



Information Documents

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Reports from the Council of Europe Field Offices
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February 2003 in Tirana

SUMMARY

Political overview

- **EU negotiations on the Stabilisation and Association Agreement**
- **Dispute over the appointment of the Head of Customs**

Office activities

- **Judicial and legal reform**
- **Local government**
- **Minorities**
- **Prevention of corruption**
- **Justice**
- **Electoral reform**
- **Prevention of trafficking**

Political overview

EU negotiations on the Stabilisation and Association Agreement

1. The first official round of technical talks of the EU negotiations on the Stabilisation and Association Agreement was held in Tirana on 13 February. The meeting was held to discuss the general principles of the future agreement and the provisions on political and regional co-operation. The Albanian Government was asked to show a real political will to fight corruption and organised crime. The EC opinion on the first round of negotiations was quite positive. The second round of talks was to be held on 25 and 26 March.

Dispute over the appointment of the Head of Customs

2. The appointment of the Head of the Customs General Department was at the centre of disputes during the month. Both the opposition and members of the SP (including Meta) criticised the Prime Minister and the Minister of Finance for choosing a person with a dubious past, thereby, in their opinion, aggravating the climate of tension in the country.

Office activities

Judicial and legal reform

3. The Fifth Conference on Judicial and Legal Reforms in Albania took place in Saranda on 10 and 11 February. The event was organised by the CoE, the EC and the Albanian Ministry of Justice within the framework of the Second Action Plan for the effective functioning of the Albanian judicial system.

Local government

4. Various meetings on the role of regions and local government reform were held from 11 to 14 February to discuss the first draft document on the role of regions in Albania, prepared by the Ministry for Local Government, as well as the administrative reform launched by the Minister for Local Government. Consultations on the reform were

also held between CoE experts and a representative of DG I, members of parliament and international partners.

5. From 25 to 28 February, a representative of DG I visited Tirana to study the developments related to the Best Practice Project and the National Training Strategy for Local Government (NTS). The second meeting of the National Best Practice Committee was held on 26 February. The participants agreed upon the themes of the project (local economic development, environmental protection and waste management and urban planning) and the related awards. They also discussed the action plan for the project.
6. On 27 February, the third meeting of the Working Group for the NTS was held. Two CoE experts presented the draft Training Needs Analysis report which was then discussed with the participants. Proposals on the approach to the NTS and on the National Agency for Local Government Training were also discussed.

Minorities

7. On 13 February, during a meeting with the Head of the Minorities Office at the Ministry of Foreign Affairs, the acting SR was informed that the opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities had been made public by the Albanian Government and translated into the minorities' languages.

Prevention of corruption

8. From 17 to 21 February, a representative of DG I, accompanied by two CoE (PACO) experts visited Albania in the framework of implementation of the national anti-corruption plan (PACO Albania 2).

Justice

9. The acting SR met with two Crime and Justice Team Project Officers from the Police Assistance Mission of the European Community to Albania (PAMECA) to discuss possible co-operation between the CoE and PAMECA, especially in the field of justice and corruption prevention.

Electoral reform

10. On 20 February, the acting SR participated in the meeting of the parliamentary bi-partisan commission's experts and presented the Code of Ethics in Electoral Matters adopted by the Venice Commission in October 2002.

Prevention of trafficking

11. On 26 February, the acting SR attended a meeting of the Legal Group of the International Consortium. Attention was drawn to the lack of progress in the drafting of the Witness Protection Law.

February 2003 in Belgrade

SUMMARY

Political overview

- **Serbia and Montenegro**
 - **Human Rights Bill**
 - **Radical Party leader**
- **Serbia**
 - **Presidential elections and Constitution**
 - **Judiciary**
 - **Regionalisation**
 - **Unrest in southern Serbia**

Office activities

- **Constitutional reform**
- **Judiciary**
- **Police**
- **Prison reforms**
- **Education**
- **Media**
- **NGOs**

Political overview

SERBIA AND MONTENEGRO

Human Rights Bill

12. After adoption of the Human Rights Bill by all three parliaments, it came into force on 28 February. The comments made by the Venice Commission and DGII during a public debate in the Federal Parliament were taken into account for the final version.

ICTY

13. Vojislav Seselj, whose indictment by the International Criminal Tribunal for the former Yugoslavia in The Hague was made public during the month of February, travelled to The Hague on 24 February.

SERBIA

Presidential elections and Constitution

14. Acting President Natasa MICIC announced that presidential elections would only be held once the new Serbian Constitution had been adopted. Several drafts of this Constitution were in circulation, and the Council of Europe (Venice Commission) has offered co-operation and assistance. While this was happily accepted by Ms MICIC, enthusiasm in other governmental and non-governmental quarters for any “international” involvement is mitigated.

Judiciary

15. The government expressed its dissatisfaction with the very slow progress of judicial reform, for which it blamed the judiciary. The old conflict between the Serbian Ministry of Justice and the judiciary has thus been revived, so far without any constructive effects.

Regionalisation

16. The Assembly of Vojvodina approved the preliminary draft of a Constitution for the Vojvodina, and requested a full draft from its relevant committee for the next Assembly session (mid-March).

Unrest in southern Serbia

17. After several quiet months, terrorism re-emerged in southern Serbia, with several bomb explosions and at least one ethnic Albanian police officer killed.

Office activities**Constitutional reform**

18. At a round table with representatives of the Yugoslav authorities, the Constitutional Commission, and other international and local experts, held on 14 February in Belgrade, experts of the Venice Commission and DGII presented, at the request of the Federal Constitutional Commission, expert opinions on the draft Charter on human and minority rights. A substantial number of these comments have been accepted, and solutions taking up recommendations have been incorporated in the final version, which was adopted by all three parliaments at the end of February.

Judiciary

19. The Council for Judicial Reform continues to meet regularly. It has decided to use the Council of Europe's opinions on the judiciary laws, together with contributions made by the Serbian Judges' Association and the Prosecutors' Association, as the basis for a proposal for far-reaching reform. However, little real progress is being made, and no time frame has been decided upon. The situation is not helped by disputes between the Serbian Minister of Justice and the judiciary.
20. A Training for Trainers session on Articles 5 and 6 of the ECHR was held on 9 February on the premises of the CoE Belgrade Office.
21. A Seminar on the right to freedom of conscience and religion and the right to peaceful assembly and association under the ECHR was held for judges and prosecutors from district and municipal courts throughout Serbia from 14-16 February in Belgrade, in co-operation with the AIRE Centre and the Belgrade Centre for Human Rights.
22. The legal adviser of the Belgrade Office and a Council of Europe expert (DGI) presented an expert opinion on legislation against organised crime and on witness protection at a criminal law seminar organised by the Serbian Judges' Association on 28 February in Zobnatica.

Police

23. Representatives of the OSCE, the Council of Europe (DGII) and the Ministry of the Interior met in Belgrade on 26 February to discuss a strategy for human rights education for police trainers.

Prison reforms

24. A working meeting on the management of pre-trial detainees was held on 10 February in Belgrade with representatives of the Ministry of Justice, judiciary and prison management.
25. The 3rd Steering Group for Prison Reform in Serbia meeting was held on 11 February. On this occasion, the Ministry of Justice requested a Council of Europe expert opinion on the law on detention.

Education

26. On 12 February, the Rector of Belgrade University informed the Belgrade Office about relevant developments in respect of higher education reform.

Media

27. The 6th expert opinion on the Serbian draft Law on Public Information was provided at the request of the Serbian Ministry of Culture and Public Information.

NGOs

28. The Federation of NGOs of Serbia – FENS – was founded on 14 February .

February 2003 in Podgorica

SUMMARY

Political overview

- **Presidential election fails again**
- **Charter on Human and Minority Rights adopted**
- **Co-operation with The Hague Tribunal**
- **MPs for the State Union Parliament**
- **New Law on Presidential Elections to be discussed**

Office activities

- **Visit of the Special Envoy to Serbia and Montenegro**
- **Invitation to full membership of the Public Administration and Local Self-Governance Reform Board and the Judiciary Reform Board**
- **Human rights**
- **Legislative development and legal co-operation**
- **Fight against corruption**
- **Fight against trafficking in human beings**
- **Local democracy**
- **Police**
- **Prisons**
- **Media**
- **Co-operation with other international organisations**

Political overview

Presidential election fails again

29. The second round of the presidential election, which took place on 8 February, failed due to low turnout (47.1 per cent).

Charter on Human and Minority Rights adopted

30. Following a lengthy drafting saga and rather heated debates in the Montenegrin Parliament, the Charter on Human and Minority Rights was finally passed on 26 February. The Charter had been drawn up by relevant sub-committees of the Serbian and Montenegrin Parliaments and took account of the advice provided by the Venice Commission and OSCE experts. The State Union Parliament adopted the Charter on 28 February.

Co-operation with The Hague Tribunal

31. On 17 February, Ms Carla Del Ponte, The Hague Tribunal's Chief Prosecutor, visited Podgorica. She stressed her dissatisfaction with the level of co-operation of the authorities in this regard. Mr Djukanovic and other high-ranking officials gave assurances concerning Montenegro's increased involvement in this respect.

MPs for the State Union Parliament

32. In accordance with the provisions of the recently adopted Constitutional Charter, 35 Montenegrin MPs will sit in the new Parliament of the State Union (Democratic Party of Socialists - 15 seats; Social Democratic Party - 4; Socialist People's Party - 9;

SiCG MPs, Serbian People's Party – 3; People's Party – 2). The two remaining seats were offered to the Albanian parties.

New Law on Presidential Elections is to be discussed

33. A new Law on the election of the President, abolishing the 50 per cent turnout requirement is to be passed soon by the Montenegrin Parliament. The Speaker of the Parliament announced that the new presidential election will most probably be scheduled for May 2003.

Office activities

Visit of the Special Envoy to Serbia and Montenegro

34. On 14 February, the Special Envoy to Serbia and Montenegro paid an official visit to Podgorica. She conducted a series of high-level discussions, meeting the Prime Minister, the Foreign Minister, the Chairman of the Parliamentary Board for Foreign Relations and other high-ranking state officials. The Montenegrin authorities stressed the importance of our co-operation and commended the Council of Europe's support and involvement in the implementation of legislative reform projects.

Invitation to full membership of the Public Administration and Local Self-Government Reform Board and the Judiciary Reform Board

35. The Council of Europe Office in Podgorica has been offered full board membership of the Council on Public Administration and Local Self-Government and on the Council of Judiciary Reform. This will help to promote the Council of Europe's objectives and strategy while it participates fully in the legal and judiciary reform processes in Montenegro.

Human rights

36. A Seminar on "Criminal trial and the European Convention on Human Rights", organised by the Council of Europe in co-operation with the AIRE Centre (Advice on Individual Rights in Europe) and a local NGO, CEDEM (Centre for Democracy and Human Rights), was held from 6-8 February 2003 in Igalo and brought together international and Montenegrin experts.

37. On 26 and 27 February the CoE Office participated in the conference on the violation of human rights organised by the Humanitarian Law Centre, Almanah and the weekly "Monitor".

Legislative development and legal co-operation

38. The Head of Office met Mr Djurovic, Deputy Prime Minister (at his request), to discuss the draft Government Strategy 2003-2007 and the Government Action Plan 2003.

39. The Head of Office met Mr Sturanovic, Minister of Justice, to discuss the strengthening of co-operation in the field of legal and judiciary reform. In particular, the Minister suggested that the Council of Europe take a leading expert role in the drafting of a new Law on Criminal Procedure and Law on State Prosecution.

Fight against corruption

40. On 25 February, the CoE Office, in co-operation with the governmental anti-corruption agency, organised a seminar on “special investigative means”. The seminar was conducted within the Programme against corruption and organised crime in South-East Europe (PACO) and brought together representatives of the judiciary, state officials, and representatives of NGOs and international organisations.

Fight against trafficking in human beings

41. On 26 and 27 February, the CoE Office, in co-operation with the National Board for the fight against trafficking in human beings, organised a seminar on “Trafficking in human beings for the purpose of sexual exploitation”. The seminar was attended by more than sixty leading representatives of the judiciary, state officials, and representatives of NGOs, INGOs and international organisations, and it received extensive media coverage.

Local democracy

42. On 13 and 14 February 2003, a conference on «Development of Democratic Citizenship and Responsive Leadership» was organised by DG IV, the CoE Office in Podgorica and the Union of Municipalities. It brought together the mayors of the main Montenegrin towns and regions.
43. On 28 February and 1 March, a conference on NGOs and public authorities (“Relationship between Local Authorities and Civil Society in Montenegro”) was organised in Niksic by the CoE (DGAP) and two local NGOs.

Police

44. The Head of Office conducted a series of meetings with the newly appointed Minister for Home Affairs in order to present CoE activities and to strengthen co-operation. Following these meetings, the Council of Europe was invited to comment on the final version of the draft Law on the Police and on the National Security Agency.

Prisons

45. On 13 and 14 February, in Spuz, a meeting on redefining the role of the prison services and educators was organised by the CoE Office in Podgorica, within the framework of the Joint Action Plan for prison reform in Montenegro, in co-operation with the Ministry of Justice and prison authorities.

Media

46. The CoE office played an active role in the media donors’ conference held on 18 February. It provided the participants with publications on relevant European standards and practice regarding the media.

Co-operation with other international organisations

47. The Head of Office initiated a joint project between the Council of Europe, ABA/CEELI, OSCE and the Minister of Justice, to revitalise the working group on the draft Law on State Prosecution. An action plan was developed and agreed in this regard.
48. The Head of Office, the Deputy Minister of Justice, representatives of OSCE and UNHCHR had an exchange of views concerning the final version of the draft Law on the Ombudsman. The final draft version was found to be satisfactory and ready for public debate.

February 2003 in Pristina

SUMMARY

Political overview

- **Serbian PM's call for the return of Serbian security forces to Kosovo rejected by UNMIK**
- **SRSG Steiner's address to the UN SC on 6 February**
- **Four former UCK (KLA) members arrested following ICTY indictments**
- **"Union of Serbian Municipalities" held its second meeting on 25 February**

Office activities

- **General issues**
- **Ethnic communities**
- **Legal co-operation**
- **Human rights**
- **Decentralisation**
- **Local democracy**

Political overview

Serbian PM's call for the return of Serbian security forces to Kosovo rejected by UNMIK

49. In a letter to UNMIK and NATO dated 1 February, Zoran Djindjic requested the return of 1,000 Yugoslav or Serb security forces to Kosovo. UNMIK, supported by NATO, the EU and the US, reaffirmed that UNMIK and KFOR are responsible for security in Kosovo and rejected the request.

SRSG Steiner's address to the UN SC on 6 February

50. In his address to the UN SC on 6 February, SRSG Steiner emphasised the need for improved standards before status discussions could begin, announced UNMIK's willingness to accept further transfers of responsibilities to the provisional institutions of self-government and set out UNMIK's priorities for 2003: standards; employment, security and multi-ethnicity; transfer of power; establishing a direct dialogue between Pristina and Belgrade; and preparing for European integration.

Four former UCK (KLA) members arrested following ICTY indictments

51. On 17 and 18 February, four former UCK members were arrested by the ICTY and charged with war crimes committed in Kosovo between May and July 1998 against Kosovo Serbs and Albanians; they were taken to The Hague. One of those arrested, Fatmir Limaj, is a member of the PDK Assembly. One has been released subsequently, as apparently his arrest had been due to a case of mistaken identity. Peaceful demonstrations by Kosovo Albanians followed, as well as various statements by the different political parties, mainly in support of the ICTY, although they were critical of the manner of the arrests.

"Union of Serbian Municipalities" held its second meeting on 25 February

52. On 25 February, the "Union of Serbian Municipalities" held its second meeting, in North Mitrovica. A "Declaration on the Sovereignty and Integrity of the State Union

of Serbia and Montenegro” was adopted. Reacting to the declaration, SRSG Steiner reiterated that the union had no legal status and that its declared intentions ran counter to UN SC Resolution 1244 and Kosovo’s Constitutional Framework. He said that any attempt on their part to assume executive functions would be penalised.

Office activities

General issues

53. On 16 and 17 February, the Belgrade Head of Office and SG’s Special Envoy to Serbia and Montenegro, Verena Taylor, visited the Pristina Office. Accompanied by the Head of Office, she met representatives of the UNMIK Office of Political Affairs to discuss decentralisation, and also met Ambassador Carlo Civiletti, Head of the CoE Decentralisation Mission, and the UNMIK Legal Adviser.
54. On 19 February, the Head of Office met a delegation of the International Committee of the Red Cross. The delegation expressed particular interest in the applicability of European Conventions in Kosovo and the role of the CoE in this context.

Ethnic communities

55. On 13 February, the Head of Office participated in the year’s first meeting of the Advisory Board on Communities (ABC). On the agenda: establishment of “Proportional Community Representation Ranges” in the municipal civil service; progress of the ABC working group on inter-ethnic dialogue; current status of the OSCE-drafted Omnibus Anti-Discrimination Law; new UNHCR position paper on the status of minority communities.

Legal co-operation

56. Action against corruption: on 7 February, the Deputy Head of Office and the Language/Legal Assistant participated in a meeting chaired by the Office for Good Governance of the Prime Minister’s Office, held to draft a policy paper on combating corruption in Kosovo.
57. On 8 February, the Deputy Head of Office attended a Criminal Defence Resource Centre (CDRC) board meeting at which a new national programme manager was appointed (Ahmet Hasolli, who previously worked for ABA-CEELI).
58. On 14 February, the Deputy Head of Office met representatives of the UNMIK Department of Justice, Department of Judicial Affairs, OSCE, Kosovo Judicial and Prosecutorial Council and US Office Pristina, to discuss the Department of Justice request for Council of Europe involvement in the assessment of the judiciary in Kosovo.
59. On 28 February, the Language/Legal Assistant participated in a Legal Aid Project Supervisory Board meeting.

Human rights

60. On 10 and 11 February, a representative of DGII visited Kosovo to review and co-ordinate with the Pristina Office the feasibility of implementation of the human rights activities planned for 2003. Together with the Deputy Head of Office he met

representatives of the UNMIK Department of Justice, the Ombudsperson Institution, the Criminal Defence Resource Centre, the UN High Commissioner for Human Rights, OSCE, NGOs (Finnish Human Rights Support Programme, Kosovo Centre for Human Rights) and the Office of Communities within the Office of the Prime Minister.

61. On 14 February, the Deputy Head of Office met representatives of UNHCR to continue discussing the joint workshop on the rights of Roma to be held in May (DGIII).

Decentralisation

62. On 10 February the Decentralisation Mission began its work in Pristina. The Head of Mission, Ambassador Carlo Civiletti, arrived on 16 February. Ambassador Civiletti and Ivo Sanc, the mission's local government expert, met the SRSG, Michael Steiner, and most local political leaders (except the Serb Coalition) and representatives of relevant international and local organisations.

Local democracy

63. On 15 February, the Local Democracy Agency for Kosovo was officially opened in Gjilan by Lutfi Haziri, the Mayor of Gjilan, and Gianfranco Martini, the President of the LDA Association. The event was also attended by a representative of the CLRAE Secretariat, the Head and Deputy Head of the CoE Kosovo Office, and the Executive Secretary of the LDA Association. The Agency will be led by Stève Duchene of the French partner organisation, the NGO 'Kosovo Ensemble'. A number of partner organisations from France, UK and Switzerland were represented.

February 2003 in Sarajevo and Mostar

SUMMARY

Political overview

- Federation Government elected
- The Republika Srpska (RS) Council of Peoples
- BiH House of Representatives adopted a Law on Ministries
- Council of Ministers adopted a strategy for refugee returns
- Dual citizenship agreement between BiH and Serbia and Montenegro adopted

Office activities

- Education reform
- Human rights and legal affairs

Political overview

Federation Government elected

64. On 14 February, the FBiH House of Representatives elected the Federation Government, with 60 votes in favour, 9 against and 7 abstentions. Mr Ahmet Hadžipašić (SDA) was elected to the position of Prime Minister of the Federation.

65. The main goals of the FBiH Government, as presented in Mr. Hadžipašić's statement, are increased production in agriculture and industry, employment, an export/import balance, satisfactory financing of the retirement pension and health funds, financing of education, science and culture and social welfare.

The Republika Srpska (RS) Council of Peoples

66. The process of forming the RS Council of Peoples is nearing completion. The election of the Bosnian Croat delegation has been completed and verified by the BiH Election Commission, as has the election of the four delegates who will represent the "others". Progress has been noted in the election of the Bosnian and Bosnian Serb delegations, which, when finalised, will allow this body to be fully constituted.

BiH House of Representatives adopted a Law on Ministries

67. On 4 February, the BiH House of Representatives (HoR) confirmed the appointments of Mr. Slobodan Kovač as Minister of Justice and Mr. Niko Grubesić as his Deputy. Also the Law on Ministries was adopted, with the SDA, HDZ, SDS and PDP voting in favour, while SBiH voted against, together with the SDP and other opposition parties. The Law is now to be considered by the BiH House of Peoples.

Council of Ministers adopted a strategy for refugee returns

68. The Council of Ministers' (CoM) session on 3 February adopted the proposed BiH strategy for implementation of Annex VII. This is the first State strategy document that regulates the issue of returns. The CoM passed on a request for information from the BiH HoR about the security situation in BiH to entity governments and the Brčko

District, and is considering a draft law on merging the Human Rights Chamber and the BiH Constitutional Court.

Dual citizenship agreement between BiH and Serbia and Montenegro

69. On 25 February, the BiH HoR adopted the Agreement on Dual Citizenship between BiH and Serbia and Montenegro and requested that the Council of Ministers and the Ministry of Foreign Affairs speed up the process of concluding the same or a similar agreement with the Republic of Croatia.

Office activities

Education reform

70. The **state-level primary and secondary education law**, one of BiH's accession commitments to the CoE, developed with the close support of the CoE, was submitted to the Council of Ministers on 13 February 2003. The law was however not discussed, because some members of the Council insisted that the law be submitted by the newly responsible Ministry for Education at the state level, the Ministry of Civil Affairs. On 25 February 2003, the Ministry of Civil Affairs convened a final meeting of the working group to prepare the submission of the draft law to the Council of Ministers. Although it was clear that the Ministry of Civil Affairs would do its utmost to support the law, some members of the working group were clearly intent on obstructing adoption. Close CoE support in this parliamentary process – in collaboration with the OHR and OSCE - will continue to be vital to ensure that this commitment is fulfilled.

71. Regarding **higher education legislation**, an initial discussion paper was presented by the CoE to the Higher Education Co-Ordination Board (HECB) at Tuzla University on 20 February 2003. The Board reacted very favourably, calling it a 'firm step in the right direction'. The CoE-sponsored drafting group then met in Banja Luka on 24 February 2003. It is expected that another version of the text will be ready by mid-March, in time for the next HECB meeting on 8 April 2003.

72. On 6 February 2003, the CoE representative presented orally the draft joint EC/CoE **project for modernising the governance and management of universities in BiH**. The HECB gave their unanimous approval and support to the project.

73. The Modernisation and Reform of Higher Education Working Group and the Legislative Reform Working Group, both co-chaired and financed by the CoE, met respectively on 14 and 27 February to examine the implementation of the objectives outlined in the Education Reform Agenda ('PIC paper').

Human rights and legal affairs

74. Numerous meetings have been held with partner organisations and national authorities:

- on developing training programmes on the *State Criminal Code and Code of Criminal Procedure (EC, ABA/CEELI, OHR, OSCE)*;
- on finalising a contract with the EC for the drafting of commentaries on the new Criminal Code and Code Of Criminal Procedure at State and Entity level (EC, OHR)
- on preparing for the *establishment of the Judicial Training Centres (OSCE, EC, OHR, HJPC)*;

- on the necessity to amend the *Law on Ministries* due to the unsatisfactory division of responsibilities between the Ministry of Human Rights and Refugees and the newly created Ministry of Security in the area of immigration and asylum; and the compiling of amendments to the *draft Law on Movement and Presence of Foreigners and Asylum*, which is currently before the BiH Parliament;
- on encouraging the Federation Ministry of Defence to respond to the issues raised by CoE and others on the question of *conscientious objection* (UNDP, OSCE, OHCHR);
- on supporting the OSCE stance of requiring the national authorities to take a decision on the question of the “merger” of the *Human Rights Chamber and Constitutional Court* (OSCE, EC, US Embassy, Human Rights Chamber, Constitutional Court);
- on reiterating the CoE position to Mr Halilovic, the Minister of Civil Affairs, concerning the proposed amendments to the *State law on Citizenship* relating to withdrawal of citizenship.

75. In the framework of the CoE’s leading role in *prison reform*, the DSRSG was invited to visit the Foca Prison in the Republika Srpska in order to evaluate the living conditions and, more specifically, the inadequate heating system (wood-burning stoves) which the 1998 CoE prison report had recommended should be scrapped. Discussions were also held with the RS Ministry of Justice on implementing the Action Plan on Prison Reform in BiH, notably in the area of staff training.

76. In the context of a comprehensive evaluation of the effectiveness and efficiency of the *OSCE Mission in BiH*, the DSRSG was requested to provide a frank assessment of co-operation with the OSCE, and more specifically of those areas on which the OSCE ought to focus. The DSRSG also provided a comprehensive briefing to a *USAID* team planning assistance programmes over the forthcoming 2-3 years.

77. Several meetings with representatives of the UNHCR and OSCE on how to co-ordinate joint activities relating to education about the ECHR were held during the month. A workshop for legal aid centres, organised with UNHCR, will be held in Sarajevo from 26 – 28 March 2003.

MOSTAR OFFICE

NO REPORT FOR THIS MONTH

February 2003 in Baku

SUMMARY

Political overview

- Visit of the PACE delegation on political prisoners
- Visit of the President of the European Court for HR to Baku
- Laws to be discussed during the Spring Session of Parliament
- Draft Election Code
- 36 political prisoners amongst the 116 persons pardoned
- 406 religious communities registered at the Ministry of Justice

Office activities

- Picket line in front of the SRSG's office
- Ombudsman meeting
- Scientific Practical Conference on Election Law

Political overview

Visit of the PACE delegation on political prisoners

78. On 11 February the joint working group set up under PACE Resolution 1272 on political prisoners in Azerbaijan arrived in Baku. It visited several prisons (including Gobustan jail), met members of the Pardons Commission, representatives of Parliament, of the Ministry of Justice, heads of political parties, local NGOs and political prisoners.

Visit of the President of the European Court of HR to Baku

79. Lucius Wildhaber, President of the European Court of Human Rights visited Azerbaijan on 15-19 February. He met with the Minister of Justice, the parliamentary speaker, judges, and other high officials

Laws to be discussed during the Spring Session (1 March- 31 May) of Parliament

80. Amongst the laws to be discussed, the following are to be noted:

- Unified Election Code (first reading);
- Public TV and radio broadcasts (third reading);
- State registration and register of legal entities (third reading);
- Education (second reading);
- Science and scientific-technical policy of the state (third reading);
- Digital e-communication;
- E-signatures (first reading);
- E-documents (first reading).

Draft Election Code

81. On 25 February the Draft Unified Election Code was made public for the first time since its preparation began early last year. The Milli Majlis will start discussing it at the Spring Parliamentary Session, which resumes on 1 March. The Code should be

approved by 17 April, so that it can be implemented at least six months before the presidential elections.

36 political prisoners amongst the 116 persons pardoned

82. On 11 February, the President issued a decree pardoning 116 convicts on the occasion of the Gurban Bayram holiday. Thirty-six of those pardoned are considered political prisoners by the CoE.

406 Religious communities registered at the Ministry of Justice

83. A total of 406 religious communities have been registered by the Ministry of Justice. Of this number, 165 have been re-registered by the State Committee of Religious Affairs, which announced that 28 of the re-registered communities were non-Islamic and that some 600 communities had been operating unregistered.

Office activities

Picket line in front of the SRSG's office

84. On 4 February a meeting of around 50 demonstrators held by Gudrat Gasanguliyev's group, which had split from the Azerbaijan Popular Front Party in August 2002, picketed the SRSG's office, complaining about the CoE's alleged intervention in the internal affairs of Azerbaijan. Similar demonstrations were held outside the OSCE Office and the Greek Embassy.

Ombudsman meeting

85. The SRSG's office participated in a meeting with the Ombudsman, together with Human Rights officers from the diplomatic community. Between 15 October 2002 and 1 January 2003, the Ombudsman dealt with a total of 1500 complaints.

Scientific Practical Conference on Election Law

86. The SRSG participated in the Scientific Practical Conference on Election Law organised by the OSCE and IFES on 26 and 27 February 2003. The purpose of the conference was to offer an opportunity to the representatives of political parties, NGOs, press and public to discuss the Election Code with local and international experts. A representative of the Venice Commission Secretariat contributed to the conference. The major opposition parties did not take part in the event.

87. The office of the SRSG received 24 individual complaints during February 2003.

February 2003 in Yerevan

SUMMARY

Political overview

- **First round of presidential elections**
- **Case before the Constitutional Court**

Office activities

- **Expert meeting on contingency planning in prisons**
- **Preliminary meeting for the organisation of a seminar on “co-operation and partnership between leaders of youth organisations and civil servants responsible for youth issues”**

Political overview

First round of presidential elections

88. The first round of presidential elections was held on 19 February. There were nine candidates. A PACE delegation observed the elections, and the ODIHR deployed a long-term election observation mission. On 20 February, the Central Electoral Commission (CEC) announced the preliminary results: 49.48% of the votes went to Robert Kocharian and 28.25% to Stepan Demirchian. On the basis of these preliminary results, the CEC announced that a second round would be held on 5 March between Mr. Kocharian and Mr. Demirchian. The final results were announced 5 days later, and the official figures were 49.48 % for Mr. Kocharian and 28.22 % for Mr. Demirchian.

89. The joint ODIHR/PACE statement on preliminary findings and conclusions underlined that “voting in the presidential elections on 19 February in Armenia was generally calm and well-administered, but the counting process was flawed and the long-term process fell short of international standards in several key aspects”.

90. Three large unsanctioned opposition rallies took place between the first round and the official start of the campaign for the second round.

91. On 22 February, police arrested opposition supporters at their homes in the early morning for alleged hooliganism and participation in unsanctioned public meetings. According to the ODIHR Election Observation Mission, at least 200 individuals were detained including many opposition proxies and campaign staff. Of these, at least 77 were sentenced to up to 15 days in jail, while 65 others were fined. The rest were released without penalty. Many of the hearings were closed, without the presence of a lawyer.

92. On 26 February, Peter Schieder, President of the PACE, called on the Armenian authorities immediately to release the arrested opposition campaigners. He also called for the opposition to comply fully with the constitutional and legal order of the country.

93. The official campaign for the second round started on 26 February.

Case before the Constitutional Court

94. On 27 February, Mr. Artashes Geghamian, who officially came third in the presidential elections (17.66%) applied to the Constitutional Court for the results of the first round to be declared invalid.

Office activities**Expert meeting on contingency planning in prisons**

95. On 5 and 6 February, DG I, in cooperation with the Ministry of Justice, organised an expert meeting on contingency planning in prisons. The experts described their national experience on contingency planning for fire, hostage incidents and incidents of violence. It appeared that the most important difference between the Western and the old Soviet model is that Western European prisons co-operate with other professional services such as fire brigades, whereas Armenian prison staff are required to cope on their own. Due to the similarities of the systems it would be very useful to organise similar seminars in the countries of the region.

Preliminary meeting for the organisation of a seminar on “co-operation and partnership between leaders of youth organisations and civil servants responsible for youth issues”

96. From 14 to 16 February, DG IV, in co-operation with the Ministry of Culture, Youth and Sport, held a preliminary meeting for the seminar on “co-operation and partnership between leaders of youth organisations and civil servants responsible for youth issues”, due to be held in Yerevan from 2 to 8 June 2003.

February 2003 in Chisinau

SUMMARY

Political overview

- **SG's intervention in Round Table reform**
- **Progress in SR's talks with party leaders**
- **Opposition parties' boycott of Parliament maintained**
- **New initiative on Transnistrian problem**
- **New Minister of Justice**

Office activities

- **Conference to assess preparations for CM Chairmanship**
- **Law on State TV and radio**
- **History teaching mission**
- **CPT fact-finding mission**
- **DG I missions on police and dual citizenship**
- **Workshop for journalists**

Political Overview

SG's intervention in Round Table reform

97. Direct interventions by the SG gave new impetus to efforts to reform the Round Table (RT), recommended last year by the PACE as a means to establish a real political dialogue in Moldova. The SG addressed a letter to Moldovan President Vladimir Voronin calling for him to support Round Table reform, and forwarding recommendations for reform worked out by three experts requested to do so by the CoE (Former Polish Prime Minister Tadeusz Mazowiecki, the last Foreign Minister of the GDR, Markus Meckel, now a member of the Bundestag, and Ulrike Poppe, a democracy activist in GDR days). Simultaneously with the letter to the President, the SG distributed to all Moldovan media an article explaining the aim of reforming the RT. The article received wide attention from the Moldovan public, and President Voronin sent a very positive reply to the SG, confirming support and promising to open the first meeting of a reformed RT.

Progress in SR's talks with party leaders

98. On the basis of the SG's interventions and the expert recommendations, the SRSO initiated an intensive series of talks with leaders of the three groups in Parliament, Victor Stepaniuc of the Communist Party, Dumitru Braghis of the Social Democratic Alliance, and Iurie Rosca of the Christian Democrats. The talks achieved progress step by step, the major one being an agreement on the membership of the new RT involving a drastic reduction in the number of participants. Although many details still remained to be hammered out, it was, by the end of the month, not too optimistic to hope for a first meeting of a reformed RT before the end of March.

Opposition parties' boycott of Parliament maintained

99. The RT progress took place in spite of an otherwise hostile political climate. Both the Braghis and Rosca parties continued their boycott of plenary sessions of Parliament in

protest against Communist refusals to allow referenda on electoral reform (Braghis) and membership of the EU and NATO (Rosca). Mr. Braghis and his party briefly returned to Parliament at the end of the month. They resumed their boycott when Parliament refused to rehabilitate 14 high-ranking civil servants who claimed they had been dismissed by the Government because they had participated in the Braghis initiative. Mr. Rosca continued his Sunday demonstrations in Chisinau throughout the month.

New initiative on Transnistrian problem

100. President Voronin launched a new initiative to resolve the Transnistrian problem, based on a proposal to create a federal state under a new constitution. OSCE Ambassador, William Hill, joined by Special Envoys from the Dutch OSCE chairmanship and from Russia, initiated a new round of mediation talks between the two sides, and further meetings were scheduled for March. The CoE again confirmed its readiness to provide constitutional expertise in this process through the Venice Commission.

New Minister of Justice

101. Minister of Justice Ion Morei was dismissed by the President and replaced by Mr. Vasile Dolghieru, who was invited to Strasbourg for meetings and briefings on CoE assistance with the legislative process, naturally with an emphasis on the problem areas identified in last year's PACE resolutions.

Office activities

Conference to assess preparations for CM Chairmanship

102. A conference to assess Moldovan preparations for the chairmanship of the CM was held in Chisinau on 14 February, hosted by the Ministry of Foreign Affairs, with the participation of a delegation from the CoE (representatives of the CM Secretariat, DSP and DGAP). Representatives of nearly all Ministries and other agencies listed their achievements in getting conventions and treaties ratified and introducing European standards. Following this, a more productive discussion and exchange of views developed on the steps taken to find solutions in the problem areas identified in the PA resolutions. The SRSG concluded that the conference had confirmed that steps were being taken, but underlined that the CoE in many cases did not receive feedback about the expertise given. The law on political parties for example had been promulgated by the President before an expert opinion was ready.

Law on State TV and radio

103. Expert opinions on three different proposals for a law transforming the state-owned Teleradio Moldova (TRM) into a politically independent public service company were delivered in January. The SRSG informed the chairman of the relevant parliamentary committee of the CoE's willingness to send an expert to continue to discuss the re-drafting. However, Parliament passed a new law, solely on the basis of Communist and a few independent votes, on the last day of the month, without further consultation. (In early March the committee agreed to the law being sent to Strasbourg for another check, before it is promulgated by the President.)

History teaching mission

104. A CoE mission (DG IV), to assist Moldova in reaching a consensus on a definition of and a curriculum for history teaching, once again led to a heated debate between different political forces. The CoE mission strictly observed CM Recommendation 15 (2001) on history teaching in the 21st century during its seminars and in public statements. The public debate on the question died down after a few days, but it showed that this is still very much a “hot” issue.

CPT fact-finding mission

105. The CPT sent a fact-finding mission to Transnistria. The mission report was published on the CPT website in early March.

DG I missions on police and dual citizenship

106. DG I sent two missions to Moldova in the course of the month. First an advisory police mission, then a mission to discuss issues concerning dual citizenship.

Workshop for journalists

107. Towards the end of February a two-man team of trainers from the EBU, sponsored by DG II, Media Division, started a five-day workshop for a group of 25 editors, reporters and cameramen from Teleradio Moldova, the state-owned media company.

February 2003 in Tbilisi

SUMMARY

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- **New election initiative of the Georgian Government**
- **Invitation to the CoE to observe the parliamentary elections**
- **Legislative proposals**
- **Crime**
- **Religion**
- **Abkhazia**

Office activities

- **Visit of a PACE monitoring mission to Georgia**
- **Judicial reform**
- **Minorities**
- **Elections**
- **The South Caucasus Parliamentary initiative**

Political overview

New election initiative of the Georgian Government

108. On 10 February 2003, a sub-committee was set up by President Shevarnadze to improve the electoral system. It includes eight Members of Parliament, the Ministers of Justice and of the Interior, representatives of two NGOs, one academic lawyer and a representative of the Presidential administration. Other NGOs, as well as lawyers, are also invited to participate in the work of the sub-committee.

Invitation to the CoE to observe the parliamentary elections

109. On 26 February, the President signed a Decree on the Improvement of the Electoral System of Georgia and Measures to Ensure the Conduct of 2003 Parliamentary Elections, also instructing the Ministry of Foreign Affairs to invite the CoE to send international experts and observers during the compilation and verification of voter lists, and to observe the pre-election process.

Legislative proposals

110. On 18 February, the Ministry of State Security circulated a draft law on the Suspension of Activities, Liquidation and Banning of Extremist Organisations and Organisations under Foreign Control. According to an official statement from the Georgian Young Lawyers Association (GYLA), this draft is an attempt to tighten control over freedom of expression, particularly in the light of the forthcoming parliamentary elections.

Crime

111. According to the Prosecutor General's Office, some 130 crimes were committed against foreign nationals in Georgia in 2002 (56 more than in 2001), of which 52 had been solved.

Religion

112. On 1 February, the extremist Orthodox Christian organisation Jvari (Cross) carried out another attack on a gathering of Jehovah's Witnesses.
113. During a meeting with representatives of the religious minorities on 18 February, State Minister Avtandil Jorbenadze apologised on behalf of the Government and the President, Eduard Shevarnadze, for the outbreak of violence against religious minorities in the country. Symbolically, the meeting took place in the Evangelical Baptist Church where the excommunicated Orthodox priest Basil Mkalavishvili, had attacked representatives of the various Christian denominations gathered in ecumenical prayers on January 24.

Abkhazia

114. On 11 February 2003, the Speaker of the Georgian Parliament, Nino Burjanadze, announced that Russia had stopped issuing Russian passports to residents of Abkhazia. "This positive step on Russia's part should be viewed as a sign that Georgian-Russian relations are improving," she said.
115. On 17 February 2003, the Georgian authorities approved a five-month extension to the mandate of the Russian peacekeeping forces in Abkhazia.

Office activities**Visit of a PACE monitoring mission to Georgia**

116. Mátyás Eörsi (Hungary) and Evgeni Kirilov (Bulgaria), co-rapporteurs of the Parliamentary Assembly of the Council of Europe for the monitoring of Georgia paid a fact-finding visit to Tbilisi from 12-15 February to evaluate the fulfilment of the commitments made by the Georgian authorities in 1999, when Georgia joined the Organisation. The delegation held meetings with the State Minister, the Speaker of Parliament, officials of the Interior Ministry, members of parliamentary groups and committees, the Chairman of Tbilisi City Council (Sakrebulo), and representatives of various religious groups and non-governmental organisations. The delegation expressed its concern regarding the increased violence towards opposition parties and religious minorities, as well as about numerous procedural violations which had occurred during the 2002 June local elections. The delegation called on the Georgian authorities to secure the conduct of a fair and democratic parliamentary election, scheduled for October 2003.

Judicial reform

117. On 6 and 7 February, a two-day seminar on "the Application of the European Convention on Human Rights by prosecutors" was held in Tbilisi by the Office of the Prosecutor General of Georgia, in co-operation with the Information Office of the Council of Europe and the Directorate General of Human Rights. The seminar was held to promote European human rights protection standards. Twenty-five prosecutors and the staff of the Prosecutor General's Office participated in the seminar.

Minorities

118. From 26-28 February, the Secretariat of the Council of Europe's Framework Convention for the Protection of National Minorities visited Tbilisi to prepare for the project intended to promote and effectively implement in the South Caucasus the

Framework Convention for the Protection of National Minorities. This project, as part of the Joint Programme, is intended to develop activities which will enhance knowledge about the FCNM and involve governmental as well as non-governmental players.

Elections

119. On 19 February, the Special Representative participated in the meeting of the Ambassadorial Working Group (AWG) in Tbilisi devoted to the organisation of the parliamentary elections scheduled for the autumn of this year. The AWG supported the proposals of Georgian and international organisations to improve the electoral system, including the drawing up of accurate voter lists and registers.
120. On 27 February, the Special Representative met the Head of the Human Dimension Office and the Democratisation officer of the OSCE in Tbilisi to discuss the scope for co-operation between the two organisations in connection with the forthcoming parliamentary elections.
121. In February the Special Representative held several meetings at the State Chancellery and the Parliament, with the Deputy Speaker inter alia, to facilitate CoE assistance to the bodies working to improve the relevant legislation and the organisation of the parliamentary elections - the Sub-committee to improve the electoral system and the cross-parliamentary group on election legislation. The Georgian authorities expressed their readiness to co-operate with CoE experts on legislation relating to elections.
122. In February the Director of the Information Office participated in two Technical Working Group (TWG) meetings. The TWG, which includes relevant NGOs and international organisations (OSCE, EU, CoE, NDI, USAID, UNDP), aims to develop a Common Strategy for support to the electoral process and to prepare a set of specific proposals for AWG action.

The South Caucasus Parliamentary Initiative

123. From 26-28 February 2003, the South Caucasus Parliamentary Initiative, organised by the British NGO "*Links*", held a meeting in Tbilisi with delegations from the Armenian, Azerbaijan and Georgian Parliaments, chaired by the Speaker of the Georgian Parliament. The Special Representative participated, making a contribution on the role of the CoE and its initiatives in the South Caucasus. Due to differences on the Nagorno-Karabakh conflict, the parliamentarians from Armenia and Azerbaijan left the meeting after the first day.

February 2003 in Skopje

SUMMARY

Political overview

- **Implementation of the Framework Agreement**
- **Decentralisation**
- **Visit of the President of the European Commission**
- **Inter-community relations**

Council of Europe activities

- **Family voting**
- **Legal co-operation**
- **New resident expert**
- **Decentralisation**
- **Special investigative measures (SIMS)**
- **Police**
- **Law on the Ombudsman**

Political overview

Implementation of the Framework Agreement

124. At its session on 3 February, the Government adopted three documents defining tasks and deadlines for the implementation of the Framework Agreement: the Plan for the Implementation of the Framework Agreement; the Operational Programme for Decentralisation of Power 2003-2004; and the Basis for the Improvement of the Adequate and Equitable Representation of the Communities in Public Administration and Public Utility Companies. The documents contain overall objectives and lists of laws and regulations that need to be amended as well as a preliminary calculation of the funds needed for their implementation.

125. On 14 February the signatory parties to the Framework Agreement met to reaffirm their commitment to complete and timely implementation of the Agreement and expressed their support for the three documents adopted by the Government. According to the conclusions of the meeting, decentralisation is to be implemented fully before the local elections in 2004.

Decentralisation

126. According to the operational decentralisation plan, approximately 70 laws have to be adopted before the local elections in 2004. The signatory parties to the Framework Agreement have agreed that the implementation of "phase zero" of the IMF's recommendations for fiscal decentralisation should start immediately.

Visit of the President of the European Commission

127. The President of the European Commission, Mr Romano Prodi, visited Skopje to discuss European integration.

Inter-community relations

128. Although 95% of the almost 170 000 persons who were displaced during the conflict have returned home, problems such as arson attacks and vandalism against houses belonging to displaced persons continue. At least two Orthodox churches were vandalised during the reporting period.

Office activities

Family voting

129. The Political Systems Committee of Parliament held a special working session in Ohrid on 14 and 15 February on equal voting rights for men and women and the prevention of family voting in the light of Recommendation 111 (2002) of the Congress of Local and Regional Authorities of Europe. The working session, which, in addition to the members of the Committee was attended by representatives of the State Election Commission, NGOs in the field of women's rights, Macedonian academics and experts, journalists and the OSCE, was organised by the Council of Europe Information Office in co-operation with the Friedrich Naumann Stiftung and the Political Systems Committee of Parliament. The working session adopted conclusions which called for decisive legal and other measures to reduce the numbers of cases of family voting.

Legal co-operation

130. As a follow-up to the announcement by the Minister of Justice, Mr Ismail Darlishta, that "the former Yugoslav Republic of Macedonia" will undertake a major judicial reform in 2003, the Director of Legal Co-operation at the Council of Europe visited Skopje from 11-13 February. He discussed possible Council of Europe assistance with judicial reform, as well as the follow-up to earlier Council of Europe activities in this field, with the Minister of Justice, the heads of departments of the Ministry of Justice, the Public Prosecutor, the Association of Judges and the Association of Public Prosecutors. He also met the EU Special Representative, the Head of the Delegation of the European Commission and representatives of OSCE, the European Agency for Reconstruction and the European Commission Justice and Home Affairs team. All meetings were organised by the Council of Europe Information Office.

New resident expert

131. The new resident Council of Europe expert, Mr Jens Ölander, took up office on 9 February. Mr Ölander, who is replacing Mr Owen Masters, will be working closely with the Office of the EU Special Representative. He will follow-up the activities undertaken in 2002 by Mr Masters, and DGI in particular, as concerns the law on territorial division, the law on urban planning and the law on the city of Skopje in close co-operation with the Ministry of Local Self-Government and the EUSR.

Decentralisation

132. The resident expert met the Minister of Local-Self Government, the Association of Local Self-Government Units (ZELS), IMF, UNDP, EAR, OSCE and other partners who are involved in the process of decentralisation. He also participated in a co-ordination meeting on decentralisation organised by the EUSR and the Ministry of Local Self-Government on 20 February.

Special investigative measures (SIMS)

133. The Director of the Council of Europe Information Office and the resident expert attended the preparatory meetings of the Conference on SIMS which is to take place from 19 – 21 March in Ohrid. The office is also arranging media coverage of the event and promoting the high-level participation in the event of the Public Prosecutor, the Constitutional Court and the Supreme Court.

Police

134. A working meeting on the code of police ethics was organised on 6 and 7 February in Skopje by the Council of Europe (DGI) and the Ministry of the Interior, in co-operation with the OSCE. A draft code of ethics will be finalised shortly by the working group set up by the Ministry of the Interior and submitted to the Council of Europe for an expert opinion. A further expert meeting may take place in July to finalise the work.

Law on the Ombudsman

135. Following a request from the Ministry of Justice, the Council of Europe (DGI and DGII) submitted an expert opinion on the draft law on the Ombudsman on 28 February.