest and not on the needs of daily politics. There are two approaches in these reforms that are characterized by certain impulses. The impulse to become too ambitious and too fast ("blitzkrieg" tactics) is often difficult to resist, but can be less effective and more dangerous than gradually (using "Fabian" tactics) without abandoning long-term goals ( Jervis, 2007).

Authoritarian regimes, like the government of Slobodan Milošević, are able to create internal and external threats. The analysis of the case of the assassination of Prime Minister Đinđić points us to the necessity of an effective, quick, immediate and legal reform of the security services in order to build democratic and free institutions. Any absence of such reform allows the authoritarian system to "hit back". The security culture of members of the security services must also include a democratic system of values, awareness of being subject to control, but also patriotism embodied in the prevention of conspiracies. Building a democratic system of values among service members is a necessary activity in order to strengthen the control mechanisms of society as a whole. Awareness of democracy, freedom and security as a national interest is one of the most important achievements of the Euro-Atlantic Community of States. The process of joining NATO is an effective way to reform former authoritarian systems. The experiences, first of all, of Bulgaria and Romania indicate that the reforms during joining NATO represent the entire transformation of society. Positive examples of membership in NATO have been noted when it comes to North Macedonia, Albania and Montenegro.

### **3. SPECIAL OPERATIONS UNIT PROTEST AS A FORM OF POLITICAL VIOLENCE**

The Special Operations Unit (JSO), an armed formation within the RDB, which included several Mi24 combat helicopters that neither the army nor the police had, as well as dozens of the most modern armored vehicles at the time (Vojinović,2020). Effectively, however, it was under the control of Slobodan Milošević, regardless of the function that he was occupying first as the president of Serbia (1990–1997) and then as the president of SRJ (1997–2000) (Gow, 2002.) It was an armed formation formed by taking over a large number of fighters from the former Serbian Volunteer Guard, formed by Željko Ražnatović Arkan with the blessing of the highest state officials for the needs of warfare outside the territory of Serbia's borders from a single and special volunteer unit known as Knindže, which was formed by Dragan Vasiljković alias Captain Dragan on area of Knin in 1991(Švarn,2006). During that protest, members of this unit blocked part of the highway in Belgrade, demanding the dismissal of part of the service's leadership. The protest on the ground near the Sava Center was led by officer Zvezdan Jovanović, who



a few years later was legally convicted as the assassin of Serbian Prime Minister Zoran Djindjic. The highway blockade lasted from November 9 to 17, 2001. As a result of these pacts with security sector officials and disagreements among the new political elites, friends from the Milošević era such as the Chief of the General Staff Nebojša Pavković, the head of the notorious Secret Service (Department of State Security—RDB) Radomir Marković and JSO Commander Milorad Luković remained in office after regime changes (Ejdus, 2020). After his promotion, Bračanović remained in the post of deputy director of the BIA Security Information Agency after RDB was transformed into an independent security agency, until his arrest in the Saber operation. He came to the position of deputy director of BIA from the position of head of the 7th RDB Administration (Janković, 2007). Although the Prosecutor's Office for Organized Crime filed criminal charges for this event, which included several persons, the court rejected the allegations of the indictment, referring to the transcripts from the Government of the RS that this protest did not threaten security and that in the case of a rebellion, the Turkish state reacted quite differently, i.e. by the use of force, so this highway blockade cannot be considered a rebellion (Zorić, Cvetković, 2018). In this way, the transcripts became a stronger means of evidence than the report of the Commission of the Government of the Republic of Serbia DT 72 No. 00-002/2003/86 dated 13.8.2003, which states that it was an armed rebellion of this unit against which the criminal charges were filed. called by the representatives of the mother and sister of the murdered Prime Minister Đinđić (Popović, 2010).

By protesting without the masks they wore whenever they left their base to protect their identity, JSO members made it clear that they are in fact close to ordinary people, which is the basic characteristic of guerrillas and how they differ from terrorists (Simeunović, 2009). If we look at their official motive for the protest, we also come to the conclusion that they present themselves as a kind of guerilla, that is, an armed formation that protects ordinary people. Namely, their official motive was that they were deceived when engaging in one arrest of persons who were then delivered to the Hague Tribunal. This event was deliberately taken as an occasion because that year the Hague Tribunal was an institution towards which the majority of Serbian citizens had a negative attitude, 85 percent (OSCE, 2006). Observing how Krstić defines the difference between guerrillas and terrorists, we come to the conclusion that members of the JSO made an essential difference between terrorism and guerrillas because guerrillas represent a legitimate struggle against a foreign occupier (in this case the Hague Tribunal) and these "freedom fighters" differ from terrorists in the higher goal they strive for (civil freedom) and the targets of the attack (state authorities and armed forces), while terrorists are identified by the means they use (violence and fear), most often directed towards civilian targets (Krstić, 2015). The request for the removal of the leadership of the security service at the time clearly shows that the protest was a kind of attack on the highest authorities. The attack was not violent in the formal sense, but bearing in mind the kind of actions this unit had carried out until then and the statements of numerous state officials of that time that there was no armed formation in Serbia that could disarm them, the threat of violence as the background of the protest was very real. After all, violence is considered not only the illegitimate use of physical force but also psychological force (Šeparović, 1984). How else to observe and interpret the blockade of the highway by the most powerful armed formation in the country, with combat vehicles and personal weapons, then as the use of psychological pressure or psychological force. The political segment of the entire protest is also important. Namely, the main demand of the JSO members who protested was of a political nature, namely the replacement of the leadership of the security service and the impact on staffing, as well as the replacement of the Minister of Internal Affairs. The Government of the Republic of Serbia was responsible for appointing the leadership of the security service at that time, as well as for appointing and dismissing the Minister of Internal Affairs, so this protest can also be seen as a form of political violence. Because it was not a protest of factory workers demanding better working conditions, nor of any union in the police, so that it can be considered legitimate. The members of the JSO did not even have demands to improve their working conditions, but they were focused on changing the leadership of the security service, and by appointing their officer as its senior manager (Government Republic of Serbia, 2003). In this way, they practically fulfilled Hegel's definition of violence, in which he claims that behind everything there is an unconquered desire for possession (Hegel, G.F.W., 1931). In this case, for possessing the security service and the power that comes from that. Given that their requests were accepted even though the majority of state office bearers were against it, that is, that there were personnel changes in the RDB, we can say that this unit had political power in addition to the armed forces. We find confirmation of this thesis in the interpretation of power, which Simeunović, on the basis of Milosavljević's position, views as a factor in regulating relations in society and as a specific ability to realize a goal, and which he defines as the ability of the bearers of social power to realize their interests through political activity (which the JSO protest certainly was) and goals independent of the will, interests and goals of other social and political entities (in this case the RS Government).

#### **4. THE ASSASSINATION OF THE SERBIAN PRIME MINISTER AS A FORM OF POLITICAL VIOLENCE AND A LEAK OF DEMOCRATIC CONTROL UNDER SECURITY SERVICES**

Another much more tragic event that resulted from insufficient democratic and civilian control over the security services was the assassination of Serbian Prime Minister Zoran Đinđić on March 12, 2003 by JSO officer Zvezdan Jovanović, who was part of an organized criminal group (OCG) known as the Zemun clan, which is why legally sentenced to a multi-decade sentence, as was his superior, the former commander of the JSO Milorad Ulemek, who performed that duty with the rank of colonel even after the democratic changes in Serbia (Ministry of Justice, 2007). With the rank of colonel, Milorad Ulemek retired and thus waited for the beginning of the trial for the murder of Zoran Đinđić (Fond za humanitarno pravo, 2008). In addition to the two of them, the verdict also included former BIA employee Branislav Bezarević, Željko Tojaga, and Saša Pejaković, members of the JSO, as well as several members of the Zemun Clan (Dojčinović, 2009).

With this heinous act, in the cooperation of members of the most elite special unit, members of the BIA and the most powerful criminal clan reached its peak, and the next level would have been the taking over of complete power in Serbia, but luckily that did not happen. Although pursued by the police, members of this criminal group managed to kill the only man who saw them enter the building from where shots were fired at the prime minister, as well as to kidnap and kill a protected witness. Starting from the basic definition of assassination, which speaks of the murder of the holder of power, which Prime Minister Đinđić certainly was, assassination is essentially a political murder (Pejanović, Stojanović, 2019). Logic says that the state and its security services are responsible for preventing political murders. If members of those services designated to prevent such events participate in a political murder, the conclusion is that there is no adequate control of the work of the security services.

In the end, from the sociological side, the very act of aggression embodied in the murder of Prime Minister Đinđić can be seen as the starting point of several modern theories about frustration-aggression as a cause of political violence advocated by Berkovic, Dallard, and K. Fajerabend. These theories start from the fact that every act of aggression is preceded by some frustration. In this case, the members of the OCG Zemun clan were frustrated by Prime Minister Đinđić's determination to put an end to their criminal activities, first of all by passing the law introducing protected witnesses, but also by changes in the Serbian MUP, such as the establishment of the Directorate for Combating Organized Crime, UBPOK, while part The JSO who participated in the assassination certainly had information that certain cooperating witnesses would also testify about the political murders they committed even before the assassination of Zoran Đinđić, which, after all, happened in the cases of the murders of Ivan Stambolić and SPO officials on the Ibarska highway.

#### **5. CONCLUSION**

If there had been adequate democratic and civilian control of the services, it would have been seen that JSO members are still providing for the retired JSO commander Milorad Ulemek. It would also be seen that the security of the leader of the Zemun Clan, Dušan Spasojević, also includes members of the JSO. The murdered associate witness Zoran Vukojević Vuk was at the same time a member of the Serbian MUP and head of security for Dušan Spasojević. The deputy director of the BIA, Milorad Bracanović, was convicted because he did not report that he had information about the preparation of the murder of Ivan Stambolic. One member of the BIA was convicted because he informed the conspirators of the moment when Prime Minister Djindjic left the residence. Is it necessary to state something else in order to confirm the conclusion that even though political changes took place in Serbia on October 5 and democratically oriented parties came to power, the security services were largely out of democratic and civilian control. It is up to historians to determine the reasons for this, whether the new political elite was unprepared for such a task, did not know how to establish a control system, or whether individuals in charge of controlling the security services thought they were in control of the situation and, like Walter Lippmann, believed that they answer only to their cabinet and not to the voters, i.e. citizens whom Lippmann considered semi-informed observers (Lipman, 1922). It remains for us researchers informed by this article to fight for democratic and civilian control of the security services in order to overcome the view that where public opinion dominates that of government there is a morbid dysfunction of power (NGO Article 19, 2004). An attitude that is often adopted by those in charge of providing citizens with adequate information about the

activities of the security services.

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