

# Information Documents



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## **Serbia and Montenegro: Compliance with obligations and commitments and implementation of the post-accession co-operation programme**

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Document presented by the Secretary General

**Ninth report (July 2005 – September 2005)**

### *Summary*

During the period covered by the present report, positive developments can be noted in several fields, notably as regards the appointment of a Government Agent before the European Court of Human Rights (ECtHR), as well as the adoption of important legislation at the level of the State Union and member states. Forthcoming months are expected to witness a convergence of a multitude of events. Several accusations of corruption at the level of the State Union institutions raised political debates in September 2005 with potential risk of fragilisation of State institutions. On 3 October 2005, the Council of the European Union authorised the European Commission to open negotiations with Serbia and Montenegro on a Stabilisation and Association Agreement (SAA) at the earliest opportunity.

The momentum to move forward to a full co-operation with the ICTY has been revived by the decision to start negotiations on the SAA. Nevertheless, the authorities are still facing the critical test of transfers of top indictees.

As regards rule of law, in both Republics, fight against organised crime and corruption has been stepped up. The authorities took resolute actions in particular after the murder of a senior police officer dealing with organised crime investigations in Montenegro, as well as accusations of corruption within the judiciary and prosecution in Serbia. Reform of criminal legislation in Serbia and implementation of the reforms in Montenegro needs particular attention from the authorities.

Regarding human rights, the appointment of a Deputy Government Agent before the ECtHR is still expected. In Serbia, as concerns freedom of the media, contested amendments to the Law on Broadcasting were adopted on 30 August 2005. Adoption of a number of key laws is awaited, notably the laws on the reform of the police, on criminal legislation, on citizens' associations and NGOs and on religious associations. In Montenegro, the adoption of a Law on Free Access to Information, following a long process of approval by the Government, is also expected. The draft Law on the protection of minorities is still in preparation.

Further concrete efforts are particularly needed in the following areas: constitutional reform in consultation with the Venice Commission, reconciliation and facing the past, local democracy, functioning and independence of the judiciary and prosecution, protection of minorities at the level of both Serbia and Montenegro. Implementation of the legislative and policy reforms already achieved or close to completion remains an important goal in the upcoming months.

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## I. INTRODUCTION

1. Serbia and Montenegro joined the Council of Europe (CoE) on 3 April 2003. Accession to the CoE followed the adoption of Opinion No. 239(2002) of the Parliamentary Assembly (PACE), as well as an exchange of letters between the Chair of the Committee of Ministers and the authorities of Serbia and Montenegro, which list a number of commitments and obligations accepted by the new member when joining the Organisation. The Committee of Ministers decided to set up a specific monitoring procedure, under the authority of its Rapporteur Group on Democratic Stability (GR-EDS) in the form of regular review of progress achieved and difficulties encountered as well as the implementation of the targeted post-accession co-operation programmes, on the basis of *inter alia* quarterly reports by the Secretariat.

2. The present document is the 9<sup>th</sup> report prepared by the Secretariat in this context.<sup>1</sup> It consists of an update of information three months after the publication of the 8<sup>th</sup> report on 13 July 2005, based *inter alia* on information provided by the authorities, Council of Europe field offices, other international governmental organisations and NGOs. In general, the conclusions and recommendations made in the previous report are to be reiterated.

3. It is useful to recall that on 13 July 2005, in the light of the 8<sup>th</sup> report, the Committee of Ministers took the following decisions:

*“The Deputies*

*(...)*

*2. noted that during the first two years of membership to the Council of Europe, Serbia and Montenegro has honoured a large number of accession commitments, in particular as regards the adoption of relevant legislation and the signature and/or ratification of Council of Europe conventions;*

*3. welcomed recent positive developments, in particular progress in co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY), but underlined that all indictees still on the run, amongst whom Karadzic and Mladic, must be brought to justice by the authorities of the responsible countries;*

*4. noted that Serbia and Montenegro still needed to honour a number of outstanding commitments, including the ratification of instruments and the adoption of legislation, and to achieve further progress in the implementation of reforms; (...).”*

## II. POLITICAL CONTEXT

4. The consolidation of the State Union has remained an important topical issue in recent months, on the eve of the start of the negotiations on a Stabilisation and Association Agreement with the EU in October 2005 and less than a year before the expiry of the three-year period upon which member states shall have the right to initiate proceedings in the state status or for breaking away from the State Union of Serbia and Montenegro<sup>2</sup>.

<sup>1</sup> As concerns previous reports, see documents [SG/Inf\(2003\)28](#), [SG/Inf\(2003\)38](#), [SG/Inf\(2004\)8](#) and [Addendum, SG/Inf\(2004\)14](#) and [Addenda I](#) and II, [SG/Inf\(2004\)23rev.2](#), [SG/Inf\(2004\)33](#), [SG/Inf\(2005\)5final](#), [SG/Inf\(2005\)13](#) (available on the following websites: <http://www.coe.int/sq> and <http://dsp.coe.int/monitoring>).

<sup>2</sup> See Constitutional Charter of the State Union of Serbia and Montenegro, Article 60 (<http://www.mfa.gov.yu/YugFrameset.htm>).

5. The State Union Minister of Defence resigned in September 2005 after accusations of corruption by the Serbian Minister of Finance, over the signature of a military procurement contract of the Ministry of Defence - cautioned by the State Union Council of Ministers - with a Serbian private company. Investigations are ongoing by several institutions, including the Serbian Special Prosecutor for Organised Crime and the Serbian Police Organised Crime Department. A number of suspects including the director of the contracting private company have already been charged in this affair.

6. The debate on a possible referendum in accordance with Article 60 of the Constitutional Charter was very lively in Montenegro, where the opinion of the Venice Commission on the compliance of the Law on referendum with international standards and best practices is awaited with particular interest. In early September 2005, the Montenegrin Prime Minister reiterated the proposal to his Serbian counterpart to create a Union of independent states with a sovereign and internationally recognised Montenegro. The Montenegrin authorities indicated that a referendum would be organised during the spring 2006 if such agreement was not reached.

7. On 3 October 2005, the EU Council authorised the European Commission to open negotiations at the earliest opportunity with Serbia and Montenegro and indicated that the pace and conclusions of the negotiations will depend in particular on the country's progress in developing its legislative framework and administrative capacity, the effective implementation of the Constitutional Charter and full co-operation with the ICTY (see also [Press Release](#) (prov. version), 2679<sup>th</sup> Council Meeting, 12515/05, 03.10.2005). Full co-operation with the ICTY, especially with respect to the transfer to The Hague of top indictees, remains the litmus test for the capacity of Serbia and Montenegro authorities to comply with their obligations and, among others, a condition for a successful negotiation of a Stabilisation and Association Agreement with the EU, which is foreseen to start in the second week of October 2005, and for the membership in the NATO Partnership for Peace Programme.

8. In Serbia, there have been political disputes within the governing coalition concerning the adoption of legislation which led to the abrogation of the Law on the state owned oil company (NIS) and allowed the privatisation of Serbia's oil company. The failure of the Social Democratic Party (SDP) to support this legislation - which was finally adopted by the Parliament after a third attempt - led the SDP to withdraw from the governing coalition. The weakened governing coalition was joined by the List of Sandzak, elected on the Democratic Party (DS) lists. Discussions about possible early elections - either at the end of 2005 or the beginning of 2006 - have intensified in the recent period.

9. In Montenegro, the political divisions between the ruling coalition and the opposition continued to focus mainly on the question of independence and the fight against organised crime, following the murder, at the end of August 2005, of the third senior police officer in three years.

10. In mid-September, the resumption of dialogue - after a period of two years - between Belgrade and Pristina on issues related to decentralisation and local self-government in Kosovo is a positive development. The UN Secretary General's Special Envoy in Kosovo, Kai Eide - who is expected to make a comprehensive review of the implementation of standards in Kosovo - facilitated the meetings held in Vienna. The attack on a group of Kosovo Serb youths on 27 August 2005,

which resulted in the death of two of them, provoked reactions from state officials, media and human rights NGOs in Belgrade (see *inter alia* HLC, [www.hlc.org.yu](http://www.hlc.org.yu), Newsletter No. 16, 30.08.2005).

### III. DEMOCRACY AND INSTITUTION-BUILDING

#### 1. Effective functioning of democratic institutions

11. Recent months have witnessed a continued slowing down of the process of reinforcement of the State Union institutions. Following the accusations of corruption within the Ministry of Defence and the alleged involvement of the President of Serbia and Montenegro, the adequate functioning of the State Union Council of Ministers has been affected since the beginning of September 2005. As a consequence, the relationship between Serbia and Montenegro at the level of the State Union seems to fade away.

12. In Serbia, following the political disputes within the governing coalition (see above para 8), a number of officials at the level of the State Union and of Serbia were removed from their posts. On 25 August, Nebojsa Covic, Head of the Co-ordination Body for Southern Serbia and Chairman of the Co-ordination Center for Kosovo and Metohija, was replaced in these positions respectively by the State Union Minister for Human and Minority Rights Rasim Ljajic and by Sanda Raskovic-Ivic. Moreover, the authorities stepped up resolute action to fight against corruption, in particular in the judiciary. In Montenegro, the authorities stepped up reinforced measures to fight organised crime, which is perceived to constitute a threat to the functioning of democratic institutions. These measures include the restructuring of the government administration and in particular the Ministry of the Interior.

#### 2. Constitutional issues

13. In Serbia, as underlined in previous reports, a large number of reforms are pending adoption of a new Constitution. The main obstacle in this process remains the lack of political consensus among the major political parties. As from mid-September 2005, the parliamentary sub-committee in charge of constitutional revision resumed work on a regular basis to adjust the draft proposed by the Government, with possible amendments made by the Serbian Radical Party (SRS), with the draft submitted by the expert team appointed by President Boris Tadic and complete a single draft Constitution. In reaction to the slow process of constitutional reform at the Republican level, the Committee for constitutional issues of the Assembly of Vojvodina decided in mid-September to continue to work on the draft Vojvodina Basic Law i.e. a constitutional framework law.

14. In July 2005, the Ministry of Justice of Serbia asked the Venice Commission to provide an opinion on the chapter on the judiciary of the draft Constitution approved by the Government of Serbia. The Venice Commission is expected to adopt this Opinion at its October 2005 session.

15. In Montenegro, no new initiative has been taken towards the preparation of a new Constitution or the amendment of the existing Constitution with the Constitutional Charter (see previous report SG/Inf(2005)13, para 12), on which the adoption of a large number of reforms is also pending.

### 3. Local and regional democracy

16. According to the authorities, a draft law on the ratification of the European Charter on Local Self-Government is at an advanced preparatory stage. In both Serbia and Montenegro, plans of action were drafted for the implementation of the *Work Programmes for Better Government* prepared within the framework of the CoE-Stability Pact 'Zagreb Process' launched at the South-Eastern Europe Ministerial Conference on Effective Democratic Governance at Local and Regional Levels, held in Zagreb on 25-26 October 2004. Joint Programmes with the European Agency for Reconstruction (EAR) are currently being negotiated to support the implementation of these *Work Programmes*.

17. In Montenegro, the Government has started the implementation of the *Work Programme* by creating a 'Co-ordination Body of the Local Government Reform'. In September 2005, CoE experts formulated a number of practical suggestions concerning the functions of the Co-ordination Body and the rules governing its functioning. The establishment of such a platform of dialogue, responsible for co-ordinating and monitoring the implementation of the *National Work Programmes*, may become a good example for other South-Eastern European countries engaged in the *Zagreb Process*.

18. The Law on the Capital City of Podgorica was approved by the Government on 2 July 2005 and is currently in the parliamentary procedure. According to the Montenegrin Ministry of Justice, this Law, as well as the laws on Administrative and Territorial Organisation and on the Status of the Historical and Cultural Centre which will soon be approved by the Government, are expected to be adopted by the end of 2005.

19. In Serbia, the overall reform of local self-government and the fundamental choices concerning primarily questions related to decentralisation remain to be addressed in the drafting of a new Constitution. Following the adoption of a much debated Law on Government earlier this year (see below para 22) and pending adoption of the new Constitution, the Serbian Government has recently taken a number of positive steps to strengthen the legal framework for local self-government. In particular, the CoE experts considered that the chapter on municipal borrowing of the draft Law on Public Debt broadly complied with CoE standards. As regards the draft Law on the Status and Management of Municipal Property, the CoE experts clarified in September a number of problematic points of the draft. A final legal expert appraisal should be finalised and forwarded to the Serbian authorities by the end of October 2005.

20. On 19 September, the Government and the Standing Conference of Towns and Municipalities of Serbia reached an agreement on the priorities in the field of local self-government. These include *inter alia* the adoption of legislation on property, the status of the City of Belgrade and local government finance (see Serbian Government, Press Release, 19.09.2005). The dialogue between the Government and the Standing Conference of Towns and Municipalities in the drafting of legislation on local self-government should be further pursued.

### 4. Recent developments in the regions

21. In recent months, the situation in Southern Serbia has received an increased attention from the central government authorities. Since the re-constitution meeting of the Co-ordination Body for Southern Serbia was held in early July 2005, high Serbian officials have visited the region and

reforms in the fields of justice and education have been engaged. At the beginning of July, the Serbian Ministry of Justice published proposals for bilingualism in judicial institutions (Municipal Courts and Public Prosecutor's Office) in criminal and civil proceedings in Bujanovac and Presevo. In addition, the Ministry of Education provided books in Albanian language to schools from the three Southern Serbia municipalities.

22. As concerns Vojvodina, the lack of clarity on its status within the constitutional reform project continues to be a matter for concern (see also above para 13). In addition, it appears that the Law on Government, adopted by the Serbian Parliament in June 2005, enables the central government to suspend any statutes and regulations adopted by the Vojvodina provincial Government or by the municipalities (see also previous report SG/Inf(2005)13, paras 15, 22). Incidents directed against ethnic minorities have significantly dropped since the second half of 2004 (see previous reports SG/Inf(2004)33, paras 23-27 and SG/Inf(2005)13, para 30). At the end of August 2005, a device exploded under unknown circumstances in the vicinity of the house of the leader of the Alliance of Vojvodina Hungarians, Jozsef Kasza. Prime Minister Kostunica condemned this act of violence and a criminal investigation is ongoing *inter alia* to find out whether this incident was ethnically-motivated.

#### 5. Reconciliation and facing the past

23. On 11 July 2005, the ten-year commemoration of the massacres of Srebrenica (Bosnia and Herzegovina) and their victims gathered numerous state delegations and representatives of the international community. The delegation of Serbia and Montenegro included the Chair of the National Council for the Cooperation with the ICTY, the President of Serbia and the Speakers of the Serbian and Montenegrin Parliament and of the Assembly of Vojvodina. According to NGOs, the fact of stopping war crimes denial and creating an appropriate climate to address the issue of war crimes in their political, legal, and moral aspects represents a first step in the process of establishing truth, justice, restitution to the victims and accountability for the war crimes committed (see *inter alia* HLC, Newsletter No. 16, [www.hlc.org.yu](http://www.hlc.org.yu)). As underlined in previous reports, reconciliation and facing the recent past remains a commitment of utmost importance, as well as the condemnation of war crimes.

24. A round-table meeting meant to put emphasis on the active support of the State institutions for war crime trials was organised on 5 July 2005 by the State Union Ministry for Human Rights and Minorities. Senior officials of the Serbian Government, representatives of the Serbian Orthodox Church and the Minister of Defence participated to this event. The round-table represents a step forward; however, no significant follow up has been made so far. Additional awareness-raising among the state institutions should be strongly encouraged. Civil society representatives, notably a group of eight human rights NGOs, continued to organise activities aimed to create a climate of reconciliation. Seminars on transitional justice and the role of the youth in the process of transitional justice were organised during the summer period. At the end of July, NGOs representatives, including the Humanitarian Law Center (HLC), the Helsinki Committee for Human Rights in Serbia (HCHRS) and the Youth Initiative for Human Rights (YIHR), complained of denigration campaigns directed against them by politicians and tabloid media (for more details see HLC, [Press Release](http://www.hlc.org.yu), 28.07.2005; Newsletter No. 16, 30.08.2005 and No. 17, 21.09.2005, [www.hlc.org.yu](http://www.hlc.org.yu); YIHR, <http://www.yihr.org>).



25. In Montenegro, a draft Law on access to secret files, necessary to the process of facing the past, was finalised in June by a working group created by the Ministry of the Interior. The draft Law was subsequently submitted to the CoE and OSCE experts' appraisal at the beginning of August 2005.

#### **IV. CO-OPERATION WITH THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY)**

26. Since July, two indictees were arrested by the authorities respectively of Argentina (Milan Lukic) and the Russian Federation (Dragan Zelenovic) and a third person surrendered to Bosnia and Herzegovina authorities (Sredoje Lukic), as a result of the co-operation between the Republika Srpska and the Republic of Serbia. However, Sredoje Lukic was the only indictee to be subsequently transferred to The Hague. According to information provided by the authorities, a number of 15 confidentiality waivers for witnesses were granted and 18 requests for documentation were provided to the ICTY Prosecutor's Office on 16 September 2005. The conclusions reached in the previous report are to be repeated (see SG/Inf(2005)13, para 40).

27. The expectations for a full co-operation with the ICTY after the July 2005 commemoration of the massacres of Srebrenica (Bosnia and Herzegovina) and their victims have led to a further increased political pressure on Serbia and Montenegro authorities, especially with regard to the arrest of Ratko Mladic and Radovan Karadzic. In spite of this pressure, no tangible results have been achieved and the momentum to move forward to a full co-operation with the ICTY seems to be lost. The need for a stronger commitment from the authorities towards a full co-operation with the ICTY and concrete results in terms of arrests or surrenders are to be reiterated.

#### **V. RULE OF LAW**

28. In both Serbia and Montenegro and at the level of the State Union, the conclusions and recommendations issued in the previous report remain valid (SG/Inf(2005)13, paras 43-55). The reporting period witnessed continued problems of lack of independence and impartiality as well as corruption within the judiciary and prosecution. Efforts to resolve these problems should be continued. The fight against organised crime in Montenegro became one of the most important priorities of the Government.

##### **1. Reform, independence and impartiality of the judiciary and prosecution and prison reform**

29. In Serbia, the Minister of Justice promised to undertake resolute action to eradicate corruption in the judiciary (see also below para 40), notably during a Conference on anti-corruption standards jointly organised in Belgrade by the Ministry of Justice and the Stability Pact Anti-Corruption Initiative on 20 September 2005. In mid-September, a Deputy Prosecutor for Organised Crime and a judge of the Supreme Court were arrested on charges of involvement in corruption, respectively for allegedly having violated official secrets and received bribes. In addition, the withdrawal of charges and proceedings on 5 August 2005 by the Pozarevac District Court against Slobodan Milosevic's son, Marko Milosevic, was considered by media and NGOs as politically motivated. In addition, the cancellation of an Interpol arrest warrant against Slobodan Milosevic's wife, Mira Markovic (see SG/Inf(2005)13, para 46) in June 2005, permitted her departure for The Hague. Her absence from the court hearing to which she was summoned to appear on 15 September resulted in a renewal of the Interpol arrest warrant.



30. As concerns the reform in the field of justice, the National Strategy for the Judiciary Reform was assessed by the CoE experts in September, following a request for expertise from the Serbian authorities. Its harmonisation with CoE standards, taking into account the experts' comments, is strongly encouraged before its adoption by the Parliament. The effective implementation of a reformed National Strategy is instrumental to a much needed global reform of the judicial system.

31. On 15 July 2005, a number of laws in the field of justice were amended, including the laws on High Judiciary Council, on Public Prosecutor, on Judges, on Organisation and Competences of the State Authorities in preventing Organised Crime and on Organisation and Competences of the State Authorities in War Crime Procedure. The judicial reform, in particular the preparation of a draft Law on initial and continuous training of judges and prosecutors and curricula is a priority for the Ministry of Justice, as indicated by the Minister during his visit to Strasbourg at the end of June 2005. The CoE stands ready to provide assistance and further expert appraisal to the preparation of draft legislation.

32. On 29 September 2005 a new Criminal Code was adopted. The new Code includes the definition of new crimes, such as genocide, terrorism, corruption, command responsibility in the case of war crimes, as well as crimes committed in connection with money-laundering (as concerns provisions on libel and defamation see also para 57). A criminal legislation package including the draft Code on Criminal Procedure, the draft Law on Enforcement of Criminal Sanctions and the draft Law on Juvenile Justice are now on the agenda of the Serbian Parliament. Despite the non adoption of this legislation so far, some positive developments have already been noted in the execution of criminal sanctions (IHF, [OSCE/HDIM Report](#), 14.09.2005).

33. In Montenegro, work is ongoing on the draft Law on Extra-judicial Proceedings, in close cooperation with the CoE experts. After adoption, the Law would contribute to the promotion of the efficiency of the judicial system. In addition, the draft Law on Public Notaries was approved by the Government on 7 July 2005 and sent to the Parliament for adoption. A draft Law on judicial training and professional skills development is also in preparation. As underlined in previous reports, effective implementation of legislation in the field of justice, in particular of criminal legislation, is crucial in Montenegro where renewed allegations of lack of independence of the judiciary have been reported.

34. As regards prison reform in both Serbia and Montenegro, concrete action is to be undertaken with the CoE assistance, notably as concerns for instance the refurbishment of prisons in Serbia, training seminars for prison governors in both Serbia and Montenegro, and probation service and alternative sanctions in Montenegro. In Montenegro, there is a lack of adequate legislative basis on prison reform questions and difficulties are being registered in the implementation of legislation in the criminal field including the newly introduced community service sanctions and probation enforcement structures.

## 2. Reform of police and security forces

35. In Serbia, the draft legislation on Police and on External Oversight is still under governmental review, whereas the draft law on Police is currently in the parliamentary procedure; new modifications of the draft by the Ministry of the Interior are in preparation. The authorities are

encouraged to take due account of the CoE experts' comments already made on the draft. The CoE stands ready to provide further expertise to the extent needed.

36. In Montenegro, following the adoption of the laws on Police and on the National Security Agency in April 2005, the head of the National Security Agency as well as the Director of the Institute for Execution of Criminal Sanctions were appointed. On 31 August, the murder of Slavoljub Scekic, a senior police officer who was investigating top criminal cases in Montenegro, was perceived as an alarming signal by the authorities and the opposition (see also below para 43).

### 3. Domestic prosecution of war crimes

37. In Serbia, the adoption of a Law on witness protection is instrumental to the protection of witnesses in cases involving organised crimes and war crimes. The draft legislation, to be adopted in the close future, provides for protection of suspects, defendants and legal professionals, altogether with ordinary witnesses and witness associates i.e. defendants who make plea bargains in return for obtaining protected witness status.

38. On 15 July the Belgrade District Court issued guilty verdicts in the *Sjeverin case* – a domestic landmark case of war crimes prosecution - to four members of the paramilitary group “Avengers” for the murder of 16 ethnic Bosniak citizens of Serbia and Montenegro from the town of Sjeverin. Seven persons, members of the *Scorpions* paramilitary unit, were indicted on counts of committing war crimes against civil Bosniaks near Zvornik (Bosnia and Herzegovina) in 1992. In the *Batajnica mass graves case*, following investigations, the War Crimes Department of the Serbian Police announced in mid-August that the first indictments will be issued by the end of the year (see also SG/Inf(2005)13, para 67; SG/Inf(2005)5, para 45).

39. In Montenegro, an investigation on the deportation by Montenegrin authorities of 99 Bosniak civilians to Bosnia and Herzegovina camps in 1992 is ongoing for more than one year.

### 4. Fight against corruption, organised crime and regulation of conflicts of interest

40. In Serbia, a judge of the Supreme Court and a deputy special organised crime prosecutor were accused of corruption in mid-September (see also above para 29). In reaction to this, Prime Minister Kostunica strongly committed the Government to fight corruption among highest state officials and announced the drafting of a Law on Anti-corruption. The adoption by the Parliament of the National Anti-Corruption Strategy, already approved by the Government on 26 May 2005, is expected to take place in October 2005. The adoption of this long-awaited Strategy elaborated with broad CoE assistance should be a priority for the authorities. An Action Plan - to be adopted by the end of the year - should follow up with detailed measures and ensure its implementation in particular through the setting up of an Anti-Corruption Body (see also PACO Impact, “Strengthening Anti-corruption Services in South-Eastern Europe”, doc. [PC-TC-\(2005\)8](#)). It should be further noted that the Group of States against Corruption (GRECO) held its joint first and second evaluation rounds visits on 13-17 June 2005 to Podgorica and 12-16 September 2005 to Belgrade.

41. An important court decision was rendered on 18 July by the Special Department on Organised Crime of Belgrade District Court against several persons in the trial for the kidnapping and murder of the former President of the Republic of Serbia Ivan Stambolic and attempted murder of Vuk Draskovic in Budva. The verdict in this major organised crime trial was awaited with a lot of

interest by the public opinion. A considerable test of the Special Department on Organised Crime remains the trial in the murder of late Prime Minister Zoran Djindjic. The fight against corruption within the judiciary and prosecution is furthermore important in this context.

42. As regards organised crime, in Serbia, the main threats appear to be related to drugs and economic organised crime, while corruption, privatisation fraud and money laundering of the proceeds of crime also cause concern. In Montenegro, economic crime, trafficking in drugs and persons and money laundering appear to be the main problems (for more details see CARDS Police Regional Project, "Situation Report on Organised and Economic Crime in South-Eastern Europe", doc. [PC-TC-\(2005\)9](#)). An important event was the adoption on 23 September 2005 of a Joint Declaration and a Regional Strategy on Tools against Organised and Economic Crime with Project Area Specific Actions - including specific objectives for both Serbia and Montenegro - at a High Level Meeting of Ministers of Interior and of Security and Senior Officials of Governments and Administrations from South-Eastern Europe, organised by the CARDS Police Regional Project (for the text of the Strategy and related documents see [http://www.coe.int/T/E/Legal\\_Affairs/Legal\\_cooperation/Combating\\_economic\\_crime/Regional\\_project\\_CARDS\\_Police/](http://www.coe.int/T/E/Legal_Affairs/Legal_cooperation/Combating_economic_crime/Regional_project_CARDS_Police/)). The authorities are encouraged to respect the commitments undertaken and ensure appropriate follow-up.

43. In Montenegro, the Programme for Combating Organised Crime and Corruption was adopted by the Government on 28 July 2005. A working group established by the Ministry of the Interior is expected to draft an Anti-corruption Action Plan (see also PACO Impact, "Strengthening Anti-corruption Services in South-Eastern Europe", doc. [PC-TC-\(2005\)8](#)). The fight against organised crime, following the murder of Slavoljub Scekic end of August, has become a priority for the authorities. The adequate investigation in this case represents a test for their capacity to tackle mafia type organisations. In September 2005, a number of police restructuring measures, including the appointment of a new Head of Police and the replacement of the Director of the Institute for Execution of Criminal Sanctions have taken place. On 8 September 2005, the Montenegrin Government created a Commission entrusted with necessary measures to effectively fight against crime and consolidate the security and safety of citizens.

44. At the beginning of August, a new draft Law on Conflict of Interest drafted by an *ad hoc* parliamentary Committee and experts from the CoE was presented to the CoE experts' appraisal (see in this connection previous report SG/Inf(2005)13, para 73) and is now before the Parliament. It is hoped that conditions for a wider public participation and discussion *inter alia* with the civil society be facilitated.

## VI. HUMAN RIGHTS

1. Implementation of the European Convention on Human Rights (ECHR) and the European Convention on Prevention of Torture (ECPT)

45. On 6 September 2005, the Ambassador of Serbia and Montenegro deposited the instrument of ratification of Protocol No. 14 to the ECtHR which had been adopted by the State Union Parliament on 29 June 2005. Another positive development to be welcomed was the appointment by the Council of Ministers of Serbia and Montenegro, on 8 September 2005, of a Government Agent to the ECHR (from Serbia). The appointment of a Deputy Government Agent (from Montenegro) is expected to be completed by the end of the year. The CoE is ready to support the newly created institution and assist the authorities *inter alia* with training and study visits.

46. Arbitrary arrest, detention and ill-treatment of civilians by police have been reported in July 2005 (see *inter alia* OMCT, [Urgent Appeal](#), 29.07.2005). As concerns the conditions in Serbian prisons, inadequate health care and material conditions in general, as well as dysfunctional complaint mechanisms for inmates and overcrowding have been reported in recent months (see IHF, [OSCE/HDIM](#), 14.09.2005).

## 2. Protection of human rights by the Ombudsman

47. In Serbia, the Law on the Protector of Citizens (Ombudsman-type legislation) was adopted on 14 September 2005 (see OSCE, [Press Release](#), 16 September 2005; see also previous SG/Inf reports). The creation of the Office of the Protector of Citizens, as well as its effective operation, is to be strongly supported. The adopted legislation establishes an institution similar to the already existing Ombudsman institution in Vojvodina and Montenegro. The CoE comments made before the adoption of the legislation should be taken into account in the drafting of the new Constitution, in particular on the issue of the qualified majority vote for the appointment of the Ombudsman by the Parliament. In Montenegro, an awareness-raising campaign on the Ombudsman Office held during the summer increased by 25 percent the complaints received from the Montenegrin public. In September 2005, the Ombudsman of Vojvodina indicated that the citizens' complaints mainly relate to the length of procedures and non execution of judgements, but also to questions related to landscape planning, urbanisation and ecology regulations, as well as mal-administration of government bodies and public services.

## 3. National minorities

48. According to official information, a draft Law on the ratification of the European Charter for Regional and Minority Languages will soon be adopted by the State Union Parliament.

49. In Serbia, no agreement could be achieved within the Albanian community on the creation of the Albanian Minority Council, in spite of reiterated appeals for its creation by the State Union Ministry for Human and Minority Rights during the summer period. In Montenegro, the long-awaited Law on the protection of minorities was finalised and is expected to be approved by the Government by the end of the year. The draft Law on the Capital City of Podgorica, providing the status of City Municipality for the Tuzi area (inhabited by Albanian population), supported by the political leaders and representatives of the Albanian community, was approved by the Government on 2 July 2005 and sent to Parliament for adoption. Among other laws, it is expected to have an impact on the protection of minority rights. The same conclusions and recommendations made in the previous report are still valid (see SG/Inf(2005)13, para 81).

50. In Serbia, the local authorities of Belgrade have started co-ordinated action to solve the housing problem of Roma communities living in unsanitary settlements in New Belgrade since July. The creation by the Mayor of Belgrade of a Co-ordination Center for the Inclusion of Roma with the aim to elaborate and participate in the implementation of local strategies in the fields of education, employment, health care and housing issues is to be mentioned as a first step in improving the situation of the Roma (see to this effect SG/Inf(2005)13, para 82). However, these measures resulted in an increased number of ethnically motivated incidents from the population against the Roma community.

4. Freedom of the media
  - a. Public Broadcasting System

51. In Serbia, concerns have been expressed during the summer by media organisations and human rights NGOs over the impact that the amendments to the Broadcasting Law could have on the transformation of the public broadcaster Radio Television Serbia (RTS) into a public service. According to the amendments adopted on 30 August 2005, the transformation of RTS into an independent public service is to be prolonged until 30 March 2006 and the deadline for the privatisation of the broadcast media will be extended until the end of 2007.

52. Professional media organisations believe that the proposed changes to the Law would delay the regulation of the media sphere and put additional pressure on the electronic media. Other amendments have the effect to operate a change in the terms of office of the members of the Broadcasting Council, depending on the type of nomination made, annul the right of veto exercised by the member from Vojvodina, regarding all decisions related to the province, and establish a radio and television subscription as from 1 October 2005 (see *inter alia* OSCE, [Press Release](#), 31.08.2005; ANEM/IFEX, [Press Release](#), 24.08.2005).

53. On 16 September 2005, the Broadcasting Council adopted the Draft Broadcasting Development Strategy. The draft Strategy, which will be submitted to public discussion, envisages *inter alia* the transformation of RTS into a public service. According to the draft, a tender for frequency allocation will be organised in the autumn 2005. As regards the Agency for Telecommunications, it should start operating by the end of 2005.

54. In Montenegro, similar problems regarding the independence of Radio-Television Montenegro (RTCG) were underlined in previous reports, altogether with the serious impediments to an effective implementation of the Law on Public Broadcasting System.

- b. Free access to information

55. As regards the implementation of the Law on free access to information in Serbia, several obstacles still exist. However, financial and material conditions related to the establishment of the Commissioner for Public Information Office have improved. The civil society is active in improving the public perception on this new institution. Initiatives from a coalition of NGOs include awareness-raising activities, publication of a guidebook and regular monitoring of the implementation of the Law. In June, a research carried out by Transparency Serbia concluded that around 60 per cent of the institutions on local and republic level still do not implement the Law on Free Access to Information. In Montenegro, the Government approved the draft Law on Free Access to Information on 30 June, following the organisation of a round-table with CoE experts in early June. The Law is expected to be on the agenda of the Parliament on 11 October 2005.

- c. Other issues related to freedom of the media

56. In Serbia, the press freedom situation was considered to be alarming by the IPI/IFEX in mid-September 2005 (see IPI/IFEX, [Press Release](#), 15.09.2005). Threats, verbal and physical attacks directed on journalists *inter alia* by politicians have been reported in the period covered. The most



noteworthy incident of the past months involved the Minister of Public Investment and his assistant who insulted and threatened Veran Matic, the Director of Radio and Television B92. An investigation is ongoing by the Office of the Prosecutor, following a criminal complaint filed by the director of B92 (see *inter alia* IFEX, [Alert](#), 16.08.2005; see also concerning other attacks against media IPI, <http://www.freemedia.at/>). In Montenegro, threats to the employees of the daily “Dan” were reported in July when a bomb was discovered in front of the newspaper’s premises.

57. In Serbia, a positive development in the field of media is the adoption of the Criminal Code on 29 September 2005 which includes the depenalisation of libel and defamation; the new legislation does not provide for prison sentences anymore, but only for fines.

58. In Montenegro, the trial in the murder of journalist Dusko Jovanovic continues. The murder of a senior police officer who was investigating *inter alia* on this case brought an increased attention on the main suspect, Damir Mandic, who is imprisoned since the autumn 2004 and was recently subject to alleged police ill-treatment in Spuz prison (see also above para 43).

#### 5. Freedom of association and civil society/status of NGOs

59. In Serbia, the draft Law on NGOs is expected to be adopted in the autumn 2005; CoE expertise should be soon provided. Local NGOs, and in particular human rights NGOs, continue to claim the existence of hate speech, physical attacks, threats, criminal suits and sometimes public denigration in relation to their activities. Attacks, accusations and even death threats seem to have intensified after the release of the video tapes of the Srebrenica killings at the beginning of June 2005. Several prominent human rights NGOs, together with Radio and Television B92, and their directors have been subject of accusations of holding an “anti-Serb campaign” during the summer 2005 (see *inter alia* IHF, [Statement](#), 16.09.2005; HLC, [Press Release](#), 14.09.2005).

#### 6. Freedom of conscience and religion

60. Since July 2005, a number of concerns related to various forms of religious intolerance have been raised by several NGOs especially in Serbia (see also Forum 18, [www.forum18.org](http://www.forum18.org); IHF, [OSCE/HDIM Report](#), 14.09.2005).

61. In July, the building of a small church on Mount Rumija (Montenegro), a mountain which has a particular religious importance to the Montenegrin Orthodox Church, by the Serbian Orthodox Church, without the permission of the Montenegrin authorities, has fuelled the debate over the intermeddling of the Serbian Orthodox Church into politics.

62. The lack of legislative framework to enable the registration of religious communities reportedly creates awkward situations in which religious communities are not legally recognised. The building of churches is for instance prohibited to non-registered religious communities. A recent example of this incongruity was the refusal of the Serbian Minister of Religions to allow the construction of a place of worship by the Montenegrin Orthodox Church on the territory of Serbia (for more details see Forum 18, [Serbia: Minister Bans “Non-existent” Church from Building Church](#), 12.09.2005).

## 7. Protection of refugees and internally displaced persons

63. In the period covered, the main positive development has been the trilateral meeting (Bosnia and Herzegovina, Serbia and Montenegro and Croatia) of the Working Group for the implementation of the Sarajevo Declaration on Refugees held in Zagreb on 15 September 2005 with the participation of the UNHCR, the EU and the OSCE. The meeting indicated the progress made and acknowledged the existence of outstanding issues concerning refugees. The Roads Maps i.e. guidelines for the return of refugees should be improved and a draft common platform for the implementation of the Declaration be prepared by Bosnia and Herzegovina authorities by the next meeting to be held in October 2005. On 20 July, the State Union Minister of Human and Minority Rights, Rasim Ljajic, and his Bosnia and Herzegovina counterpart, Mirsad Kebo, met in Belgrade to discuss issues related to return of refugees and missing persons.

64. In Montenegro, the National Strategy for Resolving the Issues of Refugees and IDPs was publicly presented on 8 July 2005 in a conference organised by the Ministry of Labour and Social Affairs and the Commissariat for Displaced Persons, with the support of the United Nations Development Programme (UNDP).

## 8. Social rights

65. Following the completion of the compatibility study of the Serbian and Montenegrin legislation and practice with the Revised European Social Charter, two conferences were organised in Belgrade and Podgorica in mid-July 2005 to present the Social Charter and to make public the compatibility studies. The Minister of Labour, Employment and Social Policy of Serbia and the Minister of Labour and Social Affairs of Montenegro confirmed their commitment to ratify the Revised European Social Charter in the close future.

## 9. Civil control of the army

66. A draft Law on Democratic and Civil Control of the Army was drafted by a working group established by the Centre for Civil-Military Relations (CCMR). The draft Law was submitted to public debate in accordance with the Constitutional Charter in September 2005 in several Serbian towns and the final version of the draft is to be presented to the Defence Committee of the State Union Parliament.

## VII. EDUCATION

67. In Serbia, the Law on Higher Education was adopted on 30 August. The CoE remains at disposal of the Serbian authorities to assist, in particular, in the phase of implementation of the new law. New impetus to the reform could be given with the adoption of the draft general Strategy of Education, which was approved by the Government in June 2005. A newly appointed National Education Council has started to function in the first half of September. See also VIII, para 73.



## VIII. COUNCIL OF EUROPE CO-OPERATION AND ASSISTANCE

68. During the period July through September 2005, the CoE completed more than 38 assistance activities for Serbia and Montenegro. Many activities were carried out within the Joint Programme between the CoE and the European Commission's initiative for democracy and human rights (EIDHR). The Joint Programmes with the European Union ended on 16 August 2005. An external evaluation of the Joint Programme is to be provided by the end of the year.

69. A number of Human Rights activities, including training of judges, prosecutors and other legal professionals on the ECHR have been organised in the reporting period. A conference on the Revised European Social Charter (RESC) aimed to present the publication of the compatibility studies took place in Belgrade and Podgorica on 12-13 July, while two training seminars on the RESC for judges, legal and administrative professions, trade unions, and NGOs, were organised in Belgrade (1 July) and in Podgorica (19 July) (see above para 65). In the Rule of Law-assistance, activities on penitentiary reforms in both Serbia and Montenegro were organised in the period covered, including a training seminar on management for prison governors organised in mid-July and CoE experts for penitentiary reform visits to evaluate the Serbian prison system and draft proposals of assistance.

70. As concerns expertise of legislation, several new pieces of Montenegrin draft legislation were submitted to CoE experts' comments in early August : the draft Law on Access to Secret Files, the draft Law on Conflict of Interest, the draft Law on Bar and the draft Law on Extrajudicial Proceedings. Other activities addressed the reform of criminal legislation in Montenegro and expert assistance in legal reforms was provided in Serbia. Seminars and trainings of judges on mediation techniques were also organised.

71. In Serbia, within the framework of PACO Impact, an integrity plan for courts and prosecutor's office was established during a final meeting held to choose the first pilot activity. In Montenegro, an expert mission prior to the launch of a new PACO pilot project on strengthening operational capacities and increasing effectiveness of the Special Prosecutor Office was held in early July. In addition, a study visit of crime analysts and officers from the Department for Combating Organised Crime was organised within CARDS Police Programme to Europol (The Hague).

72. Regarding education, an international summer camp with the theme "Living and learning democracy" under the Joint Programme between CoE and the EC, with the aim of contributing to integration of civic and human rights education and improvement of school networking of high school students from Serbia and Montenegro, Croatia, Bosnia and Herzegovina, Albania and "the former Yugoslav Republic of Macedonia" was organised from 17 to 23 July 2005.

73. A series of training seminars for the introduction of human rights education in Serbia, which were scheduled to take place between May and August 2005 as part of the Joint Programme between the European Commission and the CoE, had to be cancelled. A final activity in collaboration with the Serbian teacher trainers who had taken part in the seminars held under the Joint Programme was organised with the Serbian Ministry's approval: together with colleagues from Montenegro and Bosnia and Herzegovina, these trainers took part in a fact-finding mission to "the former Yugoslav Republic of Macedonia" to identify the needs of teachers there and examine how they in turn might benefit from the experience gained under the Joint Programme. In addition, a further teacher training event was organised and teaching materials were translated and published in Montenegro.

74. Regarding the activity of the Council of Europe Development Bank (CEB), a first project for the construction of housing in Serbia for refugees, former refugees and vulnerable groups was approved by the Bank's Administrative Council on 8 September 2005, following two exceptional donations to the country in 2004 and 2005, in aid of the local integration of refugees. Further co-operation between the Bank and the authorities is under discussion.

## **IX. MAIN CONCLUSIONS AND RECOMMENDATIONS**

75. The main conclusions and recommendations made in the previous report SG/Inf(2005)13 are to be reiterated. Emphasis is nevertheless put on the following:

### At the level of the State Union

- i. to fully co-operate with the ICTY and ensure the arrest of the remaining ICTY indicted fugitives;*
- ii. to step up and support the work undertaken to facilitate reconciliation and facing the past, including domestic investigation, prosecution and trials of war crimes, awareness-raising activities;*
- iii. to complete the work on establishing a full fledged Government Agent Office before the European Court of Human Rights by appointing a Deputy Government Agent (from Montenegro);*
- iv. to ratify the recently signed European Charter on Local Self-Government and the European Charter for Regional and Minority Languages and to sign and ratify the European Outline Convention on Trans-frontier Co-operation and the protocols thereto;*
- v. to enhance the process of return of refugees through direct negotiation inter alia Bosnia and Herzegovina, Croatia and Serbia and Montenegro;*

### At the level of member states

#### *Republic of Serbia:*

- i. making full use of the Venice Commission's assistance, to finalise and adopt a new Constitution harmonised with the Constitutional Charter, which should aim inter alia to provide a good basis for decentralisation and the organisation of local authorities and the autonomous regions, independence and impartiality of judges and prosecutors and protection of minorities;*
- ii. to implement in-depth reforms in the field of local and regional democracy in compliance with CoE standards and inter alia by implementing the Government Work Programme for Better Local Government;*
- iii. to complete in-depth reforms to secure the independence and impartiality of the judiciary and prosecution in compliance with CoE standards, as well as re-organisation of the court system in order to further improve the functioning of the judiciary;*
- iv. to complete reform of the police, inter alia by finalising the draft legislation on Police and External Oversight and subsequently adopting it;*
- v. to pursue resolutely the fight against corruption and organised crime, namely by adopting and adequately implementing the National Anti-Corruption Strategy, which should be followed up by an action plan;*
- vi. to ensure the appropriate implementation of the Law on Free Access to Public Information;*
- vii. following the adoption of the Law on the Protector of Citizens, to appointment of the Protector of Citizens and ensure the effective implementation of the Law;*
- viii. to investigate the increased attacks against NGOs and create a more tolerant climate;*

*ix. to re-consider the draft legislation on religious organisations in compliance with CoE experts' recommendations and take appropriate measures to prevent any intolerant and discriminatory actions directed on religious minority communities;*

*Republic of Montenegro:*

*i. to complete the drafting work on a new Montenegrin Constitution or a constitutional amendment in harmonisation with the Constitutional Charter in co-operation with the Venice Commission, which should notably aim to improve the provisions concerning decentralisation and the organisation of local authorities;*

*ii. to take due account of the Opinion of the Venice Commission - currently in preparation - on the Law on Referendum;*

*iii. to implement in-depth reforms in the field of local and regional democracy in compliance with CoE standards and inter alia by implementing the Government Work Programme for Better Local Government;*

*iv. to produce in-depth reforms to secure the independence and impartiality of the judiciary and prosecution in compliance with CoE standards, as well as re-organisation of the court system in order to further improve the functioning of the judiciary;*

*v. to adequately implement the new reform on the Police and National Security Agency, with a particular emphasis on sound democratic control;*

*vi. to step up action against corruption and organised crime;*

*vii. to complete work on a long-awaited draft law on the protection of minorities, which had been delayed by disagreements on political representation;*

*viii. to adopt, following CoE experts' recommendations, the Law on Free Access to Information and subsequently ensure its effective implementation.*

Appendix 1

Treaties signed and ratified by Serbia and Montenegro or having been the subject of an accession as of 4/10/2005

No.	Title			Opening of the treaty	Entry into force	E.	N.	C.
001	<a href="#">Statute of the Council of Europe</a>			5/5/1949	3/8/1949	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Ratification or accession: 3/4/2003	Entered into force: 3/4/2003					
002	<a href="#">General Agreement on Privileges and Immunities of the Council of Europe</a>			2/9/1949	10/9/1952	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Ratification or accession: 26/4/2005	Entered into force: 26/4/2005					
005	<a href="#">Convention for the Protection of Human Rights and Fundamental Freedoms</a>			4/11/1950	3/9/1953	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Signature: 3/4/2003	Ratification or accession: 3/3/2004	Entered into force: 3/3/2004					
009	<a href="#">Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms</a>			20/3/1952	18/5/1954	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Signature: 3/4/2003	Ratification or accession: 3/3/2004	Entered into force: 3/3/2004					
010	<a href="#">Protocol to the General Agreement on Privileges and Immunities of the Council of Europe</a>			6/11/1952	11/7/1956	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Ratification or accession: 26/4/2005	Entered into force: 26/4/2005					
018	<a href="#">European Cultural Convention</a>			19/12/1954	5/5/1955	X	<input type="checkbox"/>	<input type="checkbox"/>
		Ratification or accession: 28/2/2001	Entered into force: 28/2/2001					
024	<a href="#">European Convention on Extradition</a>			13/12/1957	18/4/1960	X	X	<input type="checkbox"/>
		Ratification or accession: 30/9/2002	Entered into force: 29/12/2002					
030	<a href="#">European Convention on Mutual Assistance in Criminal Matters</a>			20/4/1959	12/6/1962	X	X	<input type="checkbox"/>
		Ratification or accession: 30/9/2002	Entered into force: 29/12/2002					
041	<a href="#">Convention on the Liability of Hotel-keepers concerning the Property of their Guests</a>			17/12/1962	15/2/1967	X	X	<input type="checkbox"/>
		Ratification or accession: 28/2/2001	Entered into force: 29/5/2001					
044	<a href="#">Protocol No. 2 to the Convention for the Protection of Human Rights and Fundamental Freedoms, conferring upon the European Court of Human Rights competence to give advisory opinions</a>			6/5/1963	21/9/1970	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Signature: 3/4/2003	Ratification or accession: 3/3/2004	Entered into force: 3/3/2004					
045	<a href="#">Protocol No. 3 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 29, 30 and 34 of the Convention</a>			6/5/1963	21/9/1970	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Signature: 3/4/2003	Ratification or accession: 3/3/2004	Entered into force: 3/3/2004					
046	<a href="#">Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto</a>			16/9/1963	2/5/1968	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Signature: 3/4/2003	Ratification or accession: 3/3/2004	Entered into force: 3/3/2004					
050	<a href="#">Convention on the Elaboration of a European Pharmacopoeia</a>			22/7/1964	8/5/1974	X		X
		Ratification or accession: 28/2/2001	Entered into force: 29/5/2001					
051	<a href="#">European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders</a>			30/11/1964	22/8/1975	X	X	
		Ratification or accession: 28/2/2001	Entered into force: 29/5/2001					
055	<a href="#">Protocol No. 5 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 22 and 40 of the Convention</a>			20/1/1966	20/12/1971			
	Signature: 3/4/2003	Ratification or accession: 3/3/2004	Entered into force: 3/3/2004					
062	<a href="#">European Convention on Information on Foreign Law</a>			7/6/1968	17/12/1969	X	X	
		Ratification or accession: 30/5/2002	Entered into force: 31/8/2002					
069	<a href="#">European Agreement on continued Payment of Scholarships to students studying abroad</a>			12/12/1969	2/10/1971	X	X	
		Ratification or accession: 28/2/2001	Entered into force: 29/3/2001					
073	<a href="#">European Convention on the Transfer of Proceedings in Criminal Matters</a>			15/5/1972	30/3/1978	X	X	
		Ratification or accession: 30/9/2002	Entered into force: 31/12/2002					
086	<a href="#">Additional Protocol to the European Convention on Extradition</a>			15/10/1975	20/8/1979	X	X	
		Ratification or accession: 23/6/2003	Entered into force: 21/9/2003					
087	<a href="#">European Convention for the Protection of Animals kept for Farming Purposes</a>			10/3/1976	10/9/1978	X	X	X
		Ratification or accession: 28/2/2001	Entered into force: 29/8/2001					
088	<a href="#">European Convention on the International Effects of Deprivation of the Right to Drive a Motor Vehicle</a>			3/6/1976	28/4/1983	X	X	
		Ratification or accession: 28/2/2001	Entered into force: 29/5/2001					
090	<a href="#">European Convention on the Suppression of Terrorism</a>			27/1/1977	4/8/1978			
	Signature: 15/5/2003	Ratification or accession: 15/5/2003	Entered into force: 16/8/2003					
092	<a href="#">European Agreement on the Transmission of Applications for Legal Aid</a>			27/1/1977	28/2/1977	X	X	
	Signature: 9/2/2005	Ratification or accession: 9/2/2005	Entered into force: 10/3/2005					
097	<a href="#">Additional Protocol to the European Convention on Information on Foreign Law</a>			15/3/1978	31/8/1979	X	X	
	Signature: 23/6/2003	Ratification or accession: 23/6/2003	Entered into force: 24/9/2003					
098	<a href="#">Second Additional Protocol to the European Convention on Extradition</a>			17/3/1978	5/6/1983	X	X	
		Ratification or accession: 23/6/2003	Entered into force: 21/9/2003					
099	<a href="#">Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters</a>			17/3/1978	12/4/1982	X	X	

		Ratification or accession: 23/6/2003	Entered into force: 21/9/2003					
102	<a href="#">European Convention for the Protection of Animals for Slaughter</a>			10/5/1979	11/6/1982	X	X	X
		Ratification or accession: 28/2/2001	Entered into force: 29/8/2001					
105	<a href="#">European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children</a>			20/5/1980	1/9/1983	X	X	
		Ratification or accession: 18/1/2002	Entered into force: 1/5/2002					
108	<a href="#">Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data</a>			28/1/1981	1/10/1985	X	X	
	Signature: 6/9/2005	Ratification or accession: 6/9/2005	Entered into force: 1/1/2006					
112	<a href="#">Convention on the Transfer of Sentenced Persons</a>			21/3/1983	1/7/1985	X	X	
		Ratification or accession: 11/4/2002	Entered into force: 1/8/2002					
114	<a href="#">Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty</a>			28/4/1983	1/3/1985			
	Signature: 3/4/2003	Ratification or accession: 3/3/2004	Entered into force: 1/4/2004					
117	<a href="#">Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms</a>			22/11/1984	1/11/1988			
	Signature: 3/4/2003	Ratification or accession: 3/3/2004	Entered into force: 1/6/2004					
118	<a href="#">Protocol No. 8 to the Convention for the Protection of Human Rights and Fundamental Freedoms</a>			19/3/1985	1/1/1990			
	Signature: 3/4/2003	Ratification or accession: 3/3/2004	Entered into force: 3/3/2004					
120	<a href="#">European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches</a>			19/8/1985	1/11/1985	X	X	
		Ratification or accession: 28/2/2001	Entered into force: 1/4/2001					
121	<a href="#">Convention for the Protection of the Architectural Heritage of Europe</a>			3/10/1985	1/12/1987	X	X	X
		Ratification or accession: 28/2/2001	Entered into force: 1/6/2001					
126	<a href="#">European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment</a>			26/11/1987	1/2/1989	X	X	
	Signature: 3/3/2004	Ratification or accession: 3/3/2004	Entered into force: 1/7/2004					
134	<a href="#">Protocol to the Convention on the Elaboration of a European Pharmacopoeia</a>			16/11/1989	1/11/1992	X		X
		Ratification or accession: 28/2/2001	Entered into force: 29/5/2001					
135	<a href="#">Anti-Doping Convention</a>			16/11/1989	1/3/1990	X	X	
		Ratification or accession: 28/2/2001	Entered into force: 1/4/2001					
141	<a href="#">Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime</a>			8/11/1990	1/9/1993	X	X	
	Signature: 9/10/2003	Ratification or accession: 9/10/2003	Entered into force: 1/2/2004					

147	<a href="#">European Convention on Cinematographic Co-Production</a>		2/10/1992	1/4/1994	X		X
	Signature: 2/6/2004	Ratification or accession: 2/6/2004	Entered into force: 1/10/2004				
151	<a href="#">Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment</a>		4/11/1993	1/3/2002			
	Signature: 3/3/2004	Ratification or accession: 3/3/2004	Entered into force: 1/7/2004				
152	<a href="#">Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment</a>		4/11/1993	1/3/2002			
	Signature: 3/3/2004	Ratification or accession: 3/3/2004	Entered into force: 1/7/2004				
155	<a href="#">Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby</a>		11/5/1994	1/11/1998			
	Signature: 3/4/2003	Ratification or accession: 3/3/2004	Entered into force: 3/3/2004				
157	<a href="#">Framework Convention for the Protection of National Minorities</a>		1/2/1995	1/2/1998	X	X	
		Ratification or accession: 11/5/2001	Entered into force: 1/9/2001				
162	<a href="#">Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe</a>		5/3/1996	1/11/1998			
	Signature: 26/4/2005	Ratification or accession: 26/4/2005	Entered into force: 27/5/2005				
165	<a href="#">Convention on the Recognition of Qualifications concerning Higher Education in the European Region</a>		11/4/1997	1/2/1999	X	X	X
	Signature: 3/3/2004	Ratification or accession: 3/3/2004	Entered into force: 1/5/2004				
167	<a href="#">Additional Protocol to the Convention on the Transfer of Sentenced Persons</a>		18/12/1997	1/6/2000	X	X	
		Ratification or accession: 30/9/2002	Entered into force: 1/1/2003				
173	<a href="#">Criminal Law Convention on Corruption</a>		27/1/1999	1/7/2002	X	X	X
		Ratification or accession: 18/12/2002	Entered into force: 1/4/2003				
177	<a href="#">Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms</a>		4/11/2000	1/4/2005			
	Signature: 3/4/2003	Ratification or accession: 3/3/2004	Entered into force: 1/4/2005				
187	<a href="#">Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances</a>		3/5/2002	1/7/2003			
	Signature: 3/4/2003	Ratification or accession: 3/3/2004	Entered into force: 1/7/2004				
194	<a href="#">Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention</a>		13/5/2004				
	Signature: 10/11/2004	Ratification or accession: 6/9/2005					



## Appendix 2

## Treaties signed but not ratified by Serbia and Montenegro as of 4/10/2005

No.	Title	Opening of the treaty	Entry into force	E.	N.	C.
122	<a href="#">European Charter of Local Self-Government</a>	15/10/1985	1/9/1988			
	Signature: 24/6/2005					
148	<a href="#">European Charter for Regional or Minority Languages</a>	5/11/1992	1/3/1998	X	X	
	Signature: 22/3/2005					
163	<a href="#">European Social Charter (revised)</a>	3/5/1996	1/7/1999			
	Signature: 22/3/2005					
164	<a href="#">Convention for the protection of Human Rights and dignity of the human being with regard to the application of biology and medicine: Convention on Human Rights and Biomedicine</a>	4/4/1997	1/12/1999	X	X	X
	Signature: 9/2/2005					
174	<a href="#">Civil Law Convention on Corruption</a>	4/11/1999	1/11/2003	X	X	X
	Signature: 7/4/2005					
182	<a href="#">Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters</a>	8/11/2001	1/2/2004	X	X	
	Signature: 7/4/2005					
185	<a href="#">Convention on Cybercrime</a>	23/11/2001	1/7/2004	X	X	
	Signature: 7/4/2005					
186	<a href="#">Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin</a>	24/1/2002		X	X	X
	Signature: 9/2/2005					
189	<a href="#">Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems</a>	28/1/2003		X	X	
	Signature: 7/4/2005					
190	<a href="#">Protocol amending the European Convention on the Suppression of Terrorism</a>	15/5/2003				
	Signature: 15/5/2003					
195	<a href="#">Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research</a>	25/1/2005		X	X	X
	Signature: 9/2/2005					
196	<a href="#">Council of Europe Convention on the Prevention of Terrorism</a>	16/5/2005		X	X	X
	Signature: 16/5/2005					
197	<a href="#">Council of Europe Convention on Action against Trafficking in Human Beings</a>	16/5/2005		X	X	X
	Signature: 16/5/2005					
198	<a href="#">Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism</a>	16/5/2005		X	X	X
	Signature: 16/5/2005					

14 treaty(ies) found