



Information Documents

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Reports from the Council of Europe Field Offices
and Other Outposts*

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* For a more complete list of activities, see Council of Europe activities database (CEAD) – <http://dsp.coe.int/CEAD>

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Baku

1. Political and legislative developments

1. The Council of Europe Parliamentary Assembly (PACE) at its January session adopted a report by Mr David Atkinson on the conflict over the **Nagorno-Karabakh** region. In its resolution the Parliamentary Assembly reiterates that the occupation of foreign territory by a Member State constitutes a grave violation of that state's obligations as a member of the Council of Europe and reaffirms the right of displaced persons from the area of conflict to return to their homes safely and with dignity. The Assembly also expresses support for the OSCE Minsk process for a peaceful resolution of the conflict and calls on Armenia and Azerbaijan to pursue a path of reconciliation.
2. A week-long **OSCE fact-finding mission** to investigate the reported settlement of Armenians into the seven occupied Azerbaijani provinces around Nagorno-Karabakh began at the very end of January. The fact-finding team includes representatives of the co-chairmen of the Minsk Group, i.e. the Russian Federation, the United States of America and France, as well as Germany, Italy, Sweden and Finland. The mission is led by the Director of the OSCE department of the Ministry of Foreign Affairs of Germany.
3. The **Foreign Ministers** of Azerbaijan and Armenia met on 11 January in Prague to discuss the Nagorno-Karabakh conflict. This was the eighth round of such discussions, two previous ones having taken place in December. Precise information about the content of the talks is scarce but according to the press service of the Foreign Ministry, the Azerbaijani Foreign Minister was satisfied with the most recent meeting. The next meeting is expected to take place in Prague on 2 March 2005. It is likely that President Ilham Aliyev will meet Armenian President Robert Kocharian in Warsaw in May 2005 in the context of the Council of Europe summit meeting. The two Presidents already met in Geneva in December 2003, in Warsaw in April 2004 and in Astana in September 2004.
4. The final results of the **municipal elections** of 17 December were made public by the Azerbaijani Central Election Commission (CEC) in mid-January, about one month after the elections were held. The official results show that the ruling Yeni Azerbaijan party won 64.66% of the seats in the municipal councils whereas 31.04% of the seats went to independent candidates. Most opposition parties did not take part. The official voter turnout was 46.34%. Due to various shortcomings the results in 135 municipalities were declared invalid by the CEC. The elections will be repeated in those municipalities at a date to be determined by the CEC. The Congress of Local and Regional Authorities of Council of Europe plans to observe also the repeat elections.
5. On 9 January the **Yeni Musavat** opposition newspaper resumed publishing after an interruption which started 31 December, due to lack of financing. The newspaper has been under financial pressure since it was fined a total of 160,000 USD in various libel suits. However, so far only a tiny fraction of the fine has been paid, suggesting that the financial difficulties may also be caused by other factors. This was the second time in less than two months for printing to stop and then restart. This time it restarted under

the leadership of a new acting editor-in-chief, Mr Azer Aykhan, who is the brother of Editor-in-chief Rauf Arifoglu, one of the political opposition leaders imprisoned and sentenced in connection with the post-election events in October 2003

6. Ten more people were sentenced, by the first instance court for serious crime, for their role in the **post-elections events of October 2003**. Two of the defendants were sentenced to three years of prison and the remaining eight to conditional sentences of the same length. The majority of the defendants are from the Nardaran district.

2. Council of Europe action

7. Staff members of the Council of Europe Directorate General of Legal Affairs and experts visited Baku from 11 to 15 January, for a number of activities. The first activity was a seminar on **mediation and other alternative means of dispute resolution**, held in co-operation with the Azerbaijani ombudsman's office. The second was the third working group meeting on the **independence, selection, appointment and evaluation of judges**. The third activity was a meeting of the curricula commission, which is in charge of planning initial and continuous **training for judges**. Other meetings were held with various interlocutors on topical legal issues.

Sarajevo

1. Political and legislative developments

8. RS President **Dragan Cavic** on 8 January named **Pero Bukejlovic**, from SDS party, as prime minister designate and asked him to form a new RS government. Bukejlovic previously held the post of industry and technology minister in the former RS government. He has 40 days to form a government and obtain approval from RS Parliament.
9. On 15 January **ICTY indictee** for war crimes, **Savo Todovic** voluntarily surrendered to the RS Interior Ministry. **Todovic** has been charged with breach violations of the Geneva Convention, violations of laws and customs of war and crimes against humanity committed at the Correction Centre in Foca, where he was Deputy Chief during the war.
10. On 31 January High Representative **Paddy Ashdown** recommended to the Police Restructuring Commission Chair, **Wilfried Martens**, the **territorial organisation of BiH police** on the basis of nine areas and the special area of Sarajevo. The centres of future regions would be in Sarajevo, Bihac, Banja Luka, Doboje, Tuzla, Foca, Mostar, Livno, Travnik and Zenica. The Sarajevo region would include municipalities of the Sarajevo canton and East Sarajevo, while other regions would also cover both entities.
11. Implementation of two **laws regarding the tax on turnover of goods and services and the excise tax** came into force on 1 January. All revenue collected will be directed to the single bank account of BIH Indirect Taxation Administration. The laws are expected to simplify the transportation of goods between the entities and prevent tax evasions.

2. Council of Europe action

General

12. On 13 January, the SRSG, together with senior policy makers and academics, spoke at a roundtable in Sarajevo on **constitutional reform** organised by the NGO Foundation for Local and Regional Democracy. This was the first in a series of events to promote debate among the public on constitutional issues.
13. On 31 January, the SRSG met with newly elected **Mayor of Mostar**, Mr Beslic, for an exchange of views and in the press conference afterwards restated the CoE's commitment to supporting Mostar's reunification process and to bringing real local democracy to the citizens of the city.

Education

14. On 10 January, the SRSG and CoE Education team met with the new **Rector of Sarajevo University**, Professor Muratovic, to exchange views on how the CoE can further assist higher education reform.

15. All representatives of the International Community involved in education met in Sarajevo on 13 January. The CoE representative gave an update of the newly-created **Conference of Education Ministers** (which the Education Directorate helped to establish) as well as all activities which will be carried out by the CoE in BiH in education.
16. On 22-23 January, at the request of the Ministries of Education, the CoE Education team and Civitas launched the process to develop a tool for the **accreditation of teachers of Human Rights and Democracy** (CEAD 9109).
17. A meeting was held with the RS Minister in Banja Luka on 25 January, to ensure his support for CoE work in **history, languages** and the **establishment of a Rectors' Conference**. He was positive about CoE activities. Other meetings took place with the Rectors of Banja Luka University, West Mostar and Tuzla to finalise the agreement on the establishment of a state-level BiH Rectors' Conference.
18. On 28 January, a meeting was held in Sarajevo with Minister Halilovic and Heads of Agencies (CoE, OSCE, OHR and World Bank) on the **Higher Education Law** to discuss the law the International Community sent to the Ministry and the reactions from the Ministry. The conclusion was that the Ministry of Civil Affairs prefers one, state-level higher education law. The Ministry will redraft the law with all competencies at state-level in the coming weeks and the Minister specifically asked for CoE support, both technical and political.

Rule of Law and Prison reform

19. The CoE expert began providing advice on management requirements and training for the State level **pre-trial detention facility** staff (CEAD 5699). The Office provided logistical support, space and advice for two weeks of training conducted in January. The facility, which is specifically to meet the needs of the war crimes chamber of the State Court, should open at the end of February.
20. An assessment by a human resources expert was begun into **staffing policies in prisons** (recruitment, training, remuneration, career etc.) with a view to making concrete recommendations that fit into the overall Action Plan for prison reform in BiH (CEAD 5692).
21. From 27 to 28 January, the CoE office, in cooperation with the Judicial and Prosecutorial Training Centres (JPTCs) in BiH, organised a follow-up training in Sarajevo on formulating and **writing judicial decisions** (CEAD 8323).

3. Other action

22. The SRSG met with Ambassador Hays, Principal Deputy HR, and senior representatives from the OSCE, European Commission and US Embassy on several occasions to discuss how to unblock **local government reform** in the Federation.
23. The SRSG held a series of meetings with the three Federation Ombudsmen, President of BiH Helsinki Committee, Head of the Office of the High Commissioner for Human Rights, OSCE and UNHCR to discuss **legislation on the Ombudsman and**

conscientious objection, the lack of knowledge of the ECHR within the State Court by international judges and prosecutors and social and economic issues, including ratification of the European Social Charter.

24. On 24 January, the SRSB gave a talk in Sarajevo on the status of **prison reform** in BiH to the Rule of Law Task Force which brings together all the main international agencies and domestic institutions working on legal reform and training projects.

Chisinau

1. Political and legislative developments

Parliamentary Elections and electoral campaign

25. The **Central Electoral Commission (CEC)** registered 7 parties, 2 electoral blocs and 4 independent candidates for the 6 March 2005 elections: Communist Party (PCRM); Christian Democratic People's Party (PPCD); Bloc "Moldova Democrata" (BMD); Social Democratic Party (SDPRM); Bloc "Patria-Rodina"; Social-political movement "Ravnopravie"; Centrist Union of RM; the "Labour Union 'Patria-Rodina'" and the "Christian Democratic Peasants' Party".
26. **Mr A. Ivantoc**, Tiraspol political prisoner, submitted an application to the CEC, expressing his intention to participate as an independent candidate.
27. On 10 January President Voronin sent letters to the CoE, OSCE and Head of the EU Commission, inviting them to send **observers** for the Parliamentary poll.
28. On 28 January the CEC accepted **exit-polls** to be conducted on 6 March. The Institute for Public Policies with some NGOs (ADEPT, IMAS, CIVIS) will hold exit-polls at 200 polling stations.
29. On 12 January the validity of Soviet-style **passports** was prolonged until 1 July 2005.
30. On 6 January the CEC approved the **Concept for media coverage of elections**, which stipulates limits and procedures for free/paid TV and radio antenna time offered to electoral competitors.
31. The Coordinating Council of Audiovisual (**CCA**) **will submit weekly reports to the CEC** on TV/radio pre-electoral coverage. The week before elections, the CCA will submit daily reports to the CEC. On the same day, "1 Channel in Moldova" and "Pro TV Chisinau" declared their decision to refrain from political/electoral advertising.

Other

32. On 5 January, Parliament amended the Penal Code on **criminal liability for torture** (art. 309), providing for 3-5 years imprisonment and a 5-year ban on occupying public positions.
33. The **President of Romania**, T. Basescu, visited Chisinau on 21 January, holding meetings with President Voronin, the Chairperson of Parliament and opposition leaders. The two Presidents signed a joint Declaration on bilateral cooperation priorities. Earlier, at a meeting with diplomats accredited in Bucharest, Basescu underlined the continuous Romanian support to Moldova on its way to European integration, as well as to social and economic stability.
34. On 23 January, President **Voronin attended the inauguration of the President of Ukraine** V. Yushchenko. The two leaders agreed to meet soon to discuss the

Transnistrian issue and set “a new era of bilateral cooperation between the two states on their way to European integration”.

Transnistria

35. Several NGOs from Moldova, Ukraine, Russia and Belarus called on President Voronin to stop Tiraspol authorities' actions against deputies A. Radcenko and N. Buceatskiy. Leaders of the Helsinki Committees in the afore-mentioned countries signed a declaration expressing deep concern in connection with the persecution campaign developed by the Tiraspol administration: posters with the tricolour and Radcenko's picture were set on fire; another group splashed indelible paint over Buceatskiy's face. Yet, a second attempt to withdraw Radcenko's deputy mandate failed on 9 January. Only 13.1% of voters participated in a referendum on this issue, while a minimum of 25% was needed.
36. On 6 January, the Moldovan Ministry of Foreign Affairs obliged diplomatic mission staff to obtain **written permission for travelling to Transnistria**. On 20 January, Ambassadors of Russia and Ukraine, travelling to Transnistria with no permit, were stopped at the checkpoint by Moldovan authorities. Both the Russian and Ukrainian Ministries of Foreign Affairs expressed dissatisfaction with these permit procedures, requesting their cancellation.
37. On 25-26 January, **a meeting of mediators** to the Transnistrian settlement took place in Odessa. The participants addressed issues such as Moldovan schools using the Latin script, free movement of people and goods within the security zone, and mutual recognition of certain internal documents. Mr I. Smirnov did not attend the joint meeting, being in Moscow at that time.

2. Council of Europe action

38. **Secretary General Terry Davis visited Moldova** from 15 to 17 January. He held meetings with top State Authorities, parliamentary faction leaders, NGOs, CEC and CoE ambassadors accredited to Moldova. The Secretary General participated in a special TV talk-show with journalists, focused on elections, and gave a concluding press conference.
39. The Congress of Local and Regional Authorities of the Council of Europe visited Moldova in the scope of the IV Monitoring report for **local democracy**. Meetings were held with Parliamentary leaders, local public functionaries, judicial and prosecution authorities and Government officials. A press conference concluded the visit.
40. On 20 January, the SRSG met the Prosecutor General on the issue of the **immunity of candidates** in the electoral campaign. Mr Balaban assured the SRSG that no case against any candidate will be opened during the electoral campaign.
41. The SRSG met the Director of “Pro TV Chisinau” to talk about the reflection of the electoral campaign in the private media.

42. The SRSG attended meetings of the **Central Electoral Commission** on 21, 25 and 29 January.
43. Preliminary reports of the CoE High Level Expert Group were discussed at a joint meeting of the Government Commission on **population census results** on 26 January.
44. On 25 January, the SRSG met Transnistrian deputies A. Radcenko and N. Buceatskiy, who are exposed to continuous physical and psychological pressure by the Tiraspol authorities. Earlier the CoE Committee of Ministers had requested the Transnistrian authorities to stop persecuting dissenters and agreed to further include the “Human Rights situation in Transnistria” in its agenda for 2005.
45. On 24 January, the SRSG met a representative of the US Embassy in Moldova, to discuss cooperation in the framework of the **Fighting Corruption** Project.
46. On 27-28 January, the SRSG took part in a hearing organised in Brussels by the **European Parliament** Committee on Foreign Affairs on “Human Rights in the European Neighbourhood Policy”.

Belgrade

1. Political and legislative developments

47. Two major political issues remain without a solution in Serbia and Montenegro: **cooperation with the Hague Tribunal** and **elections for the Federal parliament**, which were supposed to be held in February this year. US sanctions on aid and, even more, the sudden cancellation of the visit of EU High Representative Solana to Belgrade, fuelled political debate on these matters. Some partners of the ruling coalition accused the leading Democratic Party of Serbia and Prime Minister Kostunica, who advocates the voluntary surrender of ICTY indictees as the only possible solution to this problem, as the prime responsible for this “standstill” situation. Serbia’s President, Tadic, also blamed the government’s failure to cooperate with ICTY, which is considered to be a major obstacle for getting from the European Commission a positive Feasibility Study on the Accession and Stabilization Agreement. A few days before the end of the month, one of the four indicted Serbian Generals, General Lazarevic, decided to surrender to the ICTY, after meeting with the Prime Minister. Two other generals could possibly soon follow Lazarevic’s example.
48. Serbia’s President presented an alternative draft text of the **Constitution of Serbia**, prepared by a group of experts set up by him. The draft of a new constitution has been a longstanding issue since the fall of the Milosevic regime and no real progress has been achieved so far. The present Serbian government has failed to honour its firm pledge for a new constitution. The Speaker of the Parliament announced that the Parliamentary commission in charge of drafting the constitution will complete its work in a month’s time.
49. At a recent meeting between Albanian leaders from **South Serbia** and the Coordination Centre for Kosovo and Metohia no agreement was reached on the participation of the Albanian leaders in the Coordination Centre and National Council. Albanian representatives demand as a pre-condition for their participation the withdrawal of state union army troops and more border crossings with Kosovo and “the former Yugoslav Republic of Macedonia”.
50. A delegation of the European Parliament visited **Vojvodina** to investigate reports of inter-ethnic incidents in this region. The delegation met governmental officials at republic, province and local level, minority groups, NGOs and citizens. Earlier this month, the Alliance of Hungarians of Voivodina hosted in Subotica a meeting of Hungarian associations and parties from other countries, in order to discuss the implications of a recent referendum on citizenship in Hungary and possibility for establishing minority’s autonomy in their respective countries.

2. Council of Europe action

51. The newly appointed SRSG, Mr Stefano Valenti, had introductory meetings with representatives of the **EC, EAR, UNHCR, UNHCHR and OSCE**, to discuss the further strengthening of co-operation in areas of common interest.
52. A project on **law-making techniques** was presented at a meeting with the Secretariat for Legislation of the Republic of Serbia on 12 January 2005. The first phase of this

project will focus on initial analysis of the situation in Serbia regarding law-making procedures, based on inputs made by the local authorities.

53. **Draft laws on Police and External oversight** were the subject of a meeting held with the OSCE Law Enforcement Department on 12 January. It was agreed to organise a joint round table on 18 February and that all comments should be forwarded to participants ahead of the round table with the aim of ensuring in-depth, focused discussion.
54. The General Inspector of the **Ministry of Internal Affairs** visited the CoE Belgrade office on 25 January to introduce himself, as well as the activities of his Office. He stressed that internal control needs to be regulated by law and not by decree, as it is at the moment, and pledged closer co-operation with and support from the CoE.
55. Within the **PACO Impact Project**, the Draft National Anti-Corruption Strategy was presented during a round table on 31 January. There was an open, lively debate aimed at improving the draft and adapting it to the Serbian reality, while respecting EU and CoE standards in the area of anti-corruption. It remains to be seen whether and when concrete steps for such a National Anti-Corruption plan will be adopted by the Government and voted by Parliament.

3. Other action

56. The CoE participated in a Donors' coordination meeting organised by the Ministry of Human and Minority Rights, on 18 January in Belgrade, dedicated to the presentation of the Action plan of the **Roma National Strategy**.
57. A round table on **election assistance** and possible early parliamentary elections was organised by Freedom House, NDI and IRI on 20 January to present the political context of the next elections and aspects of election assistance.
58. The Office participated in a round table on **Criminal Provisions on Insult and Libel**, organised by the OSCE Mission in Serbia and Montenegro on 24 January, to discuss improvements to the new draft Criminal Code related to this issue.
59. On 25 January, the Office took part in a round table in Belgrade on the **strategy for the reform of the judiciary** organised by the Association of Judges of Serbia. The Association presented their proposals on the principles of impartiality and independence of the judiciary, judge's responsibility, court system and competences, internal organisation of courts and adequate human resources.

Podgorica

1. Political and legislative developments

60. An initiative addressed to the EU by the Government of Serbia for **postponement of elections** for the State Union Parliament for one year **and Referendum** on independence of Montenegro for two years was rejected by Montenegrin Officials.
61. The Democratic Party of Socialists and Social Democratic Party expect the Draft **Declaration for integration into the European Union** to be supported by the opposition parties and adopted during the March Parliamentary Session.
62. The President of the Parliament accepted a **request from the opposition parties for an extraordinary parliamentary session** to discuss the new Draft Law on direct election for the State Union Parliament, the Law on Police and the Law on National Security Agency, as well as possible establishment of an Ad-hoc Parliamentary Board about the investigation procedure into the murder of Mr Dusko Jovanovich, Editor in chief of the daily "DAN", and scheduled it for 8 February.
63. Pre-Congress atmosphere related to the election of the President of the Socialist People's Party on 6 February, was accompanied by **division and controversial debates** about the engagements of its Vice-President, Mr Zoran Zizic, in the Movement for European State Union of Serbia and Montenegro.
64. **The Foundation Assembly of the Movement for European State Union** of Serbia and Montenegro was held on 27 January. Mr Cedomir Vukmanovic was elected Leader and Mr Zoran Zizic was appointed President of the Steering Committee of the movement. The latter's position of Vice-President of the Socialist People's Party was revoked.
65. The Council of the Movement for Independent Montenegro was established on 28 January, Mr Branko Lukovac, hitherto Ambassador of Serbia and Montenegro in the Republic of Italy, being elected Coordinator. The new **Law on Referendum**, which would repeal the census for turnout concerning the validity of referendum results, would be one of the first initiatives of the Movement.
66. The disputable Article 15 of the **Law on the Conflict of Interest** enabling the public officials to be members of Steering Committees of the state-owned enterprises was proclaimed as **unconstitutional** by the Constitutional Court on 26 January.
67. The Leader of the Democratic Alliance of Albanians, Mr Mehmed Bardhi, stated that the independence of Kosovo should be followed by the **status of autonomy** for Albanians in Montenegro. The concept of political autonomy was not supported by the Democratic Union of Albanians - ruling coalition party.
68. The Union of Independent Lawyers requested the Parliament to **relieve the President of the Supreme Court** of his post due to fulfilment of conditions for retirement.

2. Council of Europe action

69. The second part of the Compatibility study of Montenegrin legislation and practice with the **Revised European Social Charter** related to its non hard-core provisions was submitted to the Council of Europe for experts' comments on 20 January.
70. Distribution of the **Compatibility study** of Montenegrin legislation and practice with the **ECHR** continued throughout January.

Pristina

1. Political and legislative developments

71. The **Head of the United Nations Mission in Kosovo (SRSG, UNMIK)**, Mr Søren Jessen-Petersen, **visited Belgrade** on 17 January and met Serbian President Boris Tadic and Prime Minister Vojislav Kostunica whom he briefed on the progress being made on the decentralisation issue and reiterated the call for a resumption of direct dialogue on missing persons. The President and PM focused almost entirely on the issue of electricity supply to Kosovo Serb areas which have been without electricity. This did not allow the SRSG to address the other equally important issues he had come prepared to discuss.
72. According to an UNMIK Press Release UNMIK and the PISG began the drafting of a report under the **Framework Convention for the Protection of National Minorities**. This follows from the Technical Agreement signed last summer between the SRSG and the Secretary-General of the Council of Europe. The Convention is directly applicable in Kosovo under Kosovo's Constitutional Framework. The preparation of the report will be coordinated by the OSCE Mission in Kosovo, from UNMIK's side, and by the Advisory Office on Communities within the Office of the Prime Minister of Kosovo.
73. While the Serbian elected deputies continued to boycott the Kosovo Assembly, Mr Slavisa Petkovic, who headed the Serbian Civic Initiative ticket in the recent election, was appointed **Minister for Returns and Communities**. Commenting on Petkovic's nomination, the head of the Kosovo Coordination Centre (CCK) Nebojsa Covic stated that "the appointment as Minister for Returns of a man who has the support of 0.35% of the Serb national community clearly shows what kind of returns they want."
74. Joachim Ruecker, a German national, was appointed the new head of **Pillar IV** (EU, economic reconstruction). Mr Ruecker has a financial and diplomatic background.
75. A majority of citizens of Serbia and Montenegro believe that **dividing Kosovo between ethnic groups and communities** is the best solution for the region, according to an opinion poll conducted by the Centre of the Institute of Social Science. 57% of respondents in Serbia and 39% of those in Montenegro would like to see Kosovo divided into Serbian and Albanian parts. In Serbia, 48% of the population believes that Kosovo is a lost cause (meaning that Kosovo would never be part of Serbia and Serbia and Montenegro again), while 34% in Montenegro are of the same opinion.
76. "Time is running out in Kosovo" states a report by the **International Crisis Group**. The evaluation of the ICG is that frustrations of Kosovo Albanians over their unresolved status may lead to unilateral actions unless the international community meets their aspirations for independence. Furthermore the ICG considers that in such circumstances Kosovo's Serbs may call upon Serbia's armed forces to protect them. The ICG forecast for the year 2005 is either major progress on a future status solution that consolidates peace and development, or the danger that Kosovo will return to conflict and generate regional instability.

2. Council of Europe action

77. At its winter session **PACE** adopted Resolution 1417 (2005) and Recommendation 1691 (2005) on the **Protection of human rights in Kosovo** and called on UNMIK and KFOR/NATO to commence work, in co-operation with the Council of Europe, towards establishing a Human Rights Court for Kosovo, as part of a series of essential reforms to the human rights protection system. According to the parliamentarians, Kosovo is part of Europe, and the fact that it is currently under interim administration should not deprive its inhabitants from the effective protection of European human rights standards.
78. Following two successful sessions held in 2004 in Kosovo and Strasbourg, the CoE is continuing a programme aimed at training local judges and prosecutors to become professional trainers on human rights. This "**training of trainers**" programme will be composed of two training sessions per month and will run from January to September 2005.
79. Further to the Council of Europe's written expertise on the **draft law on the Kosovo Judicial Institute**, the Pristina office actively participated as a member in meetings of the Working Group in charge of preparing the definitive version of the draft.

3. Other action

80. The OSCE-led Assembly Support Initiative (ASI) organized a training session on 12 January on the **interaction between governments at the local and central levels**. Mr Lutfi Haziri, the Minister of Local Governance, took part as did representatives of the Kosovo Association of Municipalities and various Assembly members. The Deputy Head of Office took part in the panel discussions on behalf of the CoE office.

4. General Security Situation

81. An **UNMIK Police Officer** was killed on 13 January in a bomb explosion when driving to work in Prizren in an UNMIK Police car. The SRSG strongly condemned the killing of the Nigerian officer and a special investigative team was established immediately.

Tbilisi

1. Political and legislative developments

82. On 6 January Representatives of 16 NGOs sent an open letter to Georgian President Mikheil Saakashvili outlining what they see as necessary preconditions for launching “**constructive talks**” with the Abkhaz side. The open letter lists four principles which should be recognised by the Georgian government as cornerstones for Tbilisi’s Abkhazian policy:
1. Recognition of peaceful means of conflict settlement as the only way to solve the problem and full rejection of military rhetoric.
 2. The Georgian side should assess the Georgian-Abkhaz conflict - its start, development and aftermath.
 3. The Georgian side should offer the Abkhaz side talks on a parity basis.
 4. The Georgian side should lift economic sanctions against Abkhazia and begin restoration of the railway link, and invest in the region's economy and infrastructure.
83. On 26 January **President Mikheil Saakashvili** addressed the Parliamentary Assembly of the Council of Europe and spoke about resolution of the South Ossetian and Abkhazian conflicts. Mr Saakashvili focused mainly on details of Tbilisi’s proposal over the status South Ossetia.
84. On 27 January, the **Russian Ministry of Foreign Affairs** said that the settlement proposals voiced by President Saakashvili should have been first discussed with "interested sides within the existing mechanisms of settlement" - a reference to the Joint Control Commission, which includes Russia, North Ossetia (Russian Federation), South Ossetia and Georgia.
85. On 29 January President-elect of breakaway Abkhazia Sergey Bagapsh said that, starting in spring, the de facto authorities would begin **granting Abkhazian passports** to the population living in the unrecognised republic. Currently most of the Abkhazian population carry both Soviet-era and Russian passports.
86. On 7 January Georgian President Mikheil Saakashvili signed a decree on an **anti-trafficking action plan for 2005-2006**. The decree envisages setting up an anti-trafficking interim commission, which will be chaired by the Secretary of the National Security Council, Gela Bezhuashvili. The OSCE mission to Georgia helped the government to develop the plan. Civil society representatives also participated in the elaboration process.
87. On 25 January a **Law on tax and financial amnesty entered into force**. The law, which was approved by the Georgian Parliament on 24 December 2004, envisages amnesty for those persons who evaded paying taxes before 1 January 2004, as well as legalisation of undeclared property and finances.
88. On 28 January the Government decided to reconsider its controversial initial plan regarding the **reformation of the Constitutional Court**. In December 2004, President Saakashvili proposed a number of constitutional amendments for

consideration, including a proposal to change the rule over construction of the nine-member Constitutional Court. The proposed rule would give the President the right to nominate all nine members of the Constitutional Court for approval by the Parliament. This initiative sparked fears among opposition parties that the Constitutional Court would fall under the President's control. The Venice Commission also expressed concern regarding the planned constitutional amendments.

2. Council of Europe action

89. **Newly appointed SRSG**, Mr Igor Gaon, arrived in Georgia on 17 January. In his first week the SRSG had meetings with the authorities, and in particular with Ms Salome Zourabishvili, Minister of Foreign Affairs; Mr Kakha Sikharulidze, Deputy Minister of Foreign Affairs; Mr Giorgi Bokeria, Head of the Parliamentary Delegation to PACE. He further met the Heads of the OSCE mission and the EC delegation, as well as diplomatic representatives.
90. On 26-27 January a group of experts from the **Venice Commission** visited Georgia to help the authorities develop a legal document on the **status of breakaway South Ossetia**. During their visit, the experts met Georgian officials, experts and representatives of the non-governmental organisations involved in defining the status of South Ossetia. After talks with the delegation, Foreign Minister Salome Zourabichvili said that the Georgian authorities have started formalising the proposals for a South Ossetian peace plan (as unveiled by President Saakashvili at the session of the Parliamentary Assembly of Council of Europe). The Secretary of the Venice Commission confirmed at a news conference that the special commission would work over the document in close cooperation with the Venice Commission to make the ideas proposed by President Saakashvili "more detailed and more concrete."

3. Other action

91. On 21 January, in his latest report, **UN Secretary General** Kofi Annan noted that with dialogue in the Georgian-Abkhaz conflict frozen for much of last year, the UN Observer Mission in Georgia (UNOMIG) remains vital in preventing a flare-up of the hostilities in the breakaway region and recommended the UN Security Council to prolong the UNOMIG mandate for a further six months.
92. On 29 January, the **Security Council** extended UNOMIG's mandate until 31 July 2005 and also called for a settlement of the Abkhaz conflict respecting Georgia's territorial integrity. The Council stressed the need to define the status of Abkhazia within the state of Georgia; it deeply regretted the refusal of the Abkhaz side to discuss the distribution of "competences" between Tbilisi and Sokhumi on grounds of its 1999 unilateral "declaration of independence."

Tirana

1. Political and legislative developments

93. Debates on the **electoral reform** in Albania continued in January 2005. After a “last minute” agreement (Protocol) between the two main political parties on 30 December, an Expert Group was set up under OSCE Chairmanship and with Council of Europe participation to deal with the redrawing of Electoral Zone Boundaries with a view to reach “equal voting power” on the Albanian territory according to Venice Commission principles. (See also below under “CoE action”.)
94. On 10 January, the Albanian Parliament adopted by a vote of the Socialist Party and the Democratic Party **changes to the Electoral Code** resulting from the work of the Technical Expert Group, under OSCE auspices, over the second half of 2004. Smaller parties could not move their amendments.
95. The Chairman of the Central Election Commission (CEC) declared on 11 January that the thus amended **Electoral Code** was inapplicable in practice. When challenged to resign by a member of the Democratic Party, Mr Celibashi stated that he would indeed “implement the law, but not take over the responsibilities that might derive from that package”. Mr Celibashi pointed to additional costs incurred by the new regulations.
96. Seven **parliamentary groups** are expected to be created, further to the new regulations in the People’s Assembly. A number of small groups will have to “borrow” MPs from major groups to reach the needed number of seven members to form a group.
97. Prime Minister Fatos Nano, in the **2004 stock-taking** exercise held on 24 January on Government action, was very critical of the results obtained by Ministers of Education and of Labour and Social Affairs.
98. When inaugurating the new premises of the **Prosecutor’s Office** on 31 January, President Moisiu appealed to the prosecutors to act more aggressively against crime and corruption.
99. Heavy **snowfalls** started on 24 January in the mountainous parts of Albania and have blocked the main axes and isolated whole areas in the North-East, triggering violent attacks from opposition parties in Parliament on the inefficiency of the Government and public services. At the end of the month, more snowfalls and low temperatures had accounted for the first official victims.
100. By the end of January, a three-week **transport strike** was still paralysing travel in the south of the country.
101. According to a poll conducted by the Citizens’ Advocacy Office (an NGO), 60% of Albanians affirm to give **bribes** to solve their problems in the State administration offices.

102. An arsenal of 16 tons of **deadly chemical agents** was discovered, dating back to the dictatorship and including yperite and arsenic-based substances. American authorities have promised to help with the elimination of the stock.
103. According to the latest FAO report, Albania has the lowest **nutrition level** in Europe.
104. On 18 January, Minister of Justice Fatmir Xhafaj announced the future establishment of a **Juvenile Court**.
105. The Ministry of Territorial Planning and Tourism launched on 7 January the **legalisation process of illegal buildings**, due to finish by 24 March 2005. This process takes place further to the adoption of the law on the legalisation of informal areas (see Reports of September and October 2004). Later in the month, reports revealed unwillingness from the owners to enter the process.
106. The Minister of Defence abrogated an administrative decision granting **veteran status to former dictator Enver Hoxha**. The Minister's decision, it was said, was made because of non-respect of procedures.
107. A **Catholic University for Medicine** was opened on 21 January in the presence of the President and of the Prime Minister.

2. Council of Europe action

108. The Special Adviser took part in the Expert Working Group on the redrawing of **Electoral Zone Boundaries** (see above). Two demographic experts from the CoE DG III contributed to this Working Group at its initial stage to determine the population and voters' figures serving as a basis for the redrawing of zones (constituencies). The Venice Commission's Code of Good Practice was a basic reference for the work of the experts.
109. Working sessions to finalise the improved version of the Action Plan for the **fight against Corruption** 2005-2006 continued throughout January. This exercise took place before submission for approval by the Council of Ministers with the assistance of the Anti-Corruption Unit and the PACO Impact. An Inventory of Achievements with respect to Anti-corruption efforts/measures for 2003-2004 has already been finalised and will be part of the document constituting the Albanian Anti-corruption Strategy and Action Plan for 2005-2006.
110. Within the framework of the PACO Impact/Pilot Project Activity for Albania and based on a Prosecutor's General Order on the "Establishment of the Working Group for the **Case Management System**" the said Working Group held its preliminary meetings where action plan and preparatory phases were introduced.
111. Two study visits in the framework of the Project "Enhancing use of **Special Investigative Means** and Intelligence in accordance with human rights and standards" were organised abroad for Albanian participants: a study visit for two prosecutors and a police official to Madrid, with the aim of exposing them to the good practices of Spanish National Police in setting up a criminal intelligence model; and a study visit and regional workshop in Ljubljana, Slovenia, to discuss the implementation of

national strategies for three officials from the Ministry of Justice, the General Prosecutor's Office and the Ministry of Public Order.

112. From 24 to 26 January, a study session for 25 Albanian lawyers on the **ECHR** and Court jurisprudence took place. The training was jointly conducted by previously trained Albanian trainers and CoE experts, and covered different articles of the ECHR and their application in domestic legislation.
113. The new Council of Europe resident expert to the **Albanian School of Magistrates**, Mr Luca Perilli, had several introductory meetings with the relevant authorities and other partners with whom he will work.
114. From 19 to 21 January, DGIV undertook an exploratory mission with a view to assisting the Albanian **higher education** community with its participation in the Bologna Process and its implementation.

3. Other action

115. The Albanian Helsinki Committee (AHC) has warned about the dire situation in **Albanian prisons**. **Minors** in particular are said to be exposed to detention with adult prisoners, with cases of abuse. A group of experts from the Ombudsman's Office visited detainees on hunger strike in the North of Albania where miserable hygienic conditions were reported by media in overcrowded cells.