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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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Yerevan

1. Political and legislative developments

1. The **State budget** was adopted on 24 December at an extraordinary session of the Parliament. MPs from the opposition party “National Unity” voted against, and MPs from the opposition “Justice” bloc boycotted the vote.
2. On 24 December the President of Armenia signed a decree appointing Armen Bayburdyan as Deputy Foreign Minister of Armenia.
3. On the same day the Armenian parliament voted by 91 to 23, with one abstention, to permit the President to send a small **military contingent to Iraq**, despite apparent popular opposition to the move. Only two parliamentary factions, representing the governing Armenian Revolutionary Federation (Dashnaktsutyun) and the opposition Justice bloc, voted against it, Radio Liberty reported.
4. On 8 December the Parliament adopted in 2nd and 3rd final reading the **draft Law On Political Parties** (cf. November Report). In addition to the amendments mentioned in the previous report, the law envisages transfer of the property of a liquidated political party to an NGO mentioned by the party.
5. On 24 December, the Parliament adopted in 2nd reading the draft law amending the **Law of Administrative Violations** and the **Criminal Code**. According to the amendments to the Criminal Code, the organisation of unsanctioned public events and public calls to participation therein will be subject to stricter punishment.
6. On 8 December the Parliament adopted in 2nd reading the **draft Law On Advocates** (cf. October 2004 report). According to press reports, the Collegium of the International Bar Union sent an open letter to the State President, claiming that the draft law in the Parliament differs from the one which on which IBU and the Ministry of Justice had agreed and which was due to be presented.
7. The Radio Liberty carried reports that Mesrop Movsesian of the “A1+” TV channel announced he had set up a new company that would participate in a tender for two FM **radio frequencies** set for 28 December.
8. Freedom House gave Armenia 5 points for the freedom of political rights and 4 points for civil liberties under its 7-point rating in 2004.

2. Council of Europe action

9. The Venice Commission submitted expert opinions on the three sets of **drafts amending the Constitution**. The analyses were highly appreciated by the Parliament, NGOs and international organisations. In this regard, Tigran Torossyan, deputy speaker of the Armenian Parliament, announced that the Commission on European Integration headed by him, would start work on draft amendments based on the three existing sets of drafts and taking into account the opinions of the Venice Commission.

Baku

1. Political and legislative developments

10. **Municipal elections** were held on 17 December. A total of about 38,000 candidates competed for 21,647 seats in 2,735 municipalities. Of the main opposition parties only the Azerbaijan National Independence Party (ANIP), took part. Their leaders cited a lack of preconditions for free and fair elections as the reason for their non-participation. The results of the elections were made public by the Central Election Commission (CEC) in mid-January. The ruling party, Yeni Azerbaijan, got about 64% of the vote and formally independent candidates won about 31% of the seats. The remaining seats were shared by a large number of smaller parties. The CEC cancelled the results in 135 municipalities due to various shortcomings in the electoral procedures. Repeat elections will be held in those locations at a date to be decided by the CEC.
11. A delegation of the **Congress of Local and Regional Authorities of the Council of Europe** observed the municipal elections. On polling day the Congress teams visited around 80 polling stations. The delegation established that though the general climate was calm and open, a number of serious irregularities occurred, the nature of which could prejudice the electoral process. Moreover, in the view of the delegation, the conditions of the pre-election period, such as the degree of equality of access to the media and level of campaigning, failed to ensure the environment essential for fully democratic elections.
12. The **PACE Monitoring Committee rapporteurs** on Azerbaijan, Mr Andreas Gross (Switzerland) and Mr Andres Herkel (Estonia) visited Azerbaijan from 15 to 19 December. The rapporteurs held meetings with authorities at the highest level, including the President of the Republic, as well as with representatives of the international community, political parties and NGOs. Although they did not formally come to observe the municipal elections, the timing of the visit allowed an assessment of the circumstances in which the elections were held. In a press statement they expressed concern about apathy among voters and many systematic attempts of manipulation and fraud in the municipal elections.
13. President Ilham Aliyev signed a pardon decree 29 December for the **release of 54 prisoners**. One of the released prisoners was from the "PACE 88-list" of alleged political prisoners.
14. Foreign Minister Elmar Mamedyarov met his Armenian counterpart Vartan Oskanyan twice in December and discussed the **Nagorno-Karabakh** conflict in the sidelines of multilateral meetings.
15. The leader of the **ANIP opposition party**, Mr Etibar Mamedov, resigned from his post as party chairman on 26 December. In a statement he referred to lack of political freedom and a worrying socio-economic situation in Azerbaijan. Mr Mamedov hoped that his decision to step down would revitalise the activity of his party and bring about new political initiatives.
16. The **Yeni Musavat** opposition newspaper stopped publishing on 31 December due to financial difficulties. The newspaper, which has been under financial pressure since it was

fined a total of 160,000 USD in various libel suits, already interrupted its publishing earlier, on 16 November, but resumed again on 22 November. However, so far only a tiny fraction of the fine has been paid.

17. The Council of Europe's **Committee for the Prevention of Torture (CPT)** published its first report on Azerbaijan on 7 December, together with the Azerbaijani Government's response. The report concerns the CPT's periodic visit to Azerbaijan in November/December 2002.

2. Council of Europe action

18. The SRSG carried out a study visit from 9 to 10 December to the regions of **Lenkaran and Astara in southern Azerbaijan**. The purpose of the visit was to get an understanding of the political and socio-economical situation in these regions as well as of any other matters related to Council of Europe values and activities. The SRSG met the regional executive authorities, governing and opposition parties and representatives of civil society. Further study visits to other parts of Azerbaijan are foreseen.

3. Other action

19. The SRSG acted as spokesperson for the **International Legal Reform Group (ILRF)** when it met the deputy Minister of Justice, Mr Togrul Musayev, on 13 December. The ILRF consists of international organisations and other actors involved in legal reform work in Azerbaijan. Among its members are the Council of Europe, the OSCE, the US embassy, USAID, the American Bar Association, GTZ and UNHCR. The purpose of the meeting was to identify contact persons among the Azerbaijani authorities for each particular area of legal reform and to, at the same time, establish what international actors are involved in which legal reform sector. The purpose of the meeting was achieved and the participants agreed to meet again in approximately three months' time.

Sarajevo

1. Political and legislative developments

20. On 2 December, the **European Union formally took over peacekeeping duties from NATO in BiH**, marking the start of the EU's biggest joint military operation to date. The ceremonial transfer of power from the North Atlantic Treaty Organization to the 7,000-strong EU mission was attended by EU foreign policy chief **Javier Solana** and NATO head **Jaap de Hoop Scheffer** at Camp Butmir in Sarajevo.
21. On 5 December, **Christian Schwarz-Schilling** submitted the final report to the BiH Government, and in that way officially completed his ten-year mission of **the international mediator in BiH**. In this way this job has been transferred to domestic authority institutions but also to BiH citizens, although the International Community will continue to be present in this process but as support only.
22. From 6-8 December, Boris Tadic, **President of Serbia** met State and entities' officials in Sarajevo, Mostar and Banja Luka during an official visit to Bosnia and Herzegovina. He personally apologised "for those who committed crimes in the name of the Serb people".
23. On 14 December, **Ljubo Beslic**, a member of the HDZ BiH, was elected as **Mostar Mayor**. The former Deputy Mayor won 21 councillors' votes of 35 members of the Mostar City Council, including seven votes from SDA.
24. On 15 December, **VAT rate of 17 percent was adopted**. The draft law envisages a single value added tax rate of 17% and a zero rate for exports. The value added tax will become effective on 1 July next year and sets the threshold for the registration of companies and firms at KM 50,000.
25. On 16 December, The Chair of the **Police Reform Commission, Wilfred Martens**, stated that the Commission's four-day session resulted with an agreement on single police at the level of BiH and its division in the regions, but that they have not agreed on number of regions. Martens added that three proposals are to be sent to OHR.
26. On 21 December the first **war crimes trial** before the BiH Court began. The defendant, Abdulahim Maktouf, is accused of committing war crimes against civilians in the area of Travnik in 1993.

2. Council of Europe action

27. From 16 to 18 December **PACE Monitoring mission** visited Sarajevo and met with senior parliamentarians and officials from BiH as well as representatives from the international community, notably the High Representative and the Head of OSCE Mission as well as a number of Ambassadors from Council of Europe member States.
28. From 13 to 18 December, the European Committee for the Prevention of Torture (**CPT**) undertook an ad hoc visit to Bosnia and Herzegovina, focusing on issues of mental health. On 21 December the CPT first periodic report, emanating from the visit in May 2003, and the response by Bosnia and Herzegovina, were published.

29. On 3 December, the CoE Office organised a second meeting to develop a Prototype Statute for BiH Universities (CEAD 7769) and on 6 December a meeting of the **Higher Education Working Group**. The joint National Report to Bologna Committee was discussed (CEAD 7958). On 17 December the newly established Co-ordination of the Ministers of Education in BiH held its first meeting in Sarajevo.
30. From 10 to 12 December the Office organised a **Law Faculty Review workshop** (CEAD 10252), during which CoE experts evaluated the progress in implementing the recommendations agreed upon by the Law Faculties in mid-2004. A work programme for the period January to September 2005 was adopted.
31. Two training workshops on the **ECHR** were organised for **public defendants** in December (8-10 December on Bjelasnica, and 14-16 December in Jajce). The workshops provided an opportunity for the public defendants to compare approaches and to pose questions on the applicability of the ECHR (CEAD 5513 and 5514).
32. On 6 December in Sarajevo the Office organised a **meeting with prison directors and Assistant ministers of justice** to inform them about the latest developments concerning the State pre-trial war crimes detention unit, as well as to seek directors' support for the training strategy of prison staff, both in this pre-trial unit as well as within the prison system as a whole (CEAD 5690).
33. From 8-9 December the CoE prison expert held a **two day working meeting with the prison staff** training team, designing training for the staff of the pre-trial unit (CEAD 5690).
34. From 15 to 16 December in Banja Luka, in cooperation with Judicial and Prosecutorial Training Centers (JPTCs) in BiH, the CoE Office organised a **seminar on mediation** (CEAD 10163). The course is aimed at providing general awareness on mediation for the judges and also help them to recognise which cases they deal with can be resolved through mediation not by the court.

3. Other action

35. On 10 December, the SRSG opened the Regional Conference "The Press, Ethics and Self-Regulation", organised in Sarajevo by the Press Council.
36. On 20 December, a meeting was held between Heads of Agencies (World Bank, OSCE, OHR, CoE) to review and coordinate approaches towards **higher education reform**.

Chisinau

1. Political and legislative developments

37. On 9 December the European Commission approved an Action Plan for the Republic of Moldova – EU in Brussels, stipulating the strategic tasks for **Moldova - EU cooperation** for the next three years. An important role is attributed to the opening of a Delegation of the EC in Chisinau in 2005.
38. The **5th Congress of the Communist Party (CPRM)** took place on 11 December. President Voronin was re-elected as Chairman of the CPRM. All the key party leaders retained their posts.
39. Protesting journalists from **TeleRadio-Moldova** announced their decision to cease Sunday protest meetings at the Central Park. However, former hunger-strikers are determined to continue picketing the Parliament daily from 10.00 to 12.00, until a sensible result is achieved.
40. The **Chisinau Municipal Council (CMC)** resumed its sessions on 14 December, after a 5-months break. At its session on 21 December a decision was adopted to re-appoint same Vice-mayors and praetors that have been suspended from their positions through a Court decision.
41. The **Mayor of Chisinau** was summoned to the Centre for Combating Corruption and Economic Crimes (CCECC) on 3 December. During his interrogation hundreds of people blocked the traffic on the main street. The Mayor was released but was ordered not to leave Moldova.
42. On 16 December Parliament approved the National Strategy for Preventing and **Combating Corruption** and the Action Plan for its fulfilment in 2005. It was underlined that the Strategy had undergone the CoE expertise.
43. The same day, the **Special Investigation Commission (SIC)** reported in Parliament that the CDDP leader Rosca had violated the Constitution by carrying out business activity /receiving rent for real estate during his mandate as deputy. Rosca called these hearings in Parliament “farce and games”.
44. On 24 December Parliament unanimously agreed that the next **parliamentary elections** will take place on 6 March 2005. The President, the cabinet and the majority came up with a joint decision to abstain from **media appearance** during the campaign. On 28 December, the decision was voiced by the President in an address to the Board of Observers of TeleRadio Moldova. TRM was asked to limit the time of governmental issues to one minute during one newscast and ten minutes per week. President Voronin also advised the TRM Leadership to follow the recommendations, made by OSCE Media Representative Haraszti, co-signed by the SRSG.
45. On 27 December, the ruling Communist Party was the first to submit its list of candidates to the Central Electoral Commission (CEC), with President Voronin candidate number one.

46. Blocs “Moldova Democrata” and “Patria-Rodina” followed the CPRM, submitting their package of documents to the CEC on 28 December. The CDPP submitted documents on 30 December.
47. Parents, teachers and students of **Transnistrian Moldovan schools**, supported by NGOs, picketed the Russian Embassy on 15 December, against the violation of children rights in Transnistria.
48. Spontaneous political funerals of A. Radcenko, deputy in the **Supreme Soviet**, took place on 18 December **in Tiraspol**, while a procedure to recall Radcenko’s parliamentary mandate was initiated and voted on 19 December. Due to the reduced number of voters present at the polls, the procedure failed and was postponed to 9 January. Radcenko and his adepts are accused of terrorism and collaboration with Moldovan special services under the auspices of some of the President’s advisers.
49. On 19 December an attempt was made to set on fire the **Police Commissariat in Bender**. Firemen discovered containers with gas mixture, cartridges and petrol, spilled out on the roof. The Ministry of Interior qualified the case as “a new planned action of separatist leaders to illegally remove the Moldovan police from Bender”.

2. Council of Europe action

50. On 3 December the SRSG met I. Telescu, President of **TeleRadio-Moldova (TRM)**, to discuss the latest monitoring reports on TRM activity and possible trainings and seminars for TRM employees. The SRSG participated in a meeting at OSCE Headquarters in Chisinau on 9 December, focusing on media issues.
51. On the issue of granting **broadcasting licence** to Radio Antena C and Voce Basarabei on 20 December the SRSG met with I. Mihailo, Head of the Coordinating Council of Audiovisual.
52. On 17 December the SRSG met M. Tkaciuk, the President’s adviser for Internal Affairs, to discuss the forthcoming **elections and the situation in the media**.
53. On 3 December the SRSG met the Mayor of Chisinau and leaders of “Moldova Democrata” Bloc to discuss the most recent developments concerning **City Hall**.
54. An international conference “The First Ten Years of **Gagauzian Autonomy**” took place in Komrat on 17-18 December, with the CoE sponsorship and with the participation of the SRSG. On 22 December, the SRSG delivered an address from the Secretary General to the International Conference “10 years of the Autonomous Territorial entity Gagauz Eri and Unity of Moldovan people”, organised by the Parliament at the initiative of President Voronin.
55. On 10 December, the SRSG attended a Conference on the “**National Action Plan in the Field of Human Rights**”, organised by the Parliament and UNDP.
56. The Venice Commission organised a seminar in Chisinau on 10 December, focused on **electoral principles and procedures of the Central Electoral Commission**.

57. On 16-17 December, the SRSG attended and spoke at the International Conference “**Multicultural Education** as Diversity and Integration Tool into the Poly-ethnic Society”, organised by the Ministry of Education, Centre for Minorities Problems and the CoE (DGII).
58. On 21 December the SRSG attended the National Conference “Learning and Living Democracy”, organised by the CoE Information Office, Ministry of Education and Embassy of France.

Belgrade

1. Political and legislative developments

59. At an extraordinary meeting of the Serbian government state officials condemned the **appointment of Ramush Haradinaj as the new Prime Minister of Kosovo**, given that he is under investigation by ICTY for alleged war crimes. The Serbian Prime Minister stated that further discussion of Kosovo's final status is called into question. The Serbian President called the election unacceptable but criticised the stance of Kosovo Serb officials to discontinue cooperation with the provisional institutions of Kosovo, considering that such a decision will endanger the interest of the Serbian community in Kosovo. Debate over cooperation with the newly elected Prime Minister of Kosovo reached the Serbian Parliament as well.
60. After a meeting of the **National Council for European Integration**, President of Serbia and Montenegro Svetozar Marovic said that the state will fulfil all of its international obligations, including cooperation with the ICTY. He stated that early spring 2005 is the deadline for positive marks from the EU feasibility study. According to him, representatives of both republics are ready to do everything possible to meet their obligations before then. A few days later, commenting on the obligation of **holding elections for the state union Parliament**, the President said that he expects the functioning of state institution to be resolved by January, indicating that one proposal was to amend the constitutional framework.
61. With less than a year since Serbia's parliament was elected, the Democratic Party has begun a campaign for **new parliamentary elections in Serbia**. Party leader Boris Tadic gathered 650 members, of whom 250 will be selected as candidates. During the party meeting, Mr Tadic stated that the Serbian government is not able to resolve a single difficult problem and is not brave enough to conduct needed reforms. Responding to Tadic's call for elections, the speaker of the Serbian Parliament said that the constitution is the government's priority, indicating that the next parliamentary election could be called in a year.
62. During December sessions, the **Serbian Parliament adopted or amended a number of laws**, starting with a new Law on citizenship which will foster and make easier the process of gaining the Serbian citizenship. Deputies voted also for amendments to the Law on local self-government in order to adjust it to new fiscal regulations. At the final session, the Parliament adopted a Law on the election of deputies to the Parliament of the State Union, referring to article 9 of the Constitutional Charter. Finally, the expected Law on the transfer of competences of military courts, military prosecutor's offices and military public defence attorneys' offices has been adopted, according to which from 1 January military courts will no longer exist, and their cases will be transferred to the civil judicial system.

2. Council of Europe action

63. An **evaluation of the Human Rights Training Programme for the Judiciary in Serbia** was made at a meeting on 2 December. An assessment of previous activities was followed by a discussion on future joint activities. Participants were CoE trained judges,

representatives of the JTCs from Serbia and Montenegro, Belgrade Centre for Human Rights, Cedem, AIRE Centre and CoE staff members.

64. In cooperation with the Belgrade Centre for Human Rights and AIRE Centre, the CoE organised a **Seminar on ECHR and Family Law**, on 2-4 December in Belgrade. The 35 participants were judges, lawyers and officers from relevant ministries and other state institutions.
65. A Conference on “**Freedom of thought, conscience and religion and freedom of assembly and association - ECHR standards and domestic legislation and practice**” was organised on 8-10 December in Herceg Novi, Montenegro for judges, prosecutors, lawyers and NGO representatives by Cedem, AIRE Centre and the CoE.
66. The CoE organised a joint seminar with UNHCR on "**Roma IDPs, Refugees, and Returnees: Current policies, Practices and Plans for addressing their Needs**" in Belgrade, from 13 to 14 December, gathering relevant Serbian authorities, Roma associations, NGOs and international organisations.
67. Together with the Ministry of Justice, on 21-22 December the CoE organised a **Round Table to review the Draft Criminal Code**. A number of issues from the general and special parts of the code were raised and participants (judges, prosecutors, police, NGOs) stressed the main shortcomings of the draft. The main problem remains that the draft was sent to Parliament before discussion, so there are two options – to withdraw the Draft from the Parliamentary procedure in order to incorporate all suggested improvements or to make some minor changes in the form of amendments to the Draft. The CoE expressed its willingness to continue support in this area.
68. On 6 December, the CoE Office organised a **Round Table on the juvenile justice draft law**. CoE experts presented their comments and a lively discussion with members of the working group clarified many disputed issues. It is expected that comments will be incorporated in the draft text.
69. Within the PACO Project, a workshop dealing with the review of the initial draft **National Strategy on the fight against corruption** was held in Palic, 12-15 December. Together with the CoE expert the working group went through all the papers submitted in order to make comprehensive, applicable National strategy in compliance with EU and CoE standards in the area of anti-corruption.

3. Other action

70. The CoE Office attended a **co-ordination meeting on Legal and Judicial Reform**, organised by the OSCE on 13 December. International organisations involved in the reforms exchanged experience on implemented activities and plans for next year, mainly in the field of legislative reform and education of the judiciary. Participants concluded that cooperation with the Serbian government suffers from a lack of coordination within the government and inter-ministerial cooperation.
71. The CoE supported the organisation of a **National conference on ethical standards for local government representatives in Serbia**, held in Belgrade, 14-15 December. Organised within the General Assembly of the standing conference of towns and

municipalities, the conference gathered mayors from all over Serbia and representatives of international organisations, national NGOs and professional associations active in this domain. The conference was closed with the official adoption of a Code of conduct for local government officials in Serbia.

72. The Judges Association of Serbia, together with the German IRZ foundation, held a **Seminar on the ECHR** in Budva, 9-11 December, for judges from both Serbia and Montenegro. Having in mind CoE activities in the area of criminal law, in particular regarding organised crime, the CoE Office was invited to present issues on Article 8 from the angle of special investigative measures.

Podgorica

1. Political and legislative developments

73. **The different political interests** about the model and date of organising the election for State Union Parliament were not reconciled during the session of the Council for European Integration held on 23 December. The talks about the **elections for State Union Parliament, possible changing of the Constitutional Charter and organisation of a Referendum on independence** will continue in the second half of January 2005.
74. The People's Party adopted a decision to return **back to Parliamentary work**.
75. According to the last public opinion survey of the Center for Democracy and Human Rights, **41.5% of examinees would vote for independence** and 35.2% against. In terms of national origin, 91.8% of Albanians, 69.6% of Bosniaks and 64.7% of Moslems would vote for independence as well. With regard to the initiative for re-thinking of the State Union of Serbia and Montenegro and establishment of a **Union of Independent States** as a possible option for future status, 42.4% of those polled were against, 29.2% in favour and 28% gave no opinion.
76. Ms Marija CATOVIC, candidate of the coalition Democratic Party of Socialists -Social Democratic Party, was elected **Mayor of the Municipality of Kotor** gaining 52.13% of votes in the early local elections held on 26 December. Mr Branko IVANOVIC, candidate of the Socialist Peoples Party, gained 47.87% . The turn out was 59.3%.
77. **Early local elections** in the municipality of Niksic will be held on 12 March, while in the municipality of Bar the Social Democratic Party terminated the coalition with the Democratic Party of Socialists and submitted an initiative for **ending the mandates** of the members of the municipal assembly. It could also bring about early local elections in this municipality next spring.
78. The President and three judges of **the new Administrative Court, the Presidents of the Basic Courts** of Podgorica, Kotor and Danilovgrad, as well as other judges were appointed at the session of Parliament held on 14 December. The same session also appointed **the Deputy Ombudsman**.
79. The Government adopted **the Draft Law on Asylum, the Draft Law on Citizenship and the Draft Law on Identity Cards** at its session of 23 December
80. A Commission for identification of **conflict of interest** was established on 21 December.
81. According to the Ministry of Foreign Affairs, the Public Prosecution Office initiated indictments on **trafficking in human beings**.

2. Council of Europe action

82. A consolidated Expert appraisal on the second Draft **Programme for Fight Against Corruption and Organised Crime** was handed over to the Ministry of Interior. This aims to improve the content of the narrative part of the Draft and facilitate adoption of a

sustainable policy document for successfully confronting the above-mentioned occurrences (CEAD 9362-PACO Impact Project).

83. The drafting of the **Action Plan** for implementation of the part of the above-mentioned Programme related to **combating corruption** will be enhanced by Expert opinions on the methods of measuring progress, which was also submitted to the Ministry of Interior (PACO Impact Project).
84. Final experts' comments and recommendations on the Draft Law on **Territorial Organisation** were provided to the Ministry of Justice in support of the process of further building up the system of local self-government (CEAD 10139).
85. Experts' Comments on the **Draft Law on Foreigners** were submitted to the Ministry of Interior. These should assist in consolidation of the draft text in compliance with international standards and accelerate the process of its adoption (CEAD 9682).
86. A Seminar on the **European Code of Police Ethics**, presenting international experiences, was organised on 1 December. Its aim was to enable the Draft Code of Police Ethics to come closer to European standards. The Draft text will become subject of the Council of Europe expertise in the beginning of 2005 (CEAD 10190).
87. A two day meeting of the experts' groups of the member states in charge of drafting the **Compatibility Study** of the respective legislation and practice with the **Revised European Social Charter** took place on 24-25 December in order to complete the second draft of the report which refers to the soft provisions of this multilateral agreement. It will be sent for expert comment to the Council of Europe in January 2005 (CEAD 5771).
88. A Seminar dedicated to **Articles 9 and 11 of the ECHR** was carried out in cooperation with the Centre for Democracy and Human Rights, the AIRE Centre and Judicial Training Centre on 9-10 December.

Pristina

1. Political and legislative developments

89. The **Head of the United Nations Mission in Kosovo (UNMIK)**, Mr Soren Jessen-Petersen, said in a closing speech of 2004, that Kosovo faced good prospects in 2005. He said: “2004 was marked by riots in March which was a tragic low point for Kosovo, but this crisis has been turned into a new opportunity to find the determination to move forward”. Mr Jessen-Petersen stated that in the coming year two important priorities for Kosovo will be the fulfilment of Standards laid down by the International Community and economic development, which is now a competency transferred to the Provisional Institutions of Self Government (PISG) of Kosovo.
90. Following the election held on 23 October, the first session of the **newly elected Kosovo Assembly** was held on the 3 December. One of the first acts of the Assembly was to re-elect President Ibrahim Rugova to serve a second term as President of Kosovo. This was followed by the election of Mr Ramush Haradinaj as Prime Minister, who has since presented and had approved his list of Government Ministers. The appointment of Mr Haradinaj, a former Kosovo Liberation Army (KLA) commander, has been controversial because of possible indictment by the ICTY War Crimes Tribunal in The Hague. The new Prime Minister has made it clear that he would meet all obligations towards international justice. The main opposition group will be led by Mr Hashim Thaci, also a former KLA commander.
91. A second meeting of the **Working Group on Decentralisation** since the October election took place on 13 December, where a working paper presented by the Council of Europe was discussed. It was unfortunate that there was no participation by representatives from the Serbian Community. Some proposals in the working paper were criticised by some elements of the Kosovo press as Pro-Serb and supporting the aims of Belgrade. However, the new Prime Minister disassociated himself from some of the comments made in the press. The new Minister of Local Self-Government, Lufti Haziri, said: “While there were some differences of opinion they were not deep differences, and through discussions they will be resolved”.
92. Research conducted by the International Organisation for Migration (IOM) has revealed that 50% of **trafficked women** in Kosovo are from Moldova, 22% from Romania, 13% from Ukraine. There are also women from Bulgaria, Russia, Serbia and Albania, but less than 5% are from Kosovo.

2. Council of Europe action

93. Prior to completing his mission in Kosovo, the CoE Head of Office held a constructive meeting with the new Prime Minister of Kosovo. During the meeting, which was also attended by the new Deputy Head of the CoE Office in Pristina, the Prime Minister said he was determined to press ahead with the **process of Local Government Reform**, and appreciated the contribution given by the Council of Europe. In addition he requested that the CoE continue to be engaged, and provide support to the decentralisation process.

94. UNMIK's first official report on the application of the **Framework Convention for the Protection of National Minorities** (FCNM) should be submitted in February. Early in December a conference was organised by the CoE, in cooperation with UNMIK's Office for Returns and Communities, and the OSCE. The aim of the conference was on content, monitoring mechanism, and reporting under the FCNM. Representatives of UNMIK, PISG and civil society attended. The following week an information session supported by the CoE was organised by the OSCE, on the preparation of the shadow report by members of civil society. Representatives from Serbian, Bosniac, Gorani and Roma communities attended.
95. A seminar for 50 **history teachers** took place in Pristina on 11 and 12 December. The purpose of the seminar was to provide information on new methods of teaching history, and how to teach sensitive history subjects in post conflict countries. The lecturers came from Bosnia and Herzegovina, Romania, Portugal and UK (Scotland).
96. The sixth training workshop of the year on the Provisional Criminal Code - **Detention on Remand**, was held in Pristina from 13 to 14 December. As with previous workshops this was organised jointly with the Kosovo Judicial Institute. Participants were from the Association of Judges, Prosecutors and Lawyers.

3. Other action

97. The Head of Office, together with the new Deputy Head of Office, were invited to attend a farewell reception on 13 December for the former President of the Association of Kosovo Municipalities Mr Lufti Haziri, following his appointment as Minister of Local Government.
98. On 14 December the Council of Europe was represented by the **Human Rights Training Programme** Coordinator at the Steering Committee meeting of the Finnish Human Rights Support Programme for Kosovo, where a Budget and Work Plan for 2005 was approved.

Tirana

1. Political and legislative developments

99. The month of December was marked by more debates on the **electoral reform** in Albania. After the Central Election Commission (CEC) approved on 1 December the report on electoral zones division presented by the Commission of Electoral Zones Bounding (CEZB), with the opposing vote of the CEC Chairman, negotiations between the two main political parties on approval of changes came to a deadlock on 24 December.
100. Negotiations continued under the auspices of OSCE Presence in Albania and a **Protocol** was finally signed on 30 December, whereby an Expert Working Group will prepare a **draft law on new zone boundaries**. The Council of Europe has been invited to contribute an expert to this Working Group which will prepare its proposals in accordance with the Venice Commission's Code of Good Practices.
101. The work of the Technical Expert Group (TEG) set up in early summer 2004 to help with the electoral reform concluded on 21 December. During its 75 meetings, it had dealt with **amendments to the existing electoral law** on the CEC and its subordinate bodies, the voters' lists and their revision, complaints and appeals, and electoral campaign financing. The Council of Europe had contributed an expert on the latter subject. The draft law amending the electoral code will be presented in Parliament in January 2005.
102. A four-week **strike by University professors** was ended after an agreement was reached with the Ministry of Education. The movement was almost immediately taken over by strikes of secondary school teachers and hospital doctors. Agreements were also reached in this latter case.
103. The **2005 budget** of Albania was adopted by Parliament on 21 December by 74 votes in favour, 51 against and 8 abstentions. Planned deficit is about 20% of the budget.
104. On 16 December, the Albanian Parliament adopted by 75 votes to 12 a **new regulation** providing for less permanent committees and an increase from 5 to 7 of the number of Members necessary to compose a Parliamentary Group. Smaller parties protested against this change.
105. The High State Audit found **violations of spending** regulations by state institutions for a total damage of about 29 million euros - 7 million euros more than in 2003.
106. The Government approved and forwarded to Parliament a draft law on the organisation of the "State information Service" (**Secret Service**).
107. Minister of Public Order Igli Toska proposed the creation of a **Trade union in the Police**.
108. Minister of Education Luan Memushi ordered the **closing of 12 Islamic educational institutions** found to operate illegally.

2. Council of Europe action

109. From 8 to 14 December, a mission on the **Project on Law Faculties** in Albania allowed for discussions on the implementation of concrete activities as proposed in the Action Plan on Albanian Law Faculties. Albanian interlocutors included the Deputy Minister of Education and Science, the Deputy Rectors of Tirana and Shkodra Universities, the Director of codification department in the Ministry of Justice, Deans of Tirana Law Faculty and Law Department of Vlora University, and teachers from the three law schools.
110. The 4th National Conference of the **Fight against Corruption** took place on 9-10 December in Tirana. The two-day conference was organised by the Anti Corruption Monitoring Group and its Anti-corruption Unit with the technical assistance and financial support of the PACO Impact project. It brought together all responsible institutions and representatives from civil society and independent institutions to review and discuss the progress reached so far in the institutional and operational efforts in the fight against corruption. An inventory of achievements (2003-2004), the measures taken so far, indicators of success /failure were the main issues of discussion. One of the main objectives of the Conference was to review the draft Anti-corruption Action Plan for 2005-2006 and setting up of priorities for the government. By the end of the Conference it was agreed that the current draft needs further improvement and should be consolidated with the assistance of the PACO Impact project during January-February 2005 prior to its submission to the Council of Ministers.
111. On 6-7 December, an in-country workshop on the “Development of Implementation Strategies in View of Creation of Specialised **Witness Protection** Units” took place with 12 Albanian participants. The meeting served as a forum for displaying the Croatian model as one of the best European practices in the field of Establishing Units on Witness Protection, especially for the countries in transitions.
112. On 8 and 14 December, two sessions were held of the Working Group on “Financial Investigations aiming at the **Confiscations of Proceeds of Crime**”. The first session was intended to give final shape to the Group, discussing the needs for its further expansion and also to establish a calendar of its future activities that will be held in the Council of Europe Office of CARPO project. The second was mainly dedicated to discussion of the content of the Implementation Strategy, a version of which Albania should present in a regional seminar to be organised in “the former Yugoslav Republic of Macedonia” in 2005.
113. The Special Adviser took part in a Working Group to draft a law pertaining to **digital broadcasting** in Albania on 10 December presenting, together with OSCE experts, the proposals reached by the Working Group. The draft law should be examined by Parliament in January 2005.

3. Other action

114. An OECD report states that **informal economy** covers nearly 40% of the private sector in Albania, not including criminal activities.

115. The **CARDS 2004 Programme** was signed on 8 December between Minister of Integration Ms Ermelinda Meksi and Ambassador Lutz Salzmann for the European Commission in Albania, whereas the signing of a Free Trade Agreement between Albania and the European Union has been postponed to 2005.

APPENDIX

***Ad hoc* Report: Political crisis in BiH and Republika Srpska?**

Republika Srpska (RS) Prime Minister Dragan Mikerević tendered his government's resignation on 17 December, twenty-four hours after High Representative Paddy Ashdown announced a package of both immediate sanctions and ongoing reforms designed to address the systemic weaknesses in Bosnia and Herzegovina's (BiH) law enforcement and security institutions.

BiH Foreign Minister Mladen Ivanić followed suit the next day, although his resignation was largely an immediate response to the simultaneous ban on travel to the USA, imposed by the United States on the leadership of both the Serb Democratic Party (SDS) and the Party for Democratic Progress (PDP). Mr. Ivanić is the President of the PDP and Mr. Mikerević is the Vice-President.

I. Background

On 16 December 2004, the High Representative Paddy Ashdown and the US government acted in the wake of NATO's second refusal, on 9 December, to admit BiH to the Partnership for Peace (PfP) because of continued non-compliance with ICTY. The announcement also came a day after the completion of the work of the Police Restructuring Commission (PRC)¹. The Serb representatives of the PRC continuously objected to the dissolution of entity institutions and the creation of a single policing structure. The RS leadership had previously warned that the government might resign should the High Representative challenge what they regard as the fundamental prerogatives of the RS.

II. Measures announced by the High Representative and U.S. Ambassador

It is likely that the RS leadership was more affected by the unexpected US travel ban than it was by the long-predicted sanctions imposed by the High Representative. On 16 December, in a joint press conference with Lord Ashdown and EUFOR Commander General David Leakey, US Ambassador Douglas McElhane also announced a freeze on SDS assets in the US and a prohibition on US citizens conducting financial dealings with the party.

The High Representative's package of nine measures sought to exclude from public service individuals known to be involved in supporting Hague fugitives and to create the conditions necessary for BiH to overcome the stumbling block represented by the RS's continuing failure to co-operate adequately with the ICTY. Further, the High Representative:

- removed nine officials (most of them senior police officers in the eastern RS) and blocked the bank accounts of another six (most of whom are Hague indictees);
- instructed Mr. Mikerević to set up a working group to examine, under EUPM supervision, the secret annexes to the Srebrenica Commission report, in order to

¹ The Police Restructuring Commission, set up on 22 July 2004 by Prime Minister Adnan Terzić and the High Representative, was tasked with finding an appropriate solution for a policing structure in BiH.

identify persons potentially liable for prosecution or dismissal from office for their parts in the July 1995 massacres;

- tasked State Defence Minister Nikola Radovanović with investigating and suggesting measures for eliminating the assistance that elements of the RS Army are apparently still offering to indicted war criminals, above all to Ratko Mladić.²

Most of the High Representative's measures were aimed, however, at "the systemic weaknesses of the RS's security institutions" and are scheduled to take effect over the next four months – until NATO ministers meet again to consider BiH's bid to join PfP. In particular, the High Representative:

- demanded an acceleration of defence reform, with the abolition of the entity defence ministries and the transfer of their remaining competencies to the State Ministry of Defence by autumn 2005, rather than 2007;
- urged that the "single system of policing" under overall State control – as recommended by the Police Restructuring Commission and required by the European Commission – should be in place by spring 2005;
- amended the RS Law on Auditing. The amendments strengthen the role of the RS Auditor General in dealing with public companies suspected of both financial crimes and funding war criminals. Amendments to the State and entity criminal procedure codes restrict the number of family members exempted from being interrogated by the police or testifying in court in regard to a relative.

The High Representative warned, moreover, that if the process he was initiating did not produce results, it would certainly "bring consequences – for the institutions and assets of the RS".

III. Republika Srpska

According to the RS Constitution, the RS President is obliged to propose a candidate to construct a new government within ten days of *accepting* the incumbent premier's resignation. The Prime minister designate then has 40 days to assemble his cabinet and win a vote of confidence in the RS National Assembly (RSNA). In the meantime the government "in resignation" remains in office.

RS President and President of the Serb Democratic Party (SDS), Dragan Čavić called several meetings of the Serb parties in the RS. At the 25 December meeting the political parties' leaders they signed an Agreement on Principles of Coordinated Political Activity that states the RS government is committed to cooperate with the Hague Tribunal. However, participants at the meeting also stated that they strongly objected to the abolition of the RS Ministries of Interior and Defence. While President Čavić wanted to establish a government of Serb parties only, the leader of the main opposition Independent Social Democratic Party (SNSD) in the RS, Milorad Dodik, stated that his party would never join a government which included the nationalist parties. On 8 January 2005 President Čavić nominated Pero Bukeljević, former Minister of Economy and member of SDS as Prime Minister designate with the task of forming a government. At the same time

². To that end, General Leakey announced that his forces were occupying and "putting beyond use" the elaborate system of bunkers and tunnels near Han Pijesak where Ratko Mladić reportedly was sheltered during summer 2004.

he ruled out the possibility of a further coalition with the bosniac Party for Democratic Action (SDA). Hence, it will be difficult for the new government to obtain a majority in the RSNA.

IV. State Government

After BiH Foreign Minister Mladen Ivanić (PDP) resigned on 18 December, BiH Minister of Transport and Communications Branko Dokić (PDP) submitted his resignation and, on 29 December, BiH Defence Minister Nikola Radovanović (Independent) announced his resignation.

BiH Justice Minister Slobodan Kovac (Independent) rejected the demand of SDS Main Board to tender his resignation, and said he would only resign if asked to by all Serb parties.

The BiH Parliament (House of Representatives) met, as scheduled, on 22 December and the BiH Council of Ministers met on 29 December and conducted business as usual.

V. Comment

There was initially concern that the resignation of the RS Prime Minister (and hence the whole RS Government) followed by the resignations of State level Serb ministers might result in both a paralysis of government and the necessity for new elections. New elections, even if just in the RS, would have taken several months to organise and cost around 10 million Euros, a delay and cost the country could ill-afford.

The main RS opposition party, SNSD, has been advocating early elections for most of 2004 and made it clear they would refuse to form a coalition with the ruling SDS party as part of an all-Serb party government. However, they also realised that without new elections and a 4 year mandate they would have only 18 months to try and resolve the problems the RS faces, and with a diverse coalition of small parties. Hence they prefer to stay in opposition until new elections are called.

It remains to be seen whether the RS Prime Minister designate will be able to form a viable government and how he will cope with the two major tasks set by the High Representative regarding the abolition of the RS Ministry of Defence and a single policing system under State level control, which his party rejects wholeheartedly. Above all the RS will have to arrest persons indicted by ICTY if it is to avoid further sanctions by the international community.