

# Information Documents

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## Serbia and Montenegro:

### Compliance with obligations and commitments and implementation of the post-accession co-operation programme

Document presented by the Secretary General

#### Sixth report (September – November 2004)

##### Summary

The issue of the direct elections to the State Union Parliament, which should take place in February 2005, according to the Constitutional Charter, has provoked an entire questioning of the future of the State Union in particular in Montenegro. In addition, the adoption of the 'twin-track' approach (as regards economic questions) by the European Union in the SAp process has been the pretext for an increase of claims to independence by Montenegro. Six months before the deadline to comply with some CoE commitments, notably the signature and ratification of a number of Conventions, Serbia and Montenegro has still not adopted legislation to prepare for accession to these Conventions. The ethnically-oriented incidents in Vojvodina raised concerns on the international scene during the pre-election period, but significantly decreased after the elections. The main feature surrounding the incidents was the lack of adequate reaction by the authorities, including the police and law enforcement agencies.

##### Democracy and Institution-Building:

Although the State Union Court was established, there is still little evidence of its activities. In Serbia, local elections and elections for the Assembly of Vojvodina were organised for the first time in accordance with the Law on Local Self-Government. Notably, the main Montenegrin opposition parties returned to Parliament in late October. In Serbia, no real progress has been achieved in the drafting of a new Constitution, while in Montenegro a report on the constitutional reform has been drafted by a Constitutional Council mandated by the Parliament. Reforms in the field of local and regional democracy, in line with Council of Europe standards, are needed, in particular through the drafting of Work Programmes for Better Local Government.

Co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY): No substantial progress has been achieved since the reconstitution of the National Council for Co-operation with the ICTY as regards arrest and transfer of indicted persons, except for the surrender of Ljubisa Beara to The Hague. Some improvement was noted as regards granting of confidentiality waivers for witnesses; however, the execution of orders related to access to documents could still be improved.

Rule of Law: the Law on the transfer of competence of the military justice to the civilian judicial authorities of member states was adopted and its implementation should start with the transfer of the cases by 31 December 2004. A Montenegrin Law in that respect has been adopted, while in Serbia the draft Law is under parliamentary procedure. Concerted action and effective implementation is still expected with respect to legal enforcement of the impartiality of the judiciary, prosecuting bodies, police and security forces in compliance with Council of Europe standards.

Human Rights: In Montenegro, no progress has been registered in the drafting of legislation on national minorities. As concerns freedom of the media in Serbia, the Broadcasting Council should be soon set up, in order to enable the allocation of broadcasting licences. The adoption of the Serbian Law on Free Access to Information is to be praised; however, adequate implementation has still to be shown. In Montenegro, there have been encouraging signs that a Law on Free Access to Information would be adopted in the near future.

Education: In Serbia, new opportunities have appeared to resume co-operation with the Council of Europe, in particular as regards civic education and history teaching.

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## INTRODUCTION

1. In the context of the accession of Serbia and Montenegro to the Council of Europe on 3 April 2003, the Committee of Ministers decided to set up a specific monitoring procedure, under the authority of its Rapporteur Group on Democratic Stability (GR-EDS), which provides for a regular review of progress achieved and difficulties encountered in the fulfilment of commitments and obligations accepted when joining the Organisation, as well as the implementation of the post-accession co-operation programmes, on the basis of, *inter alia*, quarterly reports by the Secretariat.
2. The present document is the 6<sup>th</sup> report prepared by the Secretariat in this context<sup>1</sup>. As in all similar cases, the fulfilment of obligations and commitments accepted by Serbia and Montenegro was linked to a specific calendar. Many of these obligations have to be fulfilled by the end of the second year of membership, i.e. 3 April 2005. The present report takes stock of the situation as regards fulfilment of commitments and obligations 6 months before this deadline. Since the last quarterly report, the Parliamentary Assembly of Council of Europe adopted the Resolution 1397(2004) on the Functioning of democratic institutions in Serbia and Montenegro on 5 October 2004 (see Parliamentary Assembly web site: <http://assembly.coe.int/>).
3. The information provided in the present report is notably based on the meetings and interviews that a Secretariat delegation held during a visit to Belgrade, Novi Sad and Subotica from 11 to 15 November. The programme of the Secretariat visit is reproduced in Appendix 1 to the report. The report is also based on information provided by the authorities of Serbia and Montenegro (State Union and member states), as well as local NGOs and representatives of international organisations active in Serbia and Montenegro.
4. This time, due to time constraints, the Secretariat delegation did not visit Montenegro. However, the Secretariat delegation had the possibility to meet in Belgrade a group of officials from the Ministry of Foreign Affairs and the Ministry of Justice of the Republic of Montenegro for an exchange on issues of common interest.
5. It should also be noted that a meeting of the Steering Committee for the European Commission/Council of Europe Joint Programme with Serbia and Montenegro took place in Podgorica on 14 October 2004, which offered the opportunity for an exchange of information on the state of progress in the various co-operation programmes. The report of this meeting is reproduced in document DSP(2004)22.
6. When examining the 5<sup>th</sup> report, the Committee of Ministers expressed concern about the situation in Vojvodina and the rapid increase in the number of ethnically motivated incidents in this region. Consequently, with the full agreement of the authorities of Serbia and Montenegro, it was decided that the next visit of the Secretariat, in the context of the monitoring procedure, would include a visit to Vojvodina - as was previously planned - to assess the situation on the spot and design possible Council of Europe activities. The visit to Novi Sad and Subotica took place on Saturday 13 November. The main conclusions of this visit are reported in part II.4. of this report.
7. Finally, the Secretariat is grateful to the Ministry of Foreign Affairs and the Permanent Representation of Serbia and Montenegro to the Council of Europe for their assistance in the organisation of the programme of the visit. At the end of the visit, the Polish Embassy in Belgrade organised a much appreciated meeting with representatives of Diplomatic Missions of Council of Europe member States. As usual, the Secretariat Office in Belgrade provided very efficient support, in particular for the meetings with a wide range of non-governmental organisations.

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<sup>1</sup> As concerns previous reports, see documents [SG/Inf\(2003\)28](#), [SG/Inf\(2003\)38](#), [SG/Inf\(2004\)8](#) and [Addendum, SG/Inf\(2004\)14](#) and [Addenda I and II, SG/Inf\(2004\)23rev.2](#) (available on the following websites: <http://www.coe.int/sg> and <http://dsp.coe.int/monitoring>).

## PART I: MAIN CONCLUSIONS AND RECOMMENDATIONS

8. Although some progress has so far been achieved in a number of fields, strong expectations remain on Serbia and Montenegro to fulfil a number of its commitments by the end of the second year of membership, namely to prepare legislation in conformity with Council of Europe standards with the view to signing and ratifying by 3 April 2005 the following treaties:
- **European Charter of Local Self-Government;**
  - **European Outline Convention on Trans-frontier Co-operation and the protocols thereto;**
  - **European Charter for Regional or Minority Languages and**
  - **to signing by 3 April 2005 the Revised European Social Charter;**
9. In this context, and by the deadline of 3 April 2005, political and legislative measures (their adequate implementation) are required notably on the following issues:

*At the level of the State Union of Serbia and Montenegro*

### Democracy and institution-building:

- **to comply with the Constitutional Charter as concerns the holding of direct elections to the State Union Parliament two years after the adoption of the Constitutional Charter, i.e. by February 2005;**

### Co-operation with the ICTY:

- **to show concrete evidence of improved co-operation with the ICTY, especially with respect to the arrest and transfer of the ICTY indicted fugitives and to continue improving access to documents requested by the Prosecutor;**
- **to promote activities related to reconciliation with the past, notably through public awareness-raising and information campaigns;**

### Rule of Law:

- **to ensure effective implementation of the Law on the transfer of competence of the military justice to the civilian judicial authorities of member states by transferring the cases by 31 December 2004;**
- **to further develop civilian control of armed forces, in the context of the newly adopted National Defence Strategy;**
- **to overcome administrative and financial problems and effectively establish the State Union Court in Podgorica;**

### Human Rights:

- **to urgently establish a Government Agent Office before the European Court of Human Rights;**

*At the level of member states of the State Union*

### *Republic of Serbia:*

#### Democracy and institution-building:

- **to draft and adopt a new Serbian Constitution harmonised with the Constitutional Charter and in compliance with Council of Europe standards (in co-operation with the Venice Commission);**

- to ensure adequate implementation of the Law on Local Self-Government and the Law on Local Elections;
- to undertake in-depth reforms in the field of local and regional democracy in compliance with Council of Europe standards, in particular through the drafting of a *Work Programme for Better Local Government*;

Co-operation with the ICTY:

- to show concrete evidence of improved co-operation with the ICTY (see above)

Rule of Law:

- to enact legislation on the transfer of competence of the military justice to the civilian judicial authorities with Council of Europe assistance and to effectively transfer cases from military courts to civilian courts;
- to undertake in-depth reforms to secure the impartiality of the judiciary and prosecuting bodies in compliance with Council of Europe standards;
- to enact relevant legislation as regards the reform of police and security forces in compliance with Council of Europe standards;
- to undertake proper police investigation, training of police and law enforcement forces, in particular as regards ethnically motivated events in Vojvodina;
- to enact adequate legislation to protect witnesses;
- to undertake adequate measures to fight against corruption and organised crime and ensure that they take into account Council of Europe recommendations;

Human Rights:

- to ensure the adequate protection of national minorities' rights and to seek to avoid the occurrence of ethnically-motivated incidents by undertaking proper legal and educational measures;
- to ensure that an effective Broadcasting Council is finally set up and to ensure that it fulfils its regulatory role, in particular with respect to the allocation of broadcasting licences;
- to ensure that the new Criminal Code does not contain provisions broadly restricting freedom of expression and freedom of the media, in particular as regards libel;
- to ensure the adequate application of the Law on Free Access to Public Information and the appointment of the regulatory bodies required;
- to adopt legislation on and subsequently establish the institution of Ombudsman in compliance with international standards;
- to complete the compatibility study between domestic legislation and the Revised European Social Charter in time before 3 April 2005;
- to enact legislation on the status of NGOs, which had to be done by April 2004, and encourage public participation of NGOs *inter alia* in drafting legislation;

Education:

- undertake necessary legislative reforms in close co-operation with the Council of Europe, including the curriculum for civic education and history teaching;

*Republic of Montenegro:*

Democracy and institution-building:

- to comply with the Constitutional Charter by organising direct elections to the State Union Parliament;
- after the return to Parliament of the opposition, to improve the political dialogue and reach consensus on important issues, such as the Constitution;

- to draft and adopt a new Montenegrin Constitution or a constitutional amendment in harmonisation with the Constitutional Charter, in compliance with Council of Europe standards and in co-operation with the Venice Commission;
- to ensure the compliance of the existing legislation, notably with respect to the assignment of responsibilities and fiscal decentralisation with the principles of the European Charter on Local Self-Government, in particular through the drafting of a *Work Programme for Better Local Government* ;

#### Co-operation with the ICTY:

- to show concrete evidence of improved co-operation with the ICTY (see above)

#### Rule of Law:

- to undertake in-depth reforms to secure the impartiality of the judiciary, prosecuting bodies, police and security forces in compliance with relevant Council of Europe standards;
- to undertake adequate measures to fight against corruption and organised crime and ensure that they take into account Council of Europe recommendations;

#### Human Rights:

- to enact legislation on national minorities protection in order to comply with the Charter on Human and Minority Rights and Civil Freedoms and the Framework Convention for the Protection of National Minorities, and in particular to reach consensus on the draft Law on national minorities;
- to adopt, following Council of Europe experts' recommendations, the Law on Free Access to Information and to effectively implement it;
- to complete the compatibility study between domestic legislation and the Revised European Social Charter in time before 3 April 2005;
- as regards trafficking in human beings, to comply with the Council of Europe/OSCE expert recommendations, notably by implementing the Government Action Plan.

## **PART II: OVERVIEW OF SERBIA AND MONTENEGRO'S COMPLIANCE WITH ITS OBLIGATIONS AND COMMITMENTS**

### **A. DEMOCRACY AND INSTITUTION-BUILDING**

#### **1. EFFECTIVE FUNCTIONING OF DEMOCRATIC INSTITUTIONS**

10. At the level of the State Union, the recent period was marked by a stalemate. The State Union Court has now been established, but it still has no functional premises in Podgorica and there is little evidence of its activities. Furthermore, there is still a lack of clarity around the competences of this Court and this is certainly linked to the debate over the future of the State Union. The most debated issue is the question of the direct election of the State Union Parliament. According to the Constitutional Charter, the State Union Parliament should be directly elected 2 years after the adoption of the Charter, i.e. by February 2005. The Republic of Serbia has adopted the necessary legislative provisions for the organisation of these elections, in spite of a lack of enthusiasm at the idea to have another round of elections. The problem resides with the Republic of Montenegro where there is reluctance by the authorities to organise elections to a Parliament which could possibly disappear a few months later in case of a successful referendum on independence which could be organised at the end of the 3-year period in March 2006. Clearly, the incapacity to organise direct elections to the State Union Parliament would constitute a breach of the Constitutional Charter and would further weaken the State Union institutions.
11. In Serbia, the high expectations following President Tadic's election in June have yet to be satisfied. The situation of 'cohabitation' between the President of Serbia and the Serbian

Government is pre-empting any significant reforms. Nevertheless, while appreciating the President's appeal to the participation of Serbs in the recent elections in Kosovo and his more positive attitude towards reconciliation goals, in particular as regards a radical change of attitude towards co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) as a pre-condition for further European integration, this had little impact on the policy in Serbia. As an example, no consensus was reached on a draft Law on Parliament, as concerns the removal of the provisions dealing with privileges of the MPs, and the draft was withdrawn from the agenda on 18 November 2004. A draft Law on Government which aims to ensure full implementation of the principle of separation of powers will soon be discussed in Parliament. Many interlocutors mentioned that parliamentary elections in the near future were a likely scenario. However, beyond the risk that the most nationalist political forces would benefit from elections, the organisation of new elections is unlikely to contribute to the acceleration of reform.

12. In Montenegro, the recent period was dominated by the return to Parliament of the opposition, which had walked out of Parliament in May 2003. The problem of the boycott was at least temporarily solved, with the opposition parties SNP and SNS taking part in the parliamentary session held on 20 October 2004. The two parties announced their return to Parliament, mainly for debating on direct elections for the State Union Parliament, and put forward two legislative proposals in that respect.
13. The Montenegrin Parliament rejected bills on the direct election to the Parliament of Serbia and Montenegro. The Secretariat delegation was informed of the ruling coalition's opinion that a referendum on Montenegro's independence would be held, making the holding of direct elections superfluous.

## 2. CONSTITUTIONAL ISSUES

14. In Serbia, no real progress has been achieved in the drafting of a new Constitution. The work in the Parliament is still not finalised and the Secretariat delegation was informed that the President had set-up, on his side, a group of experts which was preparing an alternative draft Constitution. Three main issues dominate the constitutional debate in Serbia: the definition of the statehood of the Republic of Serbia, the question of the autonomous status of Vojvodina and the mode of election of the President (direct election or indirect election by the Parliament). The issue of Kosovo and the absence of any majority in Parliament to adopt a draft Constitution appear to be additional factors which influence the constitutional debate. In the meantime, the Constitution adopted during the Milosevic regime remains in force.
15. The issues related to Kosovo, which is under UN administration (UN Security Council Resolution 1244), are not part of the monitoring procedure of commitments undertaken by Serbia and Montenegro. However, many of the Serbian political and constitutional issues are directly influenced by the situation in Kosovo.
16. In Montenegro, the return of a part of the opposition to Parliament did not result in any progress on the constitutional debate so far. However, a Constitutional Council, formed by experts at the request of the Parliament, has provided a "Preliminary Report on alternatives of constitutional change in Montenegro, possible forms of a new Constitution Act, procedure for its creation and the majority threshold for its adoption". Venice Commission assistance is provided in that respect. Clearly, the issue of the referendum on possible independence dominates the political debate in Montenegro. It is beyond any doubt that the recent decision of the European Union to adopt a twin-track approach in the economic sphere has been interpreted and used by Montenegrin politicians as an encouragement for this political objective.

## 3. LOCAL AND REGIONAL DEMOCRACY

17. In Serbia, local elections were held on 19 September and 3 October 2004. A new Vojvodina Assembly was elected on the same days, following the new 2002 Law on Local Self-Government and the Rules on elections adopted by the Assembly in August 2004 providing for a combined

electoral system (election of 50% of the seats following the proportional election system and the remaining members elected in two-round simple majority system). An important feature of these elections is a very low turnout of voters - approximately 34% in the whole Republic - the lowest one in the last 14 years. The Congress of Local and Regional Authorities of Council of Europe (Congress) evaluated the first round of elections as positive and concluded that the elections were organised in conformity with Council of Europe standards for free and democratic elections. The Congress delegation stated the necessity to envisage improvements as concerns the financing of electoral campaigns and the reduction of the number of signatures necessary to candidate (Congress, [Press Release](#), 20.09.2004). Following the local elections, the new Law on Local Self-Government, which provides local authorities with a broader range of responsibilities, started being applied on the whole territory. The new 2002 Law on Local Elections, applied for the first time, introduced the proportional electoral system for the election of city councillors, as well as the direct election of Mayors and Presidents of Municipalities.

18. Complete reform of local self-government with a view to implementing principles of local and regional democracy is strongly needed. It is to be reminded that Serbia and Montenegro is expected to sign and ratify the European Charter of Local Self-Government and the European Outline Convention on Transfrontier Co-operation and its protocols by the end of the second year of accession (3 April 2005). In this respect, the Serbian and Montenegrin Ministers of Local Self-government signed, on 26 October 2004, a Memorandum of Understanding committing to the implementation of the respective *Work Programmes for Better Local Government*, which should be finalised before the 14<sup>th</sup> Conference of European Ministers responsible for Local and Regional Government which will take place in Budapest at the end of February 2005.
19. In Serbia, the Deputy Minister on Public Administration and Local Self-Government informed the Secretariat delegation of the adoption on 5 November 2004 of a Strategy for the reform of the public administration enclosing fiscal decentralisation as the most important principle. As regards local government property, the preparation of a model Law on Property of the Local Self-Government by the Standing Conference of Towns and Municipalities could represent a means of starting the discussion on this issue.
20. Recommendations expressed in the previous report (see SG/Inf(2004)23rev.2, para. 17) still remain valid, in particular as concerns:
  - the clarification of the role of municipal councils as defined in the Law on Local Self-Government;
  - the competences of the local government in matters related to education and
  - the adoption of implementing legislation in the field of local government finance and local government property, with the idea of achieving financial autonomy. The Secretariat delegation was informed that the draft Constitution includes provisions on local government property, but the present Constitution does not expressly guarantee it. The enforcement as of 1 January 2005 of the value-added tax will result in a complete fiscal change for towns and municipalities. The Council of Europe could provide assistance in the elaboration of a *Work Programme for Better Local Government*, which could thoroughly address these issues.
21. In Montenegro, efforts should be pursued to ensure the compliance of the existing legislation, notably with respect to the assignment of responsibilities and fiscal decentralisation with the principles of the European Charter on Local Self-Government, prior to its signature and ratification by Serbia and Montenegro. The Law on Administrative and Territorial Organisation, the Law on the Administrative Capital as well as the Law on Cultural and Historical Centre have been drafted with Council of Europe assistance. They are expected to be adopted at the beginning of 2005. The elaboration of the *Work Programmes for Better Local Government* is to be encouraged on the basis of a draft which has already been prepared.
22. In Sandzak, a conflictual situation emerged in Novi Pazar between the largest two parties, the Coalition for Sanj dak and the Sandjak Democratic Party (SDP), which convened their own separate inaugural sessions in mid-November 2004.



#### 4. SITUATION IN VOJVODINA

23. As referred above (para. 6), the Secretariat delegation was mandated in the course of the visit to Serbia and Montenegro to look into the situation in Vojvodina, which has deteriorated in the early months of 2004, following a series of ethnically motivated incidents. The issue of Vojvodina was discussed both in Belgrade with representatives of the State Union authorities (in particular the Minister of Human and Minority Rights of Serbia and Montenegro, Mr. Rasim Ljajic) and the Republic of Serbia (President Boris Tadic, in particular), as well as during a one-day visit to Vojvodina. The visit to Vojvodina included meetings with members of the regional government and regional Assembly, Mayor and Chairman of Municipal Council of Subotica, as well as qualified representatives of the national minorities, in particular the Hungarian minority.
24. In spite of the short visit, the Secretariat delegation is of the opinion that the list of interlocutors was sufficiently large and diversified to allow for a sound evaluation of the situation.
25. Bearing in mind these elements, the findings of the Secretariat delegation can be summarised as follows:
- i. Due to divergences on the definition and qualification of ethnically-motivated events, figures concerning the number of such incidents vary considerably depending on who is providing the information. However, no interlocutor denied that the earlier months of 2004 were characterised by a worrying and unacceptable increase of ethnically-motivated incidents against representatives of national minorities, primarily the Hungarian and the Croat minority.
  - ii. This wave of incidents mainly involved destruction or damage to cultural or religious monuments of the minorities (such as desecration of graves), verbal aggressions or mediatic threats against representatives of national minorities. The latter does in no way justify these incidents, nor does it diminish their unacceptable and dangerous character. However, it should be noted that some interlocutors in Belgrade were of the opinion that the situation in Sandzak or South Serbia is potentially more delicate than the situation in Vojvodina.
  - iii. All interlocutors (including representatives of national minorities) were of the opinion that this series of incidents were not part of a global, concerted plan by official forces against national minorities in Vojvodina.
  - iv. All interlocutors associated this wave of incidents with the heated pre-electoral debate and campaign. They thought that some extremist political forces (not necessarily based in Vojvodina) had an objective interest to artificially create tensions between various ethnic groups in Vojvodina, in order to create fear in the society and mobilise voters. The result of the 19 September and 3 October elections, which showed a larger support to the Serbian Radical Party candidates (larger group in the regional Assembly and victory for the Mayor of Novi Sad), testify that this explanation is not groundless.
  - v. A number of interlocutors pointed to the significant demographic changes that occurred in Vojvodina in the last 15 years. Vojvodina witnessed the departure of many Hungarians and other nationalities opposed to the conflicts and, at the same time, an inflow of refugees and IDPs, mainly Serbian, who came to settle in the province. The latter phenomenon is thought to have exacerbated tensions in the social and economic sphere and may be one of the factors explaining the important growth of the radical vote and the fuelling of ethnic prejudice.
  - vi. All interlocutors put the responsibility on the authorities in Belgrade for their late reaction to the events. Diverging views were expressed concerning the real impact and follow-up of the visit of Prime Minister Kostunica to the region in September.
  - vii. Some interlocutors (mainly representatives of national minorities) indicated that only the international interest and pressure made the authorities of Serbia react.
  - viii. The most important conclusion is the complete agreement of all interlocutors on the lack of adequate reaction by the police and law enforcement agencies, the absence of proper investigation of the events and the slow judicial procedures. According to information

provided by local authorities, a few examples come, in their view, in support of this assessment:

- out of five registered incidents taking place in Subotica from January to April 2004, none of them seem to have been thoroughly investigated, nor properly prosecuted;
- in a case involving the destruction of 96 funeral monuments in a catholic cemetery (of Hungarian and Croat minorities), the conclusion of the investigations was that they were the result of the activities of a small group of young children practicing 'karate' (?).

This lack of proper investigation into the incidents and prosecution of the perpetrators can be explained by a lack of professionalism of the police and prosecutors or by a certain complicity with political forces having an interest in creating tensions before elections. It is to be noted that these two explanations are not mutually exclusive.

- ix. In the few cases which were subject of judicial decisions, the sanctions against the authors were very limited, giving wrong messages on the gravity of the acts committed from various sides.
  - x. All interlocutors underlined the very negative role played by the tabloid press which fuelled tensions through distorted reports and inaccurate information.
  - xi. However, all interlocutors agreed that the worst tension seems to be a matter of the past. Some regrettable incidents have still been reported, but they are much more sporadic.
  - xii. Some interlocutors expressed the concern that the forthcoming 5 December 2004 referendum in Hungary, concerning the granting of dual citizenship to Hungarians living outside Hungary, could be the pretext for new tensions. It should be noted that most interlocutors from the Hungarian minority, while expressing themselves in favour of this referendum, also indicated that a positive result of the referendum would not be followed by a mass movement of population, as most people are strongly attached to their roots in Vojvodina.
  - xiii. Finally, one issue which could be the underlying motive of all these problems is the complex constitutional debate about the autonomous status of Vojvodina. This question is one of the major stumbling blocks opposing political forces in Serbia on the future Constitution. Without making a direct link between this constitutional debate and the ethnic tensions, it is clear that the future status of Vojvodina is a crucial issue for the institutional structure of the Republic of Serbia opposing political forces and this can only reflect negatively on the situation in Vojvodina.
26. In order to avoid the repetition of similar events in the future, the problems to be tackled by the authorities relate to:
- the reform of the education system, in particular the reform of history teaching and the integration of civic education in the curriculum, with particular emphasis on tolerance;
  - the training of police and law enforcement forces on how to exercise their functions in a democratic system respectful of human rights and the rule of law;
  - the strengthening of the judicial system and its independence and
  - the training of media professionals, in particular on issues such as ethnic relations and living together concepts.
27. All these issues are relevant for the situation in Serbia as a whole; however, they are particularly acute in Vojvodina and they probably deserve to be considered as a priority in all governmental activities, including in the co-operation with international organisations, primarily the Council of Europe.

## B. CO-OPERATION WITH THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY) AND PROSECUTION OF OTHER WAR CRIMES

28. In the crucial issue of co-operation with the ICTY, since the last report, some progress was achieved after the re-constitution of the National Council for Co-operation with the ICTY in July 2004, although the three Montenegrin members left the Council in September, in protest of the slow pace of co-operation with the Tribunal. Progress has been registered at the level of competence of the State Union on the granting of witness confidentiality waivers and the huge backlog was almost cleared. Co-operation with respect to access to documents, which depends on the Republican authorities, should be further improved (in this connection, see also the Address to the UN Security Council of the Prosecutor of the ICTY, Press Release, 23.11.2004). According to the information provided by the Chairman of the National Council, State Union Minister for Human and Minority Rights Rasim Ljajic, since the re-constitution of the National Council, from the 167 requests concerning both confidentiality waivers for witnesses and access to documents, 50 confidentiality waivers have been granted to 50 witnesses and 64 requests for access to documents are still pending. On 16 November, the National Council granted 4 additional confidentiality waivers and presentation of 5 sets of documents to the Tribunal. However, the representatives of the ICTY noted that responding to requests does not always amount to adequate responses from the authorities, as sometimes the answer is that the files could not be found or were empty.
29. As concerns arrest or surrender of indictees, the only result to be registered was the 'voluntary' surrender of Ljubisa Beara on 10 October 2004, which seems to have taken place following the delivery of information by the ICTY Prosecutor to the Serbian police authorities. No progress could be achieved as concerns the arrest of the four generals and senior police officers indicted in October 2003, even though the Belgrade District Court, applying the Law on Co-operation with the ICTY, warranted arrests against them on 29 September 2004. In his most recent address to the UN Security Council, the President of ICTY, Judge Meron, stated that *"despite the recent transfer of Ljubisa Beara and some progress on the granting of waivers for witnesses to be authorized to testify, the ICTY remains gravely concerned over that government's lack of cooperation, in particular its unwillingness to arrest fugitives"* (Press Release, 23.11.2004; see also Address to the UN General Assembly, Press Release, 17.11.2004). The Serbian Minister of Justice explained that the arrest warrants would not be executed because this would affect the political situation of the country and instead called for voluntary surrenders. The Prime Minister of Serbia has also expressed himself in favour of voluntary surrender only. On the other hand, the President of Serbia Boris Tadic called on 17 November for co-operation with the ICTY, stressing that co-operation means also arrest and transfer of the indictees to The Hague.
30. Following requests from Republika Srpska authorities to arrest nine ICTY indictees living on the Serbian territory, the Serbian police authorities stated that information in this respect would be provided to the National Council for Co-operation with the ICTY. Also, there is an increasing concern on the part of the Montenegrin authorities towards the pace of co-operation.
31. As concerns the ICTY completion strategy, there are a number of initiatives designed to enable the preparation for eventual referral of cases from the ICTY to Serbia and Montenegro courts. Upon request from the Prosecutor, a Trial Chamber is considering the transfer of one case to Serbia and Montenegro courts. However, legitimate concerns have been expressed by the ICTY Prosecutor on the capacity of courts and the willingness of the Serbian authorities to domestically try war criminals. In that respect, taking measures against intimidation of witnesses and against pressures on judges and prosecutors are particularly important (see also in this connection para 54).
32. Strong expectations in terms of concrete results with respect to arrests or surrenders still prevail, in particular as concerns:
- i. arrest or surrender of indictees: according to the ICTY Chief Prosecutor (see Press Release, 23.11.2004), "probably more than a dozen" of the 20 ICTY indictees, still at large,

were regularly visiting or residing in the country, while 3 of them were residing in the Belgrade area. It is to be noted that the Secretariat delegation's meeting with the Minister of Interior was cancelled.

- ii. transmission of documents which are still pending and
- iii. granting of the remaining confidentiality waivers for witnesses, as well as the forthcoming requests from the ICTY Prosecutor.

33. Following the temporary suspension of the implementation of the Serbian Law providing for financial assistance to ICTY indictees and members of their families by the Constitutional Court in April 2004, there has been no final decision of the Court yet. The delegation was informed by several interlocutors that the Law is symbolic, taking into account the existence of a prior regulation providing for such assistance to indictees and their families.
34. Activities related to awareness-raising and education on the atrocities committed during the war are being organised by the ICTY. Serbia and Montenegro authorities could also contribute to the objective of reconciliation with the past. In this connection, mention is to be made of the recent initiative of the Minister of Human and Minority Rights of Serbia and Montenegro (see para. 85 below).

### C. RULE OF LAW

#### 1. ACTION TO STRENGTHEN THE JUDICIAL AND PROSECUTING AUTHORITIES AND SECURE THEIR INDEPENDENCE AND IMPARTIALITY

35. In its decision of 19 May 2004 following the 4<sup>th</sup> quarterly monitoring report, the Council of Europe Committee of Ministers invited the authorities to co-operate actively with the Council of Europe on the reform of the judicial and prosecution systems and, more particularly, on the transfer of powers from the military to the civilian courts of the member states.
- *The transfer of competence of the **military justice** to the civilian judicial authorities of member states*
36. A State Union Law complying with the Constitutional Charter and the Law on the Implementation of the Constitutional Charter was adopted on 18 November and effective transfer of cases will be done by 31 December 2004. Harmonised Laws at the level of the Republics have to be adopted in both Republic of Serbia and Republic of Montenegro, following the signature of an agreement between the two Ministries of Justice earlier this year. So far, such a Law was adopted only in Montenegro. The Secretariat delegation was informed that, following its adoption, the Law on Amnesty became effective and enabled the amnesty in around 2000 cases, in particular of recruits sentenced for refusing enrolment and serving to Kosovo in 1999. In Serbia, a draft Law is in preparation and is expected to be submitted to Council of Europe for expert appraisal. Even though the authorities had previously informed of the creation of conditions for civilian courts to process cases in the area of military justice, the recent example of involvement of the military prosecutor in the investigations following the killing of two soldiers in Topcider was revealing of the real situation.
37. As concerns the Vljakovic case referred to in previous reports (see SG/Inf(2004)14, para. 39, SG/Inf(2004)23rev.2, Appendix II), the delegation was informed that the author of the confiscated book allegedly containing military secrets was released and his trial has been postponed until the transfer of military justice to civilian courts. A subsequent decision has to be taken by the competent civilian court if the charges are going to be maintained or not.
- *At the union level*
38. Although progress had previously been registered in electing the judges of the State Union Court, there is no court staff administration and financial questions have not been resolved so far. At

present, and pending the re-furbishing of the premises in Podgorica, the judges temporarily meet in the Federal Parliament building in Belgrade.

- *At the level of member states of the State Union*
39. The Secretariat delegation was informed that on 1 June 2004, the Ministry of Justice of Serbia signed a Protocol on Co-operation with the Ministry of Justice of Montenegro. This Protocol includes a mutual agreement on communication and co-ordination of activities related to the harmonisation of their national laws with international standards in order to *inter alia* enhance fighting organised crime, human trafficking, corruption and other serious crime. It also deals with co-ordination of activities aimed at efficient protection of human rights and fundamental freedoms, especially regarding the implementation of the European Convention on Human Rights and Fundamental Freedoms and other related international acts. Finally, it provides for co-ordination of activities concerning the obligations established by the Constitutional Charter and the Law on Implementation of the Constitutional Charter. A permanent consultative working group, composed of two representatives of each side, was created in order to facilitate the implementation of this agreement.
  40. As concerns Serbia, the absence of a coherent and general reform strategy and the lack of transparency and appropriate consultations have previously been underlined. Since the last report, a Protocol on Co-operation between the Ministry of Justice and the Council of Europe was signed on 8 October 2004. It provides notably for co-operation and assistance on the drafting of a number of laws, for expert assessment of enacted legislation, for drafting judicial-organisational regulations as well as for drafting the fundamental constitutional principles of the judicial system, with participation of the experts from the Venice Commission.
  41. A National Strategy for Judicial Reform was adopted in September 2004 by the Ministry of Justice of Serbia, in collaboration with the Commission for Reform created by the new Government in April 2004. According to the Minister of Justice, the Strategy includes reforms of constitutional law, substantive and procedural laws, definition of judicial functions as well as of the relationship between the judiciary and the public. The lack of prior public debate and sufficient consultations with professionals concerned, which was mentioned in previous reports, still prevails. Several interlocutors from civil society underlined the fact that neither the civil sector, nor the professional associations were properly involved and consulted in the reform of the judicial and prosecution systems. Future co-operation between the Ministry of Justice and these organisations should be encouraged.
  42. Extensive co-operation and assistance has been provided by the Council of Europe to the drafting *inter alia* of the Serbian Criminal Code and the Criminal Procedure Code; in this context, a round-table on the Criminal Code will be held in the second half of December 2004. Council of Europe expert comments should be taken into due account before adoption of this legislation. According to several interlocutors, the new draft Criminal Code introduces a number of new criminal offences, including torture, crimes against humanity, war crimes, etc.; in this connection, international standards and ratified conventions should be fully implemented. The Secretariat delegation was informed that the Parliament was considering amendments to the draft Code with a view to re-introducing penal sanctions (including imprisonment sentences) for the most severe cases of libel. If confirmed, this development would be worrying, as regards freedom of expression and the media (see also para 71).
  43. Work is ongoing on a number of criminal laws, for instance the draft Law on the Execution of Criminal Sanctions and legislation including provisions for the protection of convicted person's rights in legal proceedings, etc. (see also para 97). Reform of the criminal legislation is meant to enable domestic courts to conduct war crime and organised crime trials. If adopted, the legislation on criminal matters would result in a first step towards the withdrawal of reservations made when ratifying the ECHR. However, reform of the Law on Misdemeanors, which is considered to be another obstacle to withdrawal of the reservations, is still expected.

44. The (re-)appointment of prosecutors and deputy prosecutors by the Parliament following proposals by the High Judicial Council, which was due in June, has not yet been made and the positions have still not been fulfilled. According to some interlocutors, the appointment of the prosecutors and deputy prosecutors by the Parliament is often based on political motives and founded on the political affiliation of the candidates proposed by the High Judicial Council.
45. Corruption in both the judicial and the prosecution systems remains problematic. However, the major problem relates to the slowness of the judicial system, its ineffectiveness as well as the lack of professionalism of judges and prosecutors and the overall quality of staff. According to several interlocutors, there is a positive slow change within the judiciary.
46. In Montenegro, as mentioned in previous reports, while the work continues at legislative level with Council of Europe assistance, the implementation of laws remains particularly problematic. There are still problems with the implementation of the Law on Courts, notably as concerns the drafting of a Law on Judges. Guarantees of incomes, salaries, pensions, residential questions are needed, as well as a Law on Court Police, which would guarantee the security of judges and of court premises. There exist doubts about the possibility to create the Administrative Court and Court of Appeal by 31 December 2004, taking into account the lack of sufficient applications caused by unsatisfactory salaries and work conditions.
47. The lack of independence of judges appears to result from:
- the absence of legislation establishing a special budget for the courts, which are financed like other institutions;
  - the lack of lustration procedures and rules, as well as of disciplinary measures;
  - the absence of encouragement of the judicial independence by the system and pressure of different kinds and
  - the selection and appointment of judges.
48. Problems with the enforcement of the Law have also been registered. Procedures are long, the backlog is three times higher than three years ago and there are around 65,000 unresolved cases, according to professionals. A Law on Misdemeanors has still to be adopted. Legislation on the amendments to the Law on Enforcement of Criminal Sanctions has recently been adopted, providing for community service and alternative sanctions, but such conditions have not yet been created in practice.
49. As concerns reform of the prosecution system, the new Law on Public Prosecutor's Office introduces the principle of seniority, according to which there are three levels of prosecutors, the highest one being the Supreme Public Prosecutor. The Criminal Procedure Code gives prosecutors a new role in pre-trial procedures, role which was conferred to the police before; this new procedure is more demanding. After appointment of the Higher Council for Prosecutors, including the Special Prosecutor for organised crime and corruption, it remains to be seen how the Law will be implemented.
50. In Montenegro, the Criminal Code modified the definition of 'torture' as a criminal offence, in order to include the possibility for every person (not only officials) to be prosecuted for torture. However, the slow pace of proceedings in torture cases and the difficulty to solve cases need underlining.

**2. POLICE AND SECURITY FORCES: NEED TO ENACT ADEQUATE LEGISLATION, TO STRENGTHEN SUPERVISORY MECHANISMS AND TO INCREASE THE EFFICIENCY OF POLICE WORK**

51. In both Serbia and Montenegro, no progress can be registered as concerns the legislative framework for police and security forces; the authorities have so far failed in enacting legislation on the reform of the police within one year from accession. In Serbia, draft legislation on Police and the Security Agency has been prepared; however, there is still no indication on the expected request for expertise of the draft. In Montenegro, the authorities have failed to adopt in

Parliament the draft legislation relating to police and security matters, which had previously been explained by the lack of consensus within the governmental majority to appoint the heads of police and of the intelligence security service. According to information provided by the Montenegrin representatives, a mediation procedure in co-operation with the OSCE has started. The importance of adopting this legislation is accentuated by concerns that in the absence of a Law on Police and on National Security Agency, people can be tapped or placed under surveillance, without proper legal guarantees.

52. In Serbia, according to NGOs representatives, the civilian control of police is not yet effective. In mid-November, the announcement by Serbia's Ministry of Interior Public Security Chief on the forming of a new Anti-terrorist Unit, comprising officers from the Serbian Gendarmerie and the existing anti-terrorist unit raised concerns on the eventual re-creation of the Special Operations Unit, Red Berets, which was dismantled in 2003 after the killing of Prime Minister Djindjic.
53. As concerns supervisory mechanisms of police, there is a need, expressed in previous reports and underlined by several NGOs representatives, to condemn police violence and torture and to properly investigate the related complaints.

### 3. MEASURES TO PROTECT WITNESSES AGAINST INTIMIDATION

54. An effective protection of witnesses against intimidation is becoming more and more important and is part of the reform that the judicial and prosecutorial system have to undertake in order to be prepared to implement the ICTY completion strategy. In Serbia, a draft Law on Protection of Witnesses, drafted in co-operation with Council of Europe, is now under urgent parliamentary procedure. In Montenegro, the Law on Witness Protection Programme was adopted on 19 October 2004, with Council of Europe's assistance.

### 4. ACTION TO FIGHT AGAINST CORRUPTION AND RELATED MATTERS

55. Corruption at all levels of society remains an issue of concern in both constituent states. In Serbia, the Anti-Corruption Council, a governmental body with the role of analysing cases and preparing reports on corruption, investigates privatisation cases, as well as corruption *inter alia* in the judicial and prosecutorial systems. Separately, an Anti-Corruption Strategy prepared by the Ministry of Justice, should be finalised by the end of the year, in co-operation with the Council of Europe (PACO Impact Project). Efforts should be strengthened to achieve a co-ordinated reform approach and drafting of the Strategy and subsequently of an Action Plan. In Montenegro, the drafting of a Strategy for Fight against Corruption and Organised Crime by the Anti-Corruption Agency should be adopted by the end of the year, in co-operation with the Council of Europe (PACO Impact Project). It should be followed, before the end of February 2005, by the drafting and adoption of an Action Plan on the fight against corruption. A National Anti-corruption Commission has still to be established.
56. In Serbia, following the adoption of the Law on Conflict of Interest, no regulatory body has been established so far. In Montenegro, the Law on Conflict of Interest was adopted on 21 April 2004 and subsequently vetoed by the President. The Parliament reconsidered the Law once again, but, according to the Constitution, did not have the possibility to amend it and finally adopted it as such on 16 June 2004. A parliamentary commission was subsequently formed to amend the current version or draft a new Law. According to NGOs, the most problematic provision of the adopted Law is Article 15, which allows public officials to be members of one company owned by the central or local government, which degrades the very essence of the Law. As concerns the Law on Money Laundering, efforts should be strengthened towards its implementation.

## D. HUMAN RIGHTS

### 1. MEASURES TO ENSURE THAT THE EUROPEAN CONVENTIONS ON HUMAN RIGHTS (ECHR) AND ON THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (ECPT) ARE FULLY IMPLEMENTED

57. The ECHR is in force since 3 March 2004. The election of a judge to the European Court of Human Rights in respect of Serbia and Montenegro is foreseen during the January 2005 session of the Parliamentary Assembly on the basis of a list of 3 candidates submitted by the authorities of the State Union (Mr. Dragoljub Popovic, Ms. Vesna Rakic-Vodinelic and Mr. Nebojsa Vucinic). As regards the establishment of a Government Agent Office before the Court, a draft Decree is currently under Council of Europe expert appraisal. According to the authorities, consensus has not yet been reached on the modalities of structure of the Government Agent Office. The compatibility study of the domestic legislation with the ECHR with respect to Montenegro was finalised at the end of October 2004.
58. So far, there are more than 400 registered applications with the European Court of Human Rights. They concern *inter alia* issues related to property rights from Montenegro (around one fourth), the length of proceedings and the considerable judicial backlog experienced by both Serbian and Montenegrin courts, fairness of court procedures and corruption (police, administration, justice).
59. As concerns the ECPT, which entered into force on 1 July 2004, the authorities indicated to the Committee for the Prevention of Torture (CPT) which authorities are competent to receive notifications to the Government and appointed liaison officers. A visit of the CPT took place at the end of September 2004.

### 2. ACTION TO STRENGTHEN THE PROTECTION OF SOCIAL RIGHTS

60. The compatibility study of the domestic legislation at the level of both Serbia and Montenegro with the hard core provisions of the Revised Social Charter was finalised by the two local expert groups; their first reports have been submitted to the Council of Europe at the beginning of November 2004. A second stage of the exercise concerns the compatibility with the non-hard core provisions of the Charter, which should be finalised by January 2005. Council of Europe expert appraisal should follow the compatibility study. The signature and ratification of the Revised Social Charter is to be done within two years following the accession of Serbia and Montenegro to the Council of Europe, i.e. by 3 April 2005.

### 3. MEASURES TO ENSURE AN EFFECTIVE PROTECTION OF NATIONAL MINORITIES

61. Following examination of the Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities and the written comments provided by the authorities, the Council of Europe Committee of Ministers adopted the Resolution ResCMN(2004)12 (see Committee of Ministers Web Site: <https://wcm.coe.int>) on 17 November 2004. The Resolution acknowledges the fact that the Union Charter of Human Rights and Minority Rights and Civil Freedoms as well as the 2002 Federal Law on the Protection of Rights and Freedoms of National Minorities constitute a good basis for the implementation of the Framework Convention for the Protection of National Minorities. However, it also indicates the existence of a number of shortcomings in the legislative field, notably in Montenegro. The Resolution also draws attention to problems of implementation of the relevant norms in practice, which often is a result of the limited co-operation between the authorities of the State Union and the member states and of the lack of clarity as to their respective competences. The Resolution also indicates that the protection of national minorities “should receive greater attention from law-enforcement agencies regarding especially the effective investigation and prevention of violent incidents recently committed against persons belonging to Hungarian and some other national minorities” (see in this connection Part II.4, paras 23-27). The legislative and practical measures needed to improve the implementation of a comprehensive Roma strategy, in particular in health, housing, employment and education and the protection of languages and cultures of national minorities, as



well as to achieve improvements in the representation of the Bosniac and other national minorities in the law-enforcement agencies and within the judiciary are all issues mentioned in the Resolution.

62. At the legislative level, the status of the 2002 Law on the Protection of the Rights and Freedoms of National Minorities, adopted by the then Federal Parliament, still raises a number of issues as to its effective implementation in Serbia. For a general analysis of the situation of minorities in Serbia, see also a report by the Helsinki Committee for Human Rights in Serbia, October 2004. In Montenegro, the draft legislation on national minorities has still not been adopted and is not likely to be adopted before the adoption of a new Constitution. There is still no agreement on the name of the Law and on the definition of minorities. Persistent problems concern the terminology used in the Law, the question of the segregation within a national minority ('ethnic and national minority' or 'ethnic groups'), the question of political representation and the number of seats in the Parliament reserved for representatives of national minorities. The Law would contain special provisions concerning Roma people, while refugees and IDPs coming *inter alia* from Kosovo would not be covered by the Law, because they are not citizens and thus have no status according to the draft Law.
63. In Serbia, 11 National Minorities Councils have been created so far; additionally, a National Council of Minorities was created by the Government of Serbia in October 2004. Bilateral agreements with the neighbouring countries have also been concluded, notably with Hungary, Romania and Croatia. The most recent bilateral agreement was concluded with Croatia on 15 November 2004. Some concerns raised in previous reports with respect to the financing of the National Minorities Councils still remain. The Secretariat delegation was informed that the Councils are allowed to receive funds for specific projects from foreign sources.
64. Concerns have been expressed on the situation of minorities in Sandzak. The political situation is potentially volatile in this cross-border region, notably because of the unsettled relationship between Serbia and Montenegro. Several interlocutors raised concerns about the serious problems of corruption, gender, nationality, poverty and language rights, in addition to the political and intra-minority problems. Further scrutiny should be made of the situation and political and intra-ethnic solutions should be sought in the future.

#### 4. ACTION TO PROTECT FREEDOM OF THE MEDIA

65. In Serbia, the election of members of the Broadcasting Council has been under discussions for the past year. Following the amendment of the Broadcasting Law adopted at the end of August 2004, the procedure of selection and appointment of the members of the Council should be made by 27 November 2004. The absence of an elected Broadcasting Council does not permit to administer normal activities of the regulatory body, such as advertising, regulation of content, the privatisation of state-owned media or the allocation of broadcasting licences. The candidates of the main media organisations withdrew from the procedure of elections on 20 October 2004, allegedly because of irregularities in the application of the Law (see ANEM, 20.10.2004). The Broadcasting Council has to be formed by the legally prescribed date, i.e. 27 November 2004, and its effective functioning ensured, in order to enable the allocation of broadcasting licences. As mentioned in previous reports, the transformation of the State radio and television company (RTS) into a genuine public service broadcaster remains a priority.
66. In Montenegro, the Broadcasting Development Strategy 2004-2007 was adopted by the Broadcasting Agency on 2 July 2004, mostly following the Council of Europe experts' comments. The required bylaws covering the allocation of frequencies have mainly been developed, and the tender competition is expected to take place by 31 December 2004. After negotiations with the OSCE Mission in Podgorica, the Radio and Television Montenegro (RTCG) took the decision to cover the parliamentary debates. However, Montenegrin media experts were disappointed with what they called a political interference with the public broadcaster.

67. In Serbia, a Law on Free Access to Public Information was finally adopted on 2 November 2004 and entered into force on 13 November. According to a joint statement by the Council of Europe, the EC and the OSCE, the Law generally meets internationally accepted standards and principles. However, the Law could still be improved in order to conform to the principles of the CoE Recommendation (2002)2 on Access to official documents, notably with respect to the right to appeal a decision of high-ranking public authorities (see OSCE, Joint Statement, 15.11.2004). Public awareness-raising campaigns as well as training of journalists and general public are needed in order to implement the new Law. According to media NGOs representatives, the implementation of the Law will make journalists' work more difficult from a practical point of view, because the Government has the right to wait for 15 days before giving access to documents of public interest.
68. In Montenegro, the draft Law on Free Access to Information has been revised following Council of Europe expert's recommendations on the list of exemptions. The authorities expect the draft Law to pass governmental procedure by the end of the year 2004 and be adopted by the Parliament during the first quarter of 2005. Efforts should be strengthened towards an effective implementation of the future legislation. Council of Europe expertise was provided on the draft Laws on Media Transparency and on Prevention of Media Concentration earlier this year and, according to information provided by the authorities, their adoption is expected in the first quarter of 2005.
69. Following the murder of the editor-in-chief of the *Dan* newspaper, Mr. Dusko Jovanovic, in late May 2004, a police investigation has permitted to identify one person, who was accused and convicted more than four months after the murder; two other persons interrogated during the days following the murder were released. However, representatives of Montenegrin newspapers stated that they had strong grounds to believe that the investigation was not serious and did not lead to the arrest and conviction of the persons directly responsible.
70. Following the entry into force of the Montenegrin Criminal Code in April 2004, insult and defamation are punished only by financial sanctions. However, in case the individuals cannot pay the fines, they can go to prison, to the extent a day imprisonment is equivalent to a 40 Euros fine. According to media representatives, the large number of libel/defamation cases can be explained by the lack of legislation on free access to information and the lack journalistic deontology. Moreover, in late September, the deputy editor of daily *Dan*, Danilo Vukovic, was fined 14,000 euros for libeling Montenegrin Prime Minister. The court ruled that Vukovic should be fined for the offence because he had assisted *Dan's* late editor-in-chief, Dusko Jovanovic, in damaging Prime Minister Djukanovic's reputation. As concerns the trial of three Montenegrin journalists and a British journalist from the *Sunday Mirror* who had been arrested and kept in custody for 6 days, at the beginning of the year 2004, pending trial for "harming the image of Montenegro", the court proceedings started in the Municipality Court of Podgorica but continued in a higher court (IHF Interventions to the OSCE/HDIM, 4-15.10.2004). In response to the concerns expressed in previous reports, the authorities provided the Secretariat delegation with information concerning the number of proceedings concerning offences of defamation and slander before the 14 Montenegrin Basic Courts during the last two years. Only in the Basic Court of Podgorica, there were 64 proceedings in process, 31 verdicts passed and 40 proceedings initiated against journalists for the offence of defamation and 22 proceedings in process, 4 verdicts passed and 1 proceeding initiated against a journalist for the offence of slander as of 28 October 2004. However, the verdicts were not indicated by the authorities.
71. In Serbia, concerns have been raised on the new draft Criminal Code, now in parliamentary procedure, particularly as concerns libel/defamation and insult provisions. In its current version, the draft Criminal Code abolishes the prison sentences for basic and severe forms of libel, but preserves the prison sentences for the most severe forms of libel, i.e. in case the libel caused serious consequences to the affected party. According to NGOs representatives, entire decriminalisation of the libel and insult should be achieved (see in this connection the Conclusions of the Conference on Libel and Freedom of Expression, 11-12.11.2004, Article 19, 19.11.2004). The recent case of public prosecutor investigation of a Subotica journalist

suspected of libel and of revealing official state secrets is a tangible example of the application of the present Criminal Code.

72. As concerns responsibility of journalists, the creation and enforcement of professional standards and codes of ethics is strongly encouraged. As was illustrated in the case of Vojvodina, training of journalists should represent a priority for the whole country.

#### **5. MEASURES TO ENSURE AN EFFECTIVE PROTECTION OF HUMAN RIGHTS BY THE INSTITUTION OF OMBUDSMAN**

73. As concerns the creation of the *Ombudsman institution* in Serbia, a draft Law on Ombudsman was drafted. A joint expert appraisal between the OSCE, Council Europe and the UN was provided on the draft at the end of November 2004; experts' comments should be properly taken into account. The draft Law should be adopted by the Government by the end of the year 2004, sent to Parliament and the institution of the Ombudsman should be created during the 3 months following the adoption of the Law by the Parliament. In the absence of a constitutional guarantee, and bearing in mind the present balance between the various political forces in the Serbian Parliament, the solution proposed by the authorities in order to ensure the authority of the Ombudsman is to select the candidates with a qualified majority vote within the Parliamentary Sub-Committee responsible for Constitutional Issues and to subsequently appoint the candidate with a simple majority in Parliament. Thus, the adoption of the Law on Ombudsman would not be subordinated to the adoption of the new Constitution, which should enshrine the creation of the institution of Ombudsman of Serbia *inter alia* to be appointed by a qualified majority in Parliament. As concerns the institution of Ombudsman in Vojvodina, the institution started to function effectively in January 2004. Five deputies ensure a multi-ethnic composition. The delegation was informed of the good co-operation with NGOs, as well as the lack of co-operation with local and regional authorities. The first report of the Ombudsman is in preparation and will cover mainly issues related to violation of the right to use languages and implementation of authors' rights regulations.
74. As concerns the Ombudsman institution in Montenegro, NGOs representatives expressed concern on the fact that the Ombudsman has not yet made any public report or statement and that his work was not very visible, although he reportedly sent cases to courts.

#### **6. MEASURES TO PROTECT FREEDOM OF ASSOCIATION AND STATUS OF NGO'S**

75. In Serbia, attacks on NGOs, hate speech and threats seem to have intensified in the past months, (see a recent example HLC, Press Release, 05.11.2004). The legislation on citizens' associations and non-governmental organisations, which, according to the post-accession commitments had to be adopted by April 2004, has not yet been adopted. According to NGOs representatives, the previous draft dating of January 2002 has to be rewritten to *inter alia* include regulation of the financial aspects of NGOs. The Government of Serbia should improve dialogue with NGOs and create conditions for the adoption of the required legislation. In Montenegro, as mentioned in previous reports, even though a Law on NGOs exists, it does not offer a sound legal framework as there is no definition of NGOs, with the result that almost any organisation can be considered as an NGO.

#### **7. MEASURES TO PROTECT FREEDOM OF CONSCIENCE AND RELIGION**

76. The State Union Minister of Human and Minority Rights Rasim Ljajic informed the Secretariat delegation that the controversial Serbian draft Law on Religious Freedoms, Churches, Religious Communities and Associations was in contradiction with a number of basic legal principles and gave rise to a lot of criticism. He had therefore asked that it be withdrawn. Council of Europe expert appraisal should be requested when a new draft is prepared. No information was provided to the Secretariat delegation on the subsequent withdrawal of the draft.

## 8. MEASURES TO PROTECT REFUGEES AND INTERNALLY DISPLACED PERSONS (IDPs)

77. The situation of internally displaced persons from Kosovo remains particularly worrying. According to the data provided by the Serbian Commissioner for Refugees, there are around 207,000 IDPs from Kosovo, the main groups being Serbs (2/3) and Roma people, mainly concentrated in Southern Serbia. The Serbian Commissioner for Refugees informed the delegation about an initiative to create a new system of registration of IDPs. This initiative is creating concerns from IDPs associations, which are somewhat afraid of the implications of new registration systems. In this respect, an Agreement with the UNHCR for the registration of refugees and IDPs was concluded by Serbia on 12 November and should be enforced starting with 27 November 2004. A similar agreement was signed by the Ministry of Interior of Montenegro and its application started on 1 June 2004.
78. According to representatives of IDPs, no state financial assistance was provided to IDPs during the last 2 years, unless the persons were previously employed as civil servants. The main negative aspects presented to the Secretariat delegation were the *de facto* discrimination in the field of health care, notably by not keeping children's health records, and the difficulties related to the change of residence, which implies the revocation of the status of IDP, the withdrawal of social security and of government assistance.
79. Acute problems are faced by the persons originating from Kosovo, in particular Roma people, who are forcibly returned to Serbia and Montenegro from third countries. These persons do not have any legal status, as they cannot be registered as IDPs. According to the UNHCR, the absence of IDP status and identification card creates a deprivation of access to basic rights as well as a legal and socio-economic marginalisation (UNHCR, 24.08.2004). International organisations and Serbia and Montenegro should strengthen efforts to solve this problem. The potential of the Council of Europe Development Bank, of which Serbia and Montenegro is a member, should be explored thoroughly to see which contribution the Bank could make to improve socio-economic conditions of refugees and IDPs.
80. Compared to the situation of IDPs, the situation of refugees appears somewhat better. The official statistical data provided by the Serbian Commissioner for Refugees indicates that from the 280,000 refugees from Croatia and Bosnia and Herzegovina, 120,000 of them returned (70,000 in Bosnia and Herzegovina and between 35,000 and 50,000 in Croatia), some of them left to third countries and about 100,000 obtained citizenship. The situation of refugees from Croatia is of concern, notably with respect to tenancy rights and restitution of property. According to governmental authorities and NGOs, the lack of resolution of these problems by the Croatian government has economically impeded the refugees' return through the termination of tenancy rights in a discriminatory manner (see also, in this connection Human Rights Watch, 17.11.2004). However, the European Court of Human Rights concluded in *Blecic v. Croatia* to the non violation of Articles 8 ECHR and of Article 1 Protocol 1 (European Court of Human Rights, HUDOC, 29.07.2004); a request for referral to the Grand Chamber was lodged by the applicant in October 2004. It should be noted that at the moment of the visit of the Secretariat delegation, the Prime Minister of Croatia was also visiting Belgrade, visit which testifies of the new course of relations between the two countries.
81. A positive development was the signature, on 28 September 2004, by Serbia and Montenegro of a Memorandum guaranteeing respect for the private property of returning refugees and expelled persons within the framework of Stability Pact for SEE and UN Habitat.

## 9. OTHER IMPORTANT MEASURES

82. With respect to the measures undertaken to fight against *trafficking in human beings*, a Council for Combating Trafficking in Human Beings was established by the Serbian Government at the end of October 2004; the adoption of an Action Plan in co-operation with Council of Europe is expected. In Montenegro, the National Co-ordinator for Fight against Trafficking in Human

Beings resigned in June 2004; a new Co-ordinator was appointed in mid-November 2004. The Secretariat delegation was informed that a Special Team on Fighting Trafficking in Human Beings was established within the Ministry of Interior and that the drafting of an Implementation Strategy by a governmental working group is ongoing. Efforts to comply with the Council of Europe/OSCE expert recommendations should be pursued, notably through the implementation of the Government Action Plan.

83. Positive developments have been registered so far in the field of *conscientious objection and alternative service* since the adoption of the Decree on Civilian Alternative Service at the level of the State Union. However, in order to comply with its commitments, Serbia and Montenegro should adopt legislation on alternative service within three years of accession. The Deputy Minister of Defence informed the delegation that a draft Law is now in preparation and should be adopted after the putting in place of the National Defence Strategy. The problem lies with the insufficient number of agreements concluded with institutions where conscientious objectors would spend their time of alternative service.
84. *Civilian democratic control of the military* should be achieved, in compliance with the post-accession commitments. The Secretariat delegation was informed by the Deputy Minister of Defence of Serbia and Montenegro that the general army staff is under the subordination of the Minister of Defence who is a civilian. The Security Service and Agency are now part of the Ministry of Defence and the Supreme Defence Counsel is composed of civilians. The adoption of the National Defence Strategy on 18 November 2004 should contribute to strengthen the civilian control of armed forces.
85. In terms of *reconciliation with the past*, which is one of the commitments accepted by Serbia and Montenegro upon accession to the Council of Europe, efforts have been undertaken in both Serbia and Montenegro, but much remains to be done. In this respect, the organisation of a Conference on *Dealing with the Past in ex-Yugoslavia: Post-conflict Strategies for Truth, Justice and Reconciliation* on 1-2 October 2004 by the Humanitarian Law Centre in co-operation with the Council of Europe, was the first major public event of confronting with the recent past. Efforts should be pursued and strengthened by concrete government and civil society action, notably in the field of education (through history teaching and civic education) and in terms of informing the people of the crimes committed during Milosevic's regime. Such action should include the co-operation with the ICTY in arresting and transferring indicted persons to The Hague, reform of the judiciary and prosecution systems, as well as enabling domestic courts to try war crimes. In this respect, the Secretariat delegation was informed by Minister Ljajic of a public awareness-raising and information campaign that the Ministry of Human Rights and Minority Rights is planning to initiate; Council of Europe support to this campaign is thus expected.
86. In this context, it is important that the Commission created by the Law on Responsibility for Human Rights Violations ("Lustration Law") be active. According to NGOs representatives, the opening of military security and police files is also of great importance in the implementation of the Lustration Law and in the overall 'facing the past' activities. A model Law on opening the secret files has been prepared by the NGO "YUCOM", but no governmental initiative can be singled out. The adoption of legislation in this sense appears of tremendous importance, especially taking into account the recent discovery of a massive destruction of around 11,490 documents by the Serbian Security Services between October and December 2000. Similar concerns have been expressed by human rights NGOs' representatives in Montenegro.

## E. EDUCATION

87. In Serbia, high expectations of reform have been expressed by the civil society following the resignation of the former minister and the appointment of a new minister of Education. The Deputy Minister of Education indicated to the Secretariat delegation that legislative measures are to be undertaken in order to remove the amendments introduced to the Law on the Schooling System in June 2004. Courses of foreign languages, mainly of English, which had been stopped

by the former Minister, have been re-introduced by a ministerial Decree providing for the immediate re-employment of language teachers. A similar re-introduction of civic education courses should soon take place. In that respect, the Deputy Minister informed the delegation that children will have the possibility to choose between religion education, civic education or both. According to the Deputy Minister, a draft Law on Textbooks is in preparation and should provide for teaching at the primary, secondary and university levels. Measures to adopt school curriculum for the next school year are also to be taken. Future work in the field of education should focus on history teaching and facing the past activities, teacher training and introduction of alternative textbooks. Co-operation with the Council of Europe which had been stalled by the previous Minister should now be resumed without further delay.

88. As regards higher education, there is ongoing work on drafting a Law on Higher Education to comply with the 1997 European Convention on the Recognition of Qualifications concerning Higher Education in the European Region (Lisbon Convention) and a Law on University. Both drafts should be finalised by the end of the year 2004. Council of Europe expertise should be requested by the authorities in the near future.
89. In both Serbia and Montenegro, there are problems of access to education of Roma people. Several civil society representatives raised concerns to the fact that Roma children are often subject of discrimination and often enrolled into special schools for mentally disabled children.

### **PART III: COUNCIL OF EUROPE CO-OPERATION AND ASSISTANCE**

90. Co-operation activities with Serbia and Montenegro continue on a broad scale. More than 200 activities are scheduled for the year 2004 and more than 150 of these activities have already been completed.
91. Some co-operation elements are of particular importance, given the findings of the Secretariat mission to Serbia and Montenegro 11-15 November 2004:
92. As has been pointed out above in the report (see para 57), no Government Agent Office has been established yet. The Council of Europe is preparing expert comments on a draft Decree which should be available by the end of 2004. However, the Decree can only be finalised when there is full agreement between the State Union member states on the structure of this institution.
93. The compatibility study of domestic law with the requirements of the European Convention on Human Rights is also essential. The study regarding Montenegrin law and practice with regard to the ECHR has recently been completed by Montenegrin experts, in co-operation with Council of Europe experts. It was published and presented to the public at a conference on 29-30 October 2004. This compatibility study, which follows a first study on the compatibility of mainly Serbian law with the ECHR, will now be complemented by an addendum with detailed conclusions and the Council of Europe experts' recommendations. Follow-up to these studies will be essential, closely linked to the establishment of a Government Agent Office.
94. The conclusions of the Secretariat delegation visit to Vojvodina point to the need for increased support to law enforcement and the judiciary. Support to the police is underway. In December, six Serbian police officers that have taken part in a 'Police and Human Rights' train-the-trainers course will go to Estonia on a practitioner exchange. Further practitioner exchanges with Nordic countries are planned for 2005. Furthermore, a police training roundtable which will take place in Belgrade on 6-7 December 2004 could be an excellent opportunity to address the needs in the Vojvodina region.
95. With a view to the situation in Vojvodina, the Council of Europe could also further emphasise support to the functioning and efficiency of the judiciary in Serbia, including the prosecutorial service. The new regional CARDS Justice programme, which the Council of Europe is participating in, could be a vehicle for additional assistance. In addition, the Council of Europe signed a Memorandum of Understanding on justice reform with the Serbian Ministry of Justice in

October 2004. Some other assistance is already in place: a roundtable on the functioning of the judicial bodies, help with the establishment of an efficient mediation system, an expert meeting on the 'training of judges and prosecutors and their appointment' in Serbia (held in Strasbourg in the summer 2004).

96. Training of legal professionals is also an important field of Council of Europe support. Recently, the Council of Europe has offered advice on the development of the curricula for the judicial training institutions. Training on international judicial co-operation is also foreseen to take place before the end of the year.
97. An important part of the Council of Europe support to Serbia and Montenegro is carried out together with other international stakeholders, most notably with the European Commission and its initiative for democracy and human rights (EIDHR). On 14 October 2004 a second Steering Committee meeting was held in Podgorica for the current EC EIDHR-Council of Europe programme. This meeting produced a number of assistance recommendations which are summarised in document DSP(2004)22. This large-scale 2003-2005 programme has provided assistance in four main fields:
- (i) Harmonisation of legislation and practice with the European Convention on Human Rights, European Convention for the Prevention of Torture, European Social Charter and other European standards (including conscientious objection and compatibility of the Serbian Criminal Procedure Code with the ECHR; reports on the compatibility of the law and practice of Serbia and Montenegro with hard core as well as non-hard core provisions of the Revised European Social Charter are in preparation);
  - (ii) Reform of the judicial institutions  
In Serbia, the so-called 'judicial package' has been appraised. The Joint Programme is now providing advice on: the draft Law of the Witness Protection Programme, the Law on Administrative Disputes, the Administrative Procedure Code, the Law on requirement for the expert witness work, Law on Public Notaries, Law on National DNA Register, Law on Enforcement Procedure and the Civil Procedure Code.
  - (iii) European requirements/standards in managing the penitentiary system and in preparing for prisoner re-insertion  
The programme has provided an expert appraisal of the Serbian Law on Juvenile Justice and follow-up in Montenegro to the newly adopted criminal legislation: Criminal Code, Criminal Procedure Code and an amendment to the Law on Enforcement of Criminal Sanctions.
  - (iv) Integration of human rights and civic education into the school curriculum  
The programme has offered extensive teacher training and assistance with the curricula in Serbia and in Montenegro. An additional 30 teacher training seminars are foreseen before the end of the programme in 2005.
98. The regional CARDS Police programme (CARPO), led by the Council of Europe, is active in Serbia and Montenegro since April 2004 and has, for instance, recently offered advice on how to reach a regional approach to witness protection. This programme is also helping to establish regional and national strategies for the fight against economic and organised crime. In October 2004, there were two activities in Serbia and Montenegro to identify gaps and opportunities in legislation regarding economic crime. In co-operation with IOM, there has also been training on how to stop trafficking in human beings, smuggling and illegal migration.
99. Reconciliation and facing the past also remains an issue that the Council of Europe needs to continue to emphasise. In this respect, the planned public information campaign by the Ministry of Human and Minority Rights, which the Secretariat delegation discussed with Minister Ljajic (see para 85), could be one important measure for reconciliation with the past and would need urgent political and financial support.
100. Activities are also planned with the European Agency for Reconstruction (EAR - the specialised assistance agency of the European Union): parliamentary support programme, fight against corruption and organised crime.

## Appendix I

### PROGRAMME OF THE SECRETARIAT'S VISIT TO BELGRADE AND PODGORICA (10-15 NOVEMBER 2004)

#### **Thursday 11 November 2004 (Belgrade)**

##### Meetings with NGOs

08h00-09h00	Alternative Academic Educational Network (Serbia), Ms. Srbijanka Turlajic Reforming Educational Circles, Ms. Tinde Kovac
09h00-10h00	Standing Conference of Towns and Municipalities (Serbia), Ms. Zorica Vukelic Mr. Djordje Stanisic
11h00-12h00	NUNS, Ms. Mirjana Milosevic Belgrade Media Centre, Mr. Vladan Radosavljevic
12h00-13h00	Anti-Corruption Council (Serbia), Ms. Verica Barac
13h00-15h00	Lunch with Representatives of the International Crisis Group
16h20	Arrival of Mr. Jean-Louis Laurens and Ms. Claudia Luciani
17h15-18h00	Meeting with the Minister of Human and Minority Rights of the State Union of Serbia and Montenegro, Mr. Rasim Ljajic
18h15-18h45	Meeting with the Deputy Minister of Education and Sports of Serbia, Mrs Vesna Filla, Mr. Uros Balov
19h00-19h45	Meeting with the Assistant Minister of Culture of Serbia, Mr. Vladimir Tomcic
20h00-	Private Dinner

#### **Friday 12 November 2004**

07h30-08h00	Meeting with the Minister of Human and Minority Rights of Serbia and Montenegro, Mr. Rasim Ljajic (continued)
08h15-09h00	Meeting with Ambassador Mr. Josep M. Lloveras, Head of EC Delegation
09h00-09h45	Meeting with the Minister of Justice of Serbia, Mr. Zoran Stojkovic
10h00-10h45	Meeting with the President of the Republic of Serbia, Mr. Boris Tadic
11h00-11h45	Meeting with the Speaker of the Assembly of the Republic of Serbia, Mr. Predrag Markovic
12h00-12h30	Meeting with the Deputy Minister of Defence, Mr. Vukasin Maras
13h00-13h45	Meeting with the Speaker of State Union Parliament, Mr. Zoran Sami



- 14h00-14h45 Meeting with the Minister of Internal Affairs, Mr. Dragan Jovic  
CANCELLED
- 15h00-15h45 Meeting with the Deputy Minister for Public Administration and Local Self-Government of the Republic of Serbia, Ms. Vesna Ilic Prelic
- 17h00-20h00 Meeting with a delegation of officials of the Republic of Montenegro, headed by the Deputy Minister of Foreign Affairs, Ms. Jadranka Vojvodic
- 20h30- Dinner with Mr David Hudson, First Secretary, EC Delegation to Serbia and Montenegro

**Saturday 13 November 2004 (Vojvodina)**

- 07h00 Departure for Novi Sad
- 09h00-10h15 Meeting with Mr. Dragoslav Petrovic, Member of the Executive Council of the Autonomous Province of Vojvodina and Mr. Predrag Crgic, Member of the Executive Council
- 10h15-11h00 Meeting with Mr. Dragomir Sekulic, Deputy Ombudsman of the Autonomous Province of Vojvodina
- 11h15-12h15 Meeting with Mr. Bojan Kostres, Speaker of the Autonomous Province of Vojvodina and Mr Nenad Canak, Chairman of the Ligue of Vojvodina Hungarians
- 12h15-13h15 Meeting with Mr. Sandor Egeresi, Deputy Speaker of the Autonomous Province of Vojvodina

***Note: Parallel meetings with NGO's in the premises of Center for Regionalism***

- 9h00 – 11h00 Meeting headed by Mr. Aleksandar Popov, Director of the Center for Regionalism,  
Vojvodanka Regional Women Initiative, Ms. Marija Gajicki  
Panonija, Ms. Danica Stefanovic  
Humanitarian Center for Integration and Tolerance, Mr. Ratko Bubalo  
Association of Consumers of Serbia, Ms. Edina Popov
- 14h00 Departure for Subotica
- 16h00-17h00 Meeting with Mr. Geza Kucsera, Mayor of Subotica and the Chairman of the Municipal Assembly
- 17h00-18h00 Meeting with Mr. Balint Pasztor, President and Mr. Laszlo Varga, Secretary National Council of Hungarian Ethnic Minority
- 18h00-19h00 Meeting with Mr. Branko Horovat, Mr. Ladislav Sukovic National Council of Croat Ethnic Minority
- 19h00-20h00 Meeting with Mr. Jozsef Kasza, Alliance of Vojvodina Hungarians
- 20h00-22h00 Dinner hosted by the Mayor of Subotica
- Evening Return by car to Belgrade

**Sunday 14 November 2004 (Belgrade)**

- 10h00-11h00 Meeting with Mr. Dusan Dabetic, Commissioner for Refugees of Serbia
- 11h00-12h00 Visit and interview at B92 TV& Radio
- Meetings with NGOs
- 12h00-13h00 Association of Judges, Mr. Omer Hadziomerovic  
Association of Prosecutors, Mr. Zlato Sulovic
- 13h00-14h00 Helsinki Committee for Human Rights in Serbia, Natasa Novakovic  
Belgrade Centre for Human Rights, Ms. Borko Nikolic  
Humanitarian Law Centre, Mr. Dragan Lalosevic  
Youth Initiative for Human Rights, Mr. Dragan Popovic
- 14h00-15h00 Civic Initiatives, Mr. Miljenko Dereta  
YUCOM, Mr. Dejan Milenkovic  
Nansen Dialogue Centre Serbia, Ms. Jelena Lengold
- 15h00 – 16h00 Association of People from Kosovo and Metohija, Mr. Zlatko Mavric  
Association of Refugees and IDPs Aid – Committee for Croatia, Mr. Petar Prica
- 20h00- Dinner with Mr Folkert Milch, OSCE Mission to Serbia and Montenegro

**Monday 15 November 2004**

- 09h00-10h15 Meeting with Mr Deyan Mihov, Head of Office, and Ms. Alexandra Milenov, ICTY Office to Serbia and Montenegro
- 10h30-11h15 Meeting with the Minister of Foreign Affairs of Serbia and Montenegro, Mr. Vuk Draskovic
- 11h30 Briefing session for the members of the Diplomatic Missions of the Council of Europe Member States in Belgrade (organised by the Polish Embassy on behalf of Council of Europe Chairman-in-office)
- 15h20 Departure for Vienna from Belgrade Airport

## Composition of the Secretariat Delegation:

- Mr. Jean-Louis Laurens, Director of Private Office in charge of the Directorate of Strategic Planning (DSP)
- Ms. Claudia Luciani, Head of Division, Directorate General of Political Counsel and Co-operation, Directorate General of Political Affairs (DGPA)
- Mr. Fredrik Holm, Co-ordination Unit, Directorate of Strategic Planning (DSP)
- Ms. Dana Pescarus, Monitoring Department, Directorate of Strategic Planning (DSP)
- Ms. Nadia Cuk, Acting Director of Council of Europe Office in Belgrade

**VON BETHLENFALVY Daniela**

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**From:** PATER Sonia  
**Sent:** 01 December 2004 11:43  
**To:** VON BETHLENFALVY Daniela  
**Cc:** GONZATO Silvio; KUNZE Stephanie  
**Subject:** Elections in Romania

Good morning,

Mr Nickel would like to know when the second round of elections will take place in Romania. He would appreciate your comments on it (results of first round, etc.).

Thanks beforehand for your help.

Sonia Pater  
Secrétariat Dietmar Nickel  
Directeur général Politiques externes  
Tel. 43848 / 77048