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

Document presented by the Secretary General

Eighth report (March 2005 – June 2005)

Summary

In recent months, democratic reforms and the commitment towards further European integration benefited from a more assertive political leadership and enhanced public opinion support, which both found comfort in the positive Feasibility Study by the European Commission.

Following a number of surrenders earlier this year and increased compliance with the Prosecutor's requests, a more positive co-operation with the ICTY is now facing the critical test of transfers of top indictees, measures that might get a fresh boost after the release of the Srebrenica videotapes.

A political agreement on future elections to the State Union Parliament and the entry into operation of the State Union Court came as positive signs, though with limited impact. While the uncertainties about the future of the State Union continued to absorb a lot of energy and to slow down some important reforms, starting with the necessary work to bring the member states' Constitutions in line with the State Union Constitutional Charter, both the State Union and the member states made further progress on commitments.

After more than two years of CoE membership, Serbia and Montenegro has now honoured a large number of accession commitments, in particular when it comes to signature and/or ratification of Conventions and even more so adoption of relevant legislation.

Further concrete efforts are particularly needed in the following areas: constitutional drafting in consultation with the Venice Commission, reconciliation and facing the past, local democracy, functioning and independence of the judiciary and prosecution, protection of minorities. A number of key laws are expected, notably, the laws on the reform of the police, on citizens' associations and NGOs and on Ombudsman in Serbia, or on free access to information and protection of minorities in Montenegro.

Resolute implementation of the vast legislative and policy reforms already achieved or close to completion is obviously bound to become the key political motto in the months ahead.

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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 8th report prepared by the Secretariat in this context.¹ It was drawn up 2 years after accession, a period which corresponds with the deadline for fulfilling a series of specific commitments listed in PACE Opinion No. 239(2002).

3. The information provided in the report is notably based on the meetings that a Secretariat delegation held during a visit to Belgrade, Bujanovac (Southern Serbia) and Podgorica from 13 to 17 June. The programme of the Secretariat visit is reproduced in Appendix 1 to the report². The Secretariat is grateful to the Ministry of Foreign Affairs and the Permanent Representation of Serbia and Montenegro to the CoE for their presence, as well as the organisation of the programme of the visit. Particular thanks are addressed to the OSCE for the assistance and the organisation of meetings in Bujanovac. At the end of the visit, the Embassy of Portugal in Belgrade organised a much appreciated meeting with representatives of Diplomatic Missions of CoE member States. As usual, the Special Representative of the Secretary General in Serbia and Montenegro and the Secretariat Office in Belgrade and in Podgorica provided efficient support.

4. It is useful to recall that on 16 March 2005, in light of the 7th report, the Committee of Ministers, had taken the following decision:

“The Deputies

(...) invited the authorities of Serbia and Montenegro and the two member states of the Union to act upon the recommendations contained therein, particularly those concerning constitutional and institutional reforms;

3. reiterated their request that the authorities of Serbia and Montenegro honour the obligations and commitments scheduled for the end of the second year of Council of Europe membership, in particular signature and ratification of the European Charter of Local Self-Government, the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and the Protocols to it and the European Charter of Regional or Minority Languages, and signature of the revised European Social Charter;

4. welcomed the recent favourable developments in cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) and encouraged the authorities of Serbia and Montenegro to continue their efforts to co-operate fully with the Tribunal; (...).”

II. POLITICAL CONTEXT

5. The announcement of a positive Feasibility Study by the European Commission in April undeniably dominated the political arena during the period under review. Received as a recognition that significant progress was indeed under way, it fed a newly emerging dynamism. While no precise date for the opening of

¹ 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](#) (available on the following websites: <http://www.coe.int/sg> and <http://dsp.coe.int/monitoring>).

² The report is also based on information provided by the authorities of Serbia and Montenegro (State Union and member states), as well as representatives of international organisations and local and international NGOs active in Serbia and Montenegro.

negotiations towards a Stabilisation and Association Agreement had yet been fixed and fresh questions or anxieties had subsequently been raised by the negative results in referenda on the EU constitutional treaty in two EU member countries, support for democratic reform and resolute action towards further European integration was clearly boosted.

6. This trend was confirmed by the adoption in June 2005 by both the Parliament of the Republic of Montenegro and the State Union Parliament of Resolutions favourable to European integration. In Montenegro, the main opposition party, which had boycotted parliamentary work last year, took a very active role in the production of the text. A similar Resolution had been adopted by the Parliament of the Republic of Serbia in October 2004.

7. Another important political development was the agreement reached on 7 April 2005 by the President of Serbia and Montenegro, the Presidents and Prime Ministers of the member states and the High Representative of the Common Foreign and Security Policy (CFSP) of the European Union. Prompted by the need to overcome a constitutional crisis affecting the legitimacy of the State Union Parliament, the agreement also includes other major political commitments concerning the fulfilment of obligations deriving from the Constitutional Charter, future EU negotiations and conditions for a possible referendum in accordance with Article 60 of the Constitutional Charter.

8. Co-operation with the ICTY, which had been significantly improving since the beginning of the year, received additional public opinion backing following the release of the Srebrenica video tape in June. As will be discussed below, a transfer to The Hague of any of the top indictees appeared henceforth less problematic and divisive.

9. The resumption of dialogue between Belgrade and Pristina on technical issues is another aspect of a more dynamic political climate in Belgrade.

10. On the other hand, the uncertainties about the future of Serbia and Montenegro as a State Union continued to absorb a lot of energy and to slow down reform, starting with the necessary work to bring the member states' Constitutions in line with the State Union Constitutional Charter. The debate on a possible referendum in accordance with Article 60 of the Constitutional Charter remained very active in Montenegro, where the opinion of the Venice Commission, later this year, on the compliance of the Law on referendum with international standards and best practices is awaited with particular interest.

11. While there was thus evidence of a more dynamic political environment, it was also obvious that, in many respects, the clearer political resolve, notably in Belgrade, had still both to spread horizontally to all sectors of government and to filter down the administrations, eventually inspiring law and policy implementation actors. Resolute implementation of the vast legislative and policy reforms already achieved, or close to completion, is obviously bound to become the key political motto in months ahead.

III. DEMOCRACY AND INSTITUTION-BUILDING

1. Effective functioning of democratic institutions

12. At the level of the State Union, the first two years of membership of Serbia and Montenegro to the CoE have seen a cumbersome process of reinforcement of the State Union institutions.

13. The State Union Parliament was facing an issue of legitimacy, in the absence of direct elections in either Republics before the end of March 2005. This issue was eventually solved through the signing of the agreement on the amendment of the Constitutional Charter on 7 April 2005 (see also above, para 7). The solution found was simple: the terms of office of the current members of the Parliament of Serbia and Montenegro will be extended until direct elections for a new State Union Parliament are held separately in the

two member States, whenever elections for their respective parliaments take place. The substance of the agreement was then approved by the State Union Parliament (29 June), after the adoption of implementing legislation in Serbia (on 3 June) and Montenegro (on 23 June). With a renewed legitimacy, the Parliament is now in a position to authorise the ratification of Council of Europe conventions.

14. The State Union Court has at last started to operate in January 2005 under a temporary solution. As the Court could not be given refurbished premises in Podgorica, it is now provisionally established in Belgrade, in the Palace of the Federation. However, its financing has not been fully secured. In particular, the contribution expected from Montenegro (around 235,000 euros during 2004 and roughly the same amount for 2005) has either not been paid or not been channelled to the Court. This could seriously impede the effective functioning of the Court, which is facing important problems in terms of shortage of equipments (computers, books) and of qualified staff, while it has to deal with a huge backlog inherited from the former Federal Court (see also V, 1., para 44). Difficulties are expected to appear in the implementation of the Court's decisions within member states as a result of gaps or uncertainties in the enforcement framework.

15. In Serbia, the Law on Government was adopted in late May 2005. A number of shortcomings had been identified in the Law *inter alia* the potential undermining of the separation of powers, the increased powers of the Government to control the local and regional authorities and public organisations (see also III, 3., para 22). The President refused to sign the Law, indicating that it was not constitutional. In spite of that criticism, the Law was again adopted by the Parliament on 22 June 2005. Members of the opposition party DS, as well as President Tadic himself, indicated that an appeal to the Constitutional Court of Serbia would be made soon after its signature by the President.

16. In Montenegro, contested amendments were adopted to the Law on financing of political parties on 1 June 2005. One of those prohibits financing for parties which have never participated in previous elections. These legislative changes could potentially affect the survival of small opposition political parties. A draft Law on the State Election Commission and a draft Electoral Law are also in preparation by an NGO active in this field.

2. Constitutional issues

17. In both Serbia and Montenegro, the absence of Constitutions harmonised with the Constitutional Charter remains in violation of the Constitutional Charter and its recent amendment (see above, para 13).

18. In Serbia, the situation is particularly unsatisfactory in view of the fact the existing Constitution dates back from the year 1990 and is not the adequate framework for the necessary reform in a number of fields *inter alia* the judicial system, local self-government and decentralisation, human rights or protection of minorities. In spite of various announcements by the Speaker of the Parliament on the imminent adoption of a new Constitution and of wide ranging agreement on many issues, there is still no single consolidated constitutional draft. A key outstanding difficulty relates to the concept of decentralisation. Prime Minister Kostunica expressed confidence that the Constitution could be adopted by the end of 2005. It has recently been announced that a request will soon be made by the Serbian Government for a Venice Commission opinion on the basis of the two existing drafts.

19. In Montenegro, the Council for Constitutional Issues, the expert body charged by the Parliament to study possible amendments to the 1992 Constitution, completed its report at the beginning of March 2005. The Council was tasked to produce a draft new Constitution, in co-operation with the Venice Commission. The official line is that work is not delayed by the prospect of a possible referendum on the future of the State Union: the body of the Constitution would remain identical, whatever the outcome and alternative constitutional amendments are being drafted in preparation for a possible opting-out.

3. Local and regional democracy

20. Some progress was made on outstanding commitments to sign and ratify key conventions in this area. The signing of the European Charter on Local Self-Government took place on 24 June. Both the Charter and the European Outline Convention on Transfrontier Co-operation and its Protocols remain to be ratified.

21. In both Serbia and Montenegro, plans of action for improved local government have been finalised following the adoption of the *Work Programmes for Better Government* within the framework of the CoE-Stability Pact Zagreb memorandum last autumn. An important joint-programme with the European Agency for Reconstruction (EAR) should soon allow for considerable assistance in the implementation of these Work Programmes. The Serbian government as a whole is expected to adopt the plan of action for improved local government thus showing a firm commitment to reform.

22. In Serbia, the overall question of reform of local government and the fundamental choices concerning the kind of internal state infrastructures to be adopted remain to be addressed pending a serious discussion on the drafting of a new Constitution. The recently adopted Law on Government which regulates the relationship between central and local government, has been criticised on grounds of unconstitutionality of the provision giving the government the power to revoke acts of local administrations and to judge of their conformity with the current Constitution (see above, para 15). Some interlocutors indicated the default of the new Law in guaranteeing decentralisation.

23. An example of positive step in Serbia is the draft Model Law on municipal property and management. Prepared by the Ministry of Finance, the draft received initial positive reviews by CoE experts. This draft law is to be supplemented with a legislative text on public debt, laying down the capacity of local authorities to borrow, a necessary clarification for the work of local administration.

24. In Montenegro, the draft Law on Administrative and Territorial Organisation was re-examined and the CoE experts proposed amendments in mid-April 2005. No consensus has been achieved so far on the question of the creation of new municipalities in regions with an Albanian majority (see also VI, 3., para 81).

4. Visit to Southern Serbia

25. The Secretariat delegation visited the town of Bujanovac in Southern Serbia, following an earlier field visit in November 2004 to Vojvodina. The purpose of the visit was, in particular, to explore the current situation regarding human and minority rights, education, dialogue between the ethnic Serb and Albanian communities, as well as new perspectives of development since the re-constitution of the Co-ordination Body of the Council of Ministers of Serbia and Montenegro and the Serbian Government for Presevo, Bujanovac and Medvedja Municipalities (hereinafter Co-ordination Body)³.

26. Southern Serbia is formed of the municipalities of Presevo, Bujanovac and Medjvedja, which are situated in the proximity of Kosovo and “the former Yugoslav Republic of Macedonia”. According to the 2002 census, Bujanovac municipality is ethnically composed of 56 per cent Albanian, 35 per cent Serb and 9 per cent Roma (however, some interlocutors pointed out that their number could be more important), Presevo is composed of around 90 per cent Albanian, while Medvedja is majority Serb (with 28 per cent ethnic Albanians).

27. Following the emotion ensuing the killing of an ethnic Albanian minor crossing the border (outside the check-point) with “the former Yugoslav Republic of Macedonia” in early January 2005, the Co-ordination Body was given new structures and fresh impetus in January and held its first constitutive session on 29 June. It now encompasses eight thematic co-ordination groups, which include for the first time elected officials of

³ This one-day visit to Bujanovac coincided with a meeting in which participated *inter alia* the president of the Co-ordination Body, Mr. Nebojsa Covic, as well as the Serbian Minister of Justice, Minister of Education and the Deputy Minister of Public administration and local self-government.

the local authorities, representatives of the Serb, Albanian and Roma communities, as well as representatives of the ministries of Serbia and the State Union of Serbia and Montenegro, deputy and assistant ministers and representatives of the army, police and the OSCE. There is a shift of emphasis from security to social and economic development.

28. The findings of the Secretariat delegation can be summarised as follows:

- All interlocutors agreed that from January 2005 until June 2005 stability in the region had improved and that the situation remained calm in spite of the March 2004 events in Kosovo.
- There were many signs of a “frontier syndrome”: complaints by local representatives from both Serb and Albanian communities to have infrequent contacts or support from central authorities. A visit to Bujanovac by the Minister of Education⁴, which coincided with the visit of the Secretariat delegation, seemed a rare occurrence.
- Education in Albanian language is available in elementary schools and high-schools but there is strong demand for new textbooks, as the current translations of Serbian textbooks are very poor and outdated. There are difficulties in achieving an agreement from the central authorities (Ministry of Education), regarding a proposal to use textbooks from Kosovo or Albania or “the former Yugoslav Republic of Macedonia” as an interim measure. In this context, the Minister of Education committed to do the utmost in order to make textbooks in Albanian available by September 2005. In Bujanovac, providing education to Serb and Albanian children in the same school facility was deemed unrealistic and the location of a new school was hotly debated.
- Higher education in Albanian remains an issue, as students have to travel to universities in Kosovo and “the former Yugoslav Republic of Macedonia” and get recognition of their diplomas. A Presevo teaching faculty had therefore recently been proposed. The recognition of law diplomas is particularly relevant for the procedure required to pass the Bar examination.
- The creation of a multi-ethnic police force was seen as a major step forward by all interlocutors; however, higher positions were so far not accessible to policemen stemming from the Albanian community.
- As concerns the representation of minorities in the judiciary, there is currently an equal number of ethnic Serb and Albanian judges in the Presevo municipal court, while in Bujanovac municipal court and Vranje district court there are respectively none and one Albanian judge. The proportion of Albanian prosecutors is similar to the one of judges in both Bujanovac and Presevo, while the composition of the administration of courts does not include a balanced composition of ethnic Albanian staff. Positive discrimination has not been introduced and the interlocutors from the judiciary pointed out to the difficulty to appoint judges of Albanian ethnicity because of a lack of qualified candidates. Training of judges and prosecutors on human rights standards should be further explored, in co-operation with the CoE.
- As regards the use of minority languages, judiciary and administrative proceedings are conducted and personal identification documents, except passports, issued by the Ministry of the Interior only in Serbian. Although efforts are made to provide services in the Albanian language on an *ad hoc* basis and translation in Albanian is provided in courts, it does not appear to be sufficient to respect the constitutional provisions with regard to the use of languages, in particular in the course of criminal proceedings.
- The Albanians are the only large minority in Serbia and Montenegro which has not yet formed a National Minority Council because there is still no consensus in the community. Several ethnic Albanian interlocutors regretted this situation.
- The situation of the Roma people is a matter of concern, aggravated by the general lack of economic development in the area. In spite of representing an estimated number of 30 per cent of the population of the city of Bujanovac, the Roma did not obtain a single seat in the municipal assembly in the 2002 or 2004 elections. Some incremental improvements seem to have occurred, including the appointment

⁴ *Idem.*

of a Roma member of the municipal council in Bujanovac by the Mayor, as well as some employment opportunities in the local administration.

29. In the framework of the re-constituted Co-ordination Body and thematic groups, particular attention could be paid to the following issues:

- Increase the frequency of contacts between the three municipalities in Southern Serbia and the central government;
- Facilitate education of ethnic Albanian pupils by making available proper textbooks in Albanian language as well as building of a school;
- Improve the recognition of higher-education diplomas obtained in Albanian language;
- Encourage and facilitate an ethnically-balanced composition of the judiciary, prosecution and court administration;
- Pursue efforts in training police and judiciary on human rights standards;
- Ensure the possibility of minorities to use their languages in respect of the existing pertinent constitutional and legislative provisions.

5. Recent developments in other regions (Vojvodina, Sandzak)

30. As concerns Vojvodina, the lack of clarity on its status within the constitutional reform project is a matter for concern, in particular to the local representatives in the province who complain about legal uncertainties and a more radicalised political climate. Sporadic manifestations of intolerance have occurred in the region. However the Secretariat delegation maintains the findings contained in the sixth report (SG/Inf(2004)33), excluding any form of organised scheme against any particular minority and rather pointing to the underlying tensions produced *inter alia* by the significant demographic and political changes which have led to the growth of the radical vote and the fuelling of ethnic prejudice. Since March 2005, the authorities report an ongoing organisation of public campaigns of awareness-raising in schools to promote tolerance and respect for difference.

31. The Monitoring Committee of the Parliamentary Assembly held a fact-finding visit on 17-20 April 2005. The PACE co-rapporteurs *inter alia* visited Novi Pazar (Sandzak). Their conclusions should be made public in a forthcoming PACE session.

6. Reconciliation and facing the past

32. The challenge of facing the recent past and reconciliation, a requirement mentioned in the exchange of letters with the CM's Chair at the time of accession, remains omnipresent and crucial.

33. The Secretariat delegation was in the country few days only after a video tape showing the killing of six Muslims from Srebrenica had been shown to the public causing a shock wave and prompting the Serbian Prime Minister to call on the immediate arrest of the identified perpetrators. A statement on the Srebrenica war crimes was also made by the Council of Ministers of Serbia and Montenegro on 16 June. Though interpretations on the real impact of this video on the slow on-going process of coming to terms with one's past diverge, most interlocutors recognised that speaking of the recent past was no longer taboo and agreed on the need for more frequent public discussions on that topic. Different approaches are being taken by the authorities and civil society representatives.

34. On the *authorities' side*, the State Union Minister for Human Rights and Minorities, Mr. Rasim Ljajic – also chairman of the Council on Co-operation with ICTY – has championed a gradual policy of raising awareness with the large public, building on a decisive legal response, in an effort to avoid the extremes: wanting to change public's mentality overnight *versus* pushing the issue aside. Minister Ljajic said that time was ripe for a panel discussion involving the highest state instances in Serbia (President, Prime Minister) and

the most trusted Serbian institutions of the Church and the Army with the aim of coming to a clear, common statement on past crimes committed in the name of the Serbian people. The failure of the Serbian Parliament, as yet, to adopt a resolution condemning the Srebrenica massacres appears as a serious obstacle on that road. Similar actions should also be organised in Montenegro.

35. Another important component of facing the past policy is the “lustration” process. Since the adoption of the Law establishing a Lustration Commission in 2003 in Serbia, no real implementation has taken place. The Minister of the Interior confirmed the need for a profound change in the mentality of the security forces, but expressed the conviction that this should be achieved mainly through training. As concerns Montenegro, there is no legal or institutional framework for lustration. Moreover, human rights NGOs representatives raised the issue of defamation prosecution cases as a means of creating a climate of counter-lustration.

36. Though encouraged by the mounting progress in co-operation with the ICTY (see chapter below), *civil society representatives* remain concerned with the still poor public knowledge of past events, with an unprofessional and biased media reporting and with the risk of “relativisation”, i.e. the juxtaposing of other crimes committed against Serb persons in order to avoid, for instance, taking a clear and unequivocal stand on the Srebrenica events of July 1995. Initiatives by civil society in this field are manifold, ranging from TV shows, conferences, exhibits, etc. However, very rarely the authorities – be they local or central - engage themselves in the open-space for debates. At the recent conference entitled “Srebrenica-Beyond Reasonable Doubt” organised by the Humanitarian Law Centre in Belgrade in co-operation with the CoE, only State Union Minister Ljajic took part and none represented the Serbian government.

37. Clearly, investigation, prosecution and trying war crimes are the fundamental elements which permit the painful work of establishing the truth and giving justice to victims and their families. Therefore, an independent, professional and fair *judicial system* is at the core of the issue. Several questions have been raised with the CoE delegation about the quality of three war crime trials (Ovcara, Podujevo and Sjeverin) and about the work of the Special Commission investigating the Batajnica and Mackatica mass graves (see previous report SG/Inf(2005)5 final, para 47; *inter alia* HLC, [Press Release](#), 16.02.2005). Guarantees of fair trial must be respected for the public to have trust in the justice system. Many civil society voices are calling for enhanced transparency of the war crimes trials including by allowing for the broadcast of the court proceedings, which are believed to be the best way to ensure some public scrutiny over the judges’ work. The same conclusions apply to Montenegro, where there have been only few trials before the domestic courts (see also V. 4., paras 63-68). Training of media professionals on trial reporting could be instrumental in both Serbia and Montenegro.

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

38. Since March 2005, the co-operation with the ICTY has significantly improved: six more indictees surrendered to the authorities and were transferred to The Hague: Ljubomir Borovcanin, Vinko Pandurevic, Mica Stanic, Drago Nikolic, Sreten Lukic, Nebojsa Pavkovic, some of them as a consequence of the co-operation of the Governments of Serbia and Republika Srpska (Bosnia and Herzegovina). In June 2005, the President of the ICTY assessed that “co-operation with Serbia and Montenegro has improved markedly in the last six months in terms of arrivals of indictees and fugitives.” (see [Assessment and Report](#), Annex I, 08.06.2005; [Statement](#) by the President, and [Address](#) by the Prosecutor, 13.06.2005). Nevertheless, he reminded that both the international obligation and domestic legislation of Serbia and Montenegro provide for the arrest and transfer of the accused without delay, if the voluntary surrender policy is not successful.

39. Ten ICTY indictees are still at large, including Radovan Karadzic and Ratko Mladic. The stumbling block for a full co-operation with the ICTY remains in particular the failure of the authorities to locate, arrest and transfer Ratko Mladic to The Hague. During the Secretariat visit, the Serbian Government and the State

Union Ministry of Human and Minority Rights denied allegations according to which negotiations on the surrender of Ratko Mladic were ongoing (see also HRW, [Balkans: Srebrenica's Most Wanted Remain Free](#), 29.06.2005). A large number of interlocutors indicated to the Secretariat delegation that the momentum could now be seized by the authorities to move forward to a full co-operation with the ICTY.

40. A number of confidentiality waivers for witnesses have been granted and requests for documentation satisfied; for the time being, the authorities indicated there is no backlog of requests waiting for being processed. The ICTY Prosecutor acknowledged a progress in the “co-operation provided by Serbia and Montenegro on access to witnesses”, but the procedure still remains long and cumbersome. Also, the Prosecutor concluded that requests were dealt in a more efficient manner, but raised the issue of the restrictions hampering the Office of the Prosecutor’s “full and quick access to witnesses with a military background and to documents in possession of the military authorities” (see [Assessment and Report](#), Annex II, 08.06.2005).

41. On 9 June 2005, the United States of America decided to reinstate the financial aid of 10 millions USD to Serbia and Montenegro, taking into account the improvement of the co-operation of the authorities with the ICTY.

42. In mid-June, a draft Law on the freezing of assets of persons indicted by the ICTY was approved by the Council of Ministers of Serbia and Montenegro. After adoption by the State Union Parliament, the Law should be implemented at the level of both member states. As regards the Serbian Law providing for financial assistance to ICTY indictees and members of their families, no final decision on its constitutionality was rendered by the Constitutional Court, after its temporary suspension in April 2004. However, several interlocutors pointed out that financial assistance had nevertheless been given to the indictees who voluntarily surrendered over the past months, as well as to their families.

V. RULE OF LAW

1. Reform, independence and impartiality of the judiciary and prosecution

The transfer of competence of the military justice to the civilian judicial authorities of member states

43. As mentioned in previous reports, the legislative framework of the transfer of competence of the military justice to the civilian authorities of member states was adopted at the end of 2004. In [Serbia](#), special court departments within civilian courts had to be created, taking into account the specificity of military questions. Also, the backlog is very important. So far, no decisions have been rendered. As concerns the *Vlajkovic case*, no decision has yet been rendered (see SG/Inf(2004)33, para 37; see also HCHCRS, [Open Letter](#), 16.02.2005).

Functioning of Justice at the State Union level

44. The backlog of cases of the State Union Court impedes an effective functioning of the judiciary. From the 3,000 cases inherited from the former Federal Court, the State Union Court has resolved around 150 cases. Its competences are threefold: reviewing the compatibility with the Constitutional Charter of member states’ constitutions and legislation, controlling the legality of acts of Serbia and Montenegro institutions and ruling on constitutional appeals by citizens for the protection of their fundamental rights. As for the latter, the competence of the State Union Court was broadened with the adoption of the Charter on Human and Minority Rights and Civil Liberties (see also Belgrade Center for Human Rights, [Annual Report](#), 2004). A number of 200 cases registered deal with human rights constitutional appeals on which no decision has been rendered so far. An amendment of the Law on the State Union Court should be sought in order to ease the decision-making procedure and reduce the backlog.

At the level of member states of the State Union

45. More than two years after the accession of Serbia and Montenegro to the CoE, full and effective independence and impartiality of judges and prosecutors remains a challenge for the authorities in both member states. The main obstacles to this process appear to be:

- the system of appointment of judges and prosecutors by the Parliament, after a selection by the High Judicial Council and referral to the concerned parliamentary Committee, has often been perceived as based on political loyalty rather than on the merits;
- pressure of different kinds *inter alia* political or financial (low salaries, lack of staff);
- the fact that the courts and prosecution authorities must, to a large extent, be financed from the regular state budget like other state institutions;
- the lack of effective disciplinary measures;
- the huge backlog of cases and the slowness of procedures.

46. In Serbia, many interlocutors including IGOs and NGOs estimate that the conditions for a fully independent and impartial judiciary are still lacking, and that the executive still holds the administration of justice in a situation of dependence. The recent decision of the Belgrade District Court to annul an Interpol arrest warrant against Slobodan Milosevic's wife, Mira Markovic, was considered by the media to be politically motivated. This consideration was corroborated by interlocutors who perceived it as a sign that independence and impartiality of the judiciary and prosecution are still far from being achieved.

47. Pending the adoption of a new Constitution, the judicial legislative 'package' has still not been amended in accordance with the CoE experts' comments which pointed out to a number of important shortcomings, in particular on the question of independence and impartiality of the judiciary and prosecution. The adoption of the National Strategy for the Judiciary Reform could be instrumental to setting the necessary guidelines of the reform. The Strategy which had already been prepared in October 2004 has been amended, following proposals from a number of international organisations. The draft was finalised at the end of June 2005, presented to the CoE for an expert appraisal and submitted to a public hearing on 1 July. It will be submitted to Parliament for adoption in the autumn 2005. Its effective implementation is strongly supported.

48. A complete re-organisation of the judiciary, with the planned introduction of administrative and appeal courts is being sought. The purpose of this reform is *inter alia* the reduction of the number of cases to be brought before the Supreme Court, which is currently overburdened, and its transformation in an authentic *Court of cassation*. The Supreme Court is currently dealing with first instance and appeal cases, and with all three instances of administrative cases and has a total of 77 judges. Although the administrative and appeal courts are to be established by 1 January 2007, there are a number of difficulties in the implementation of the relevant legislation, partly caused by financial problems. Co-operation and assistance by the European Commission for the Efficiency of Justice (CEPEJ) could be instrumental.

49. A reform of the High Judicial Council is also planned. This could be an occasion to review the whole judges and prosecutors' appointment system. The future adoption of a new Constitution would also encompass a procedure of re-appointment of judges and prosecutors (see also above, para 18).

50. In the drafting of the required legislation and in the adoption of policy options for an improved judicial system, as in other areas of legal reform, the dialogue between the authorities and the CoE should be improved by ensuring that the CoE experts' comments are appropriately taken into consideration. The Law on mediation was adopted earlier this year and is expected to facilitate the work of courts. A draft Law on notaries has not yet been adopted.

51. As concerns training of judges and prosecutors, the preparation of a Law on initial training by an *ad hoc* working group has still not produced tangible results so far. Despite usual practice, the draft has neither addressed questions of continuous training nor the ability to carry out this work by the Judicial Training

Center. During his visit in Strasbourg on 29 June, the minister of Justice indicated he would give work on this issue a fresh start and a new impetus.

52. In Montenegro, renewed allegations of uncertainty with regard to independence of the judiciary have been reported. They include criticism in respect of the appointment of judges by the ruling coalition and report ongoing political pressure on judges and prosecutors.

53. As concerns the implementation of the 2002 Law on Courts, which provides for the establishment of an administrative court and a court of appeal, both courts have been established. The reform is expected to ease the backlog of the Supreme Court, which was previously dealing with both administrative and appeal cases. So far, the fact that the administrative court, created at the end of 2004, is already over-crowded is not encouraging. The results achieved on the effective functioning of these Courts are yet to be assessed in the coming months.

54. A judicial backlog of approximately 19,000 cases in the Podgorica basic court remains one of the most important concerns, also confirmed by the Ombudsman of Montenegro in his annual report to the Parliament. A Law on Mediation, expected to reduce the number of cases should be soon adopted.

55. In both Serbia and Montenegro, effective implementation of legislation remains a challenge, which is sometimes caused by financial and structural difficulties. Training of judges and prosecutors on human rights standards, the ECHR and its case-law are needed and should be further pursued, through the co-operation with the CoE.

2. Reform of police and security forces

56. In Serbia, the draft legislation on Police and on External Oversight is still under governmental review. There remains a need for proper supervision of police conduct, which can be further enhanced by the parliamentary Commission for Security and deferral of most serious cases to justice. A draft law on Police Education is being prepared, with legislative assistance from the CoE. Education and training of the members of police forces are a key aspect of the reform.

57. In regions with a high percentage of minorities, the authorities pointed out that members of minorities seldom apply for job or training in the police and that attempts to include a larger number of representatives of minorities in the police forces are ongoing. The multi-ethnic police force in Southern Serbia is a good example, which could be followed in other regions of Serbia, for instance Sandzak and Vojvodina (see also para 28).

58. In Montenegro, the laws on Police and on National Security Agency were adopted on 26 April 2005, following a compromise on the manner of appointment of the heads of Police and National Security Agency. The Laws regulate the structure and competences of police and separate the national security services from the Ministry of the Interior. They also provide for civil, parliamentary and internal control. Effective implementation of these new pieces of legislation will be watched with great attention.

59. The new legislation is expected to grant power to the Government, following non binding consultation with the Parliament, to enable the long-contested appointment of chiefs of police and National Security Agency. Representatives of the opposition parties and civil society indicated that the difficulties in these appointments were inherent to the process of democratic institution-building in Montenegro and are a key to any process of facing the recent past. Implementation of the legislation will be essential to a genuine reform of police and its democratic oversight (see in this connection the recently adopted PACE [Rec 1713\(2005\)](#) on Democratic oversight of the security sector in member states, 23.06.2005).

3. Protection of witnesses

60. In both Serbia and Montenegro, an adequate and effective system of protection of witnesses inside and outside the courts remains an important goal to be achieved, in particular with respect to the domestic prosecution of war crimes and organised crime, as well as to trafficking in human beings (see below).

61. In Serbia, the draft Law on Protection of Witnesses has not been adopted by the Parliament; the present guarantees to witness protection are not sufficient and do not appear to be able to face, for instance, the challenges linked to the transfer of a larger number of cases to domestic courts by the ICTY. In addition, the lack of legislation enabling audio and video taping of procedure presents practical difficulties.

62. In Montenegro, the newly adopted legislation on Police and the National Security Agency encloses provisions relevant to the protection of witnesses. A special police unit for the protection of witnesses was established, in addition to the National Commission for Witness Protection. Efforts towards implementation should be reinforced, with the support and training of international organisations, notably the CoE. Given the small Montenegrin territory, measures of relocation of the witnesses could be sought.

4. Domestic prosecution of war crimes

63. In view of the latest report of the ICTY President to the UN Security Council on 13 June, the trial activity of the Tribunal will not end in 2008 as scheduled but will continue in 2009. Nevertheless, the ability of domestic courts to trial war crimes remains of a corner-stone importance. On 9 June, the Prosecutor decided to withdraw the motion requesting the ICTY Trial Chamber to transfer the so-called *Vukovar case* either to Croatia or to Serbia and Montenegro, because of potential political implications.

64. As regards the transfer of cases involving intermediate and lower rank indictees from the ICTY to domestic courts, with a view to the completion strategy, the Prosecutor's Office transferred the *Zvornik case* to Serbia and Montenegro courts in October 2004. Investigations by the authorities are still ongoing, after the arrest in February 2005 of six of the nine indictees, members of paramilitary units who allegedly tortured and murdered civilians near Zvornik (Bosnia and Herzegovina) in 1992. In addition, the Special Prosecutor for War Crimes is now expected to investigate the Srebrenica killings by members of the Scorpions paramilitary unit. Six of them were arrested in mid-June following the broadcasting of a video showing the murder of Bosniak civilians near Srebrenica during the summer 1995. A seventh was subsequently arrested in Croatia.

65. Priority should be given by the authorities of both Serbia and Montenegro to the adoption and implementation of legislation regulating the functioning of domestic war crime trials, procedural questions, as well as witness protection. In this respect, the Serbian Special War Crimes Chamber of the Belgrade District Court should be further supported. Moreover, monitoring of war crimes and organised crime local trials should be encouraged.

66. Implementation of the bilateral agreements signed at the beginning of the year with Bosnia and Herzegovina and Croatia on the co-operation between the judiciary and prosecution authorities should enable more effective contacts in pre-trial proceedings and exchange of documents (see also SG/Inf(2005)5 final, para 46). The European Conventions on judicial co-operation should also be effectively implemented, with a view to ensuring a proper transfer of proceedings. In early June 2005, the initiative of signing a declaration on co-operation in processing war crimes, to permit extradition of nationals of the countries of the former Yugoslavia, did not succeed because of an explicit prohibition enclosed in the Constitutions of Croatia and Serbia and Montenegro (for more details see [OSCE](#), 08.06.2005).

67. A small number of war crime trials are ongoing in both Serbia and Montenegro. In the *Podujevo* case, following the initial District Court sentence, a retrial was ordered by the Supreme Court on procedural grounds. This decision by the Supreme Court has been widely criticised by a number of IGOs and human

rights NGOs as not legally substantiated. Following the re-trial the District Court confirmed its initial sentence in June 2005. The retrial in the *Sjeverin case* restarted in the Belgrade District Court on 27 June 2005. As concerns the *Ovcara case*, one of the main domestic war crimes prosecution cases, the trial continues before the Special War Crimes Chamber (for more information on this case, see HLC [Report](#), 15.06.2005). In Montenegro, the Supreme Court confirmed on 23 May 2005 the prison sentence to Nebojsa Ranisavljevic in the *Strpci case* (see also [AI report](#), 22.03.2005). 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. Representatives of NGOs and civil society indicated the slowness of investigative procedures in alleged war crimes cases.

68. As regards missing persons, a Commission for missing persons established at the level of the State Union is active in identifying and returning the discovered bodies to their families. Several mass graves have been discovered in the past months, including in Malisevo (Kosovo), Bratunac (Bosnia and Herzegovina), Zvornik or Sarajevo. The authorities confirmed that the pre-trial investigations by the police into some of the largest mass graves in Batajnica and Mackatica are ongoing and indictments should be brought soon; the identification of bodies is currently done in co-operation with the international community (see also [AI report](#), 22.03.2005). Efforts should be strengthened in order to bring light on the war crimes perpetrators, as a means of reconciliation and facing of the recent past.

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

69. In April and May 2005, Serbia and Montenegro signed the CoE Civil Law Convention on Corruption, the Convention on Cybercrime, the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism and the Convention on the Prevention of Terrorism. At both member states levels, work should now be pursued towards ratification of these conventions.

70. In Serbia the draft National Anti-Corruption Strategy was finalised at the end of last year, adopted by the government in mid-May and sent to Parliament for adoption. An action plan should ensure implementation in particular through the setting up of an independent agency. The CoE was broadly consulted on the elaboration of the Strategy. What remains unclear is the future role of the existing Anti-Corruption Council, which has been functioning until now in an advisory capacity to the Prime Minister by monitoring current legislation and by dealing with a number of citizens' complaints related to corruption. This body has performed a useful advisory function and should probably be maintained in close connection with the future independent "agency".

71. The work of the Anti-Corruption Council has highlighted the very weak system of prosecution of high profile corruption cases due *inter alia* to lack of proper co-ordination with the investigative services of the police. To date no sentences have been rendered for high profile cases of corruption.

72. In Montenegro, the Programme for Fight against Corruption and Organised Crime has not yet been adopted, pending its harmonisation with the new legislation on Police and the National Security Agency. The authorities indicated positive results achieved in implementing the recently amended Criminal Procedure Code and the Law on Prosecutor's Office establishing a Special Prosecutor for Fight against Organised Crime.

73. Amendments to the Law on Prevention of Money-Laundering and the Law on Conflict of Interest were adopted on 16 March 2005. Although the Law on Conflict of Interest was amended following a recent decision of the Constitutional Court concerning one of its provisions, concerns remain on the possibility of MPs to be members of companies' managing boards. As concerns the Commission established to regulate conflict of interest, it has no monitoring or reporting powers.

VI. HUMAN RIGHTS

1. Implementation of the European Convention on Human Rights (ECHR)

74. More than one year after the ratification and entry into force of the ECHR and the ECPT respectively on 3 March 2004 and 1 July 2004, implementation of the Conventions and protection of human rights remain issues of extreme importance. The ratification of Protocol No. 14 to the ECHR took place on 29 June 2005.

75. As concerns the appointment of a Government Agent, national procedures are ongoing. A conference on the role and activities of the Government Agent and the legal and practical aspects of the Decree on Government Agent in the implementation process took place in Belgrade on 3 June 2005. The appointment of a government agent from Serbia and a deputy government agent from Montenegro is expected to be completed by July 2005.

76. On 29 June 2005, the State Union Parliament adopted legislation permitting the withdrawal of reservations made upon deposit of the ratification of the ECHR and its Protocols. The reservation to article 13 ECHR had been made on considerations related to the functioning of the State Union Court.

2. Protection of human rights by the Ombudsman

77. In Serbia, the draft law on Ombudsman was approved by the Government and sent to the Parliament at the end of May 2005. The text provides for the setting up of a “civic protector” though, the issue of the name was still being debated within the Ministry of Public Administration in order to make sure it will enjoy wide public acceptance. The draft Law has received many expert opinions, including from the CoE, OSCE, UNHCHR and the EU, all unanimous in raising concerns over: the mode of election of the future ombudsman (the kind of majority required), the exhaustion of internal remedies and the link between the Republic Ombudsman and the Ombudsman of Vojvodina. During a hearing held at the Serbian Parliament on 21 June, the CoE was able to present its comments to the draft Law and the Ministry concerned presented its own modifications to the text. CoE comments should be taken into account, in particular as concerns the issue of the qualified majority vote, all be it when drafting the new Constitution.

78. In Montenegro, the Ombudsman presented his first annual report to the Parliament in late May 2005. The Ombudsman institution reportedly processed a number of 616 cases during the past year; the majority of them concerned slowness of court proceedings, as well as issues related to the restitution of state-owned property or the harmonisation of pensions’ increments with the average salary scale. A number of NGOs expressed the wish to see an increased transparency in the activities of the Ombudsman.

3. Protection of minorities

79. At the level of the State Union, implementation of the relevant norms in practice (one of the main problems identified by the Advisory Committee of the Framework Convention on the Protection of National Minorities (FCNM), see doc. [ACFC/INF/OP/I\(2004\)002](#), 27.11.2003; see also Resolution ResCMN(2004)12, 17.11.2004, <https://wcm.coe.int>) remains hampered by a limited co-operation between the State Union Ministry of Human and Minority Rights and relevant officials in member states, in particular Montenegro. The responsibilities between these bodies should be further clarified.

80. In Serbia, there are currently a number of 12 National Minorities Councils, created in application of the 2002 former federal Law on the Protection of National Minorities, and a National Minority Council supervising their activities. As a result of disagreements among the Albanian community, no Albanian Minority Council has so far been constituted (see also III.4, para 28), while a Vlah Minority Council is in process of being formed. Lack of financing seems the most important problem, hence the importance of a regulation of the Councils in a specific piece of legislation at Republic level. While the authorities are seeking

to implement in as much as possible the principles deriving from the State Union law, work on a Law on the protection of minorities in Serbia cannot be further avoided.

81. In Montenegro, the Law on the protection of minorities has not been adopted. The most important contested issue remains the political representation of minorities in the Parliament, namely the formula according to which the number of reserved seats should be granted to the Albanian minority (on a civil or on a political representation basis). Moreover, different approaches have been presented by minorities and a high level of consensus needs to be reached. The President of Montenegro pointed out that as long as there is no such consensus, the law could not be adopted. Draft laws on Administrative and Territorial Organisation and the Capital City of Podgorica raise sensitive issues, which, if adopted with the agreement of the Albanian political parties, could have an impact on the protection of minority rights.

82. Incidents against minorities, in particular members of the Roma community are still reported in both Serbia and Montenegro. Widespread discrimination of Roma persists with regard to employment, social security housing, health care and education (CESCR, see [Concluding Observations](#), 13.05.2005). There are a lot of expectations of improvement of their situation, following the adoption of Action Plans within the Roma Inclusion Decade 2005-2015.

83. The European Charter for Regional or Minority Languages was signed on 22 March 2005; its ratification, which should have been fulfilled by 3 April 2005, is expected.

4. Police ill-treatment

84. In Serbia, a report of the General Inspectorate of the Ministry of Interior to the parliamentary Committee on Security indicated in mid-May 2005 that around six cases of torture took place both before and after the Operation “Saber” (“Sabja”) in April 2003, during the state of emergency which followed the murder of Zoran Djindjic. According to official sources, in a large number of cases the State admitted responsibility in the use of excessive force and paid compensation to the victims. Cases of ill-treatment and abuse of power by the police, notably on minorities, continue to be reported by NGOs.

85. In the district of Vranje (Southern Serbia), judicial proceedings on the alleged ill-treatment of Albanian members of multi-ethnic police by their pairs are ongoing. Both local and international NGOs are monitoring these cases.

86. On 3 May 2005, the Committee against Torture found a violation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment, and asked the authorities of Serbia and Montenegro to undertake a proper investigation into the facts alleged by the complainant and to inform it, within 90 days from the date of the transmittal of this decision, of the steps taken in response to their views (see [doc. CAT/C/34/D/171/2000](#), 23.05.2005).

5. Freedom of the media

87. In both Serbia and Montenegro, some improvements were made since the accession of Serbia and Montenegro to the CoE, despite a number of shortcomings. As in other sectors, implementation of adopted legislation remains a constant need. Professionalism and improvement of media conduct clearly represent a future challenge for the media in both Serbia and Montenegro.

88. At the end of April 2005, a media scandal arose over an analysis circulated within the Ministry of Foreign Affairs of Montenegro criticising most of the local media outlets for being insufficiently affirmative and/or not promoting the Montenegrin independence. This study was criticised as an interference of the government in the media sphere. Different interlocutors indicated that the media community reacted for the first time, stressing that its freedom was not granted by the authorities, which only had to fully respect it.

a. Public Broadcasting System

89. Over the past months, the Broadcasting Council was finally established in Serbia and held its first constitutive session at the end of May 2005. The first tender for the allocation of frequencies is to be held during the summer, following the adoption of relevant regulations by the Broadcasting Council. The Broadcasting Development Strategy and the Frequency Allocation Plan are expected to be soon finalised. The Managing Board of the Telecommunication Agency has also been appointed.

90. The media organisations indicated that no consensus has been achieved on whether to proceed with the privatisation process before or after the granting of frequency allocations at the national level. In Serbia, the privatisation process is being carried out slowly and often not according to regulations. At local level, the privatisation process is reportedly hampered by the allocation of local frequency licenses, which is not to be done earlier than 2007.

91. In Montenegro, the Broadcasting Agency Council reached a decision on 31 May 2005 on the allocation of frequencies to 40 radio and 16 television stations, following the public tender concluded in March 2005.

92. In Serbia, Radio Television Serbia (RTS) is supposed to be transformed into a public service in 2005; however, independence seems far from being achieved. 30 per cent of sectorial cuts should be operated in the forthcoming months. The discontinuance of a special radio programme in Roma language should be mentioned as a particularly unfortunate example of such cuts. Similar problems regarding the independence of Radio-Television Montenegro (RTCG) were underlined in Montenegro. There are still serious impediments to an effective implementation of the Law on Public Broadcasting System, even three years after its adoption. The survival of public broadcasting is put into question *inter alia* by the lack of an adequate financing system and economic independency. The RTCG also needs to undertake serious reforms in terms of job systematisation and re-organisation.

b. Free access to information

93. As regards the implementation of the Law on free access to information in Serbia, several obstacles still exist. Financial and material questions related to the establishment of the Commissioner for public information office are still not completely solved. Several initiatives have been taken in order to ensure the public dissemination of information on the content of the legislation and several manuals have been published (see *inter alia* reports made the Youth Initiative, <http://www.yi.org.yu> or Media Center, <http://www.mediacenter.org.yu>).

94. In Montenegro, as regards the drafting of the Law on Free access to information, which has been appraised by CoE experts in previous years, an amended version has been again submitted to CoE experts' comments, and subsequently discussed in a round-table in early June 2005. According to several interlocutors, a lot of time has been lost during the past year. Once the draft is adopted, the authorities should focus on the implementation of this important piece of legislation.

c. Other issues related to freedom of the media

95. The Serbian Law on Public Information was amended in mid-March 2005; the amendments enclose a further need for a registry, as well as the modification of deadlines required for the registration of print and electronic media. Changes have been proposed in mid-May 2005, aiming to regulate media concentration. Furthermore, the Government has recently tabled proposals for the amendment of the draft Criminal Code provisions in respect of libel, resulting in the abolition of criminal sentences.

96. Hate speech remains a widespread problem in both Serbia and Montenegro, especially in the print media. In this context, the main problem remains the lack of professionalism and ethics of journalists. Self-control by the associations of journalists or through the means of code of ethics could be instrumental. CoE assistance on best practices is fully supported.

97. In Montenegro, the trial regarding the murder of journalist Dusko Jovanovic continues. The media and NGOs representatives noted that the quality of the investigation had been very poor. In Serbia, more than six years after the death of journalist Slavko Curuvija, no relevant evidence is available. Adequate and complete investigations and prosecution of murder of journalists should be undertaken. In both member states, attacks or threats against journalists have also been reported in the period covered.

6. Freedom of association and civil society/status of NGOs

98. In Serbia, all the interlocutors from civil society acknowledged that the present draft Law on NGOs represented an improvement compared to the previous draft discussed in November 2004. The draft Law has been submitted to CoE experts' appraisal and subsequently discussed in a round-table during the summer. Local NGOs, and in particular human rights NGOs, reportedly continue to face hate speech, attacks, threats and sometimes public denigration because of their activities (see *inter alia* HLC, www.hlc.org.yu on the recent criminal proceedings against Ms. Natasa Kandic, the director of the NGO Humanitarian Law Center, and the decision of the mayor of Kikinda to consider her *persona non grata*). In spite of these worrying signs, representatives of the civil society reported an increase of their activities and influence over the past year.

99. In Montenegro, civil society remained active, although a number of NGOs are reportedly under political influence and pressure.

7. Freedom of conscience and religion

100. As concerns the controversial draft legislation on religious organisations in Serbia, the Opinion of the Venice Commission found deficiencies *inter alia* in respect of: the lack of guarantees of religious freedom to every religious organisation and every person or the legal status of the minor religious communities and the registration system which creates a strong diversity between registered groups and non registered ones (Opinion no. 334/2005, doc. CDL-AD (2005) 010, 15.03.2005). After holding a round-table meeting on 17 March 2005, the draft was submitted to the opinion of different religious communities, including the Serbian Orthodox Church. The Minister of Religion stated on 6 June that the latest draft Law on religious organisations was to be presented to the government in September. NGOs raised a number of concerns with the religious organisations' property, which could be affected by the amendments made to the property tax legislation (see also Forum 18, [SERBIA: Orthodox veto on new religion law?](#), 16.05.2005; [Increased attacks on religious minorities](#), 09.06.2005).

8. Trafficking in human beings

101. On 16 May 2005, Serbia and Montenegro signed the new CoE Convention on Action against Trafficking in Human Beings. Effective follow-up action by the authorities in view of the ratification is expected.

102. The main problem in both Serbia and Montenegro seems to be the absence of proper prosecution. In this respect, training of police and prosecutors needs further attention. Thus, full implementation of the CoE/OSCE experts' comments from 2003 should be pursued. Attempts to cover-up complicity by the authorities in the trafficking of women and girls have been suggested by a number of organisations (see *inter alia* the recommendations of the CESCR, [Concluding Observations](#), 13.05.2005; [AI report](#), 22.03.2005).

103. In Serbia, a National Plan of Action on Anti-trafficking is still lacking. The authorities should focus their attention on the adoption and effective implementation of such an Action Plan. In Montenegro, since the appointment of a new National Co-ordinator on Anti-Trafficking on 19 November 2004, education and training of policemen and prosecutors is one of the most important fields of action in the fight against trafficking of human beings. Concrete efforts to ensure witness protection inside and outside the courts have been undertaken by the authorities *inter alia* by (1) creating safe shelters in co-operation with NGOs, (2) initiating work on legislative provisions in the Law on Foreigners which would permit victims to stay for longer periods on the territory of Montenegro and to include trafficking in human beings as a criminal offence in the same draft Law and (3) creating special anti-trafficking units and witness protection teams, as well as a more effective pre-trial investigation system. Problems of backlog and slowness of judicial proceedings have a considerable impact on the trial of trafficking cases.

104. Co-operation and assistance from IGOs and international and local NGOs has also been fruitful, namely with respect to an improved awareness-raising for the overall public. The National Co-ordinator insisted on the improvement of the situation, referring to the assessment made in the US Department of State report on trafficking in human beings (for more details see [Trafficking in Persons Report](#), 2004).

9. Protection of refugees and internally displaced persons

105. A framework legislation on asylum was adopted at the level of the State Union in March 2005. However, at present, no structure has been put into place for the implementation of the State Union obligations deriving from its accession to the 1951 Convention. The framework law should now allow for relevant implementation laws and related asylum legislation to be adopted at the Republic level (see also previous reports SG/Inf(2004)33, paras 77-81; SG/Inf(2005)5 final, paras 74-78).

106. The State Union of Serbia and Montenegro still hosts the largest number of refugees and IDPs in Europe. As concerns the refugee issue, the policy of UNHCR is one of gradual phasing out, by counting very much on a common approach with OSCE, EU and the three main countries concerned (Bosnia and Herzegovina, Serbia and Montenegro and Croatia). Due to the prevailing security situation in Kosovo, many IDPs who express a wish to return refrain from doing so. The total number of returnees from Serbia and Montenegro since the end of the conflict is estimated to stand at some 12,396. Although they are citizens of Serbia, a transparent governmental policy with respect to clear attribution of responsibilities and competencies vis-à-vis IDPs is still lacking and the official policy is that IDPs should return to Kosovo continues to prevail. A thorough revision of the status of all IDPs is being carried out by UNHCR in co-operation with the government authorities in order to better assess possible solutions to specific cases, including “de-registration” of IDPs.

107. However, the specific situation of Kosovo internally displaced persons remains of serious concern. Within Kosovo, the security environment and inadequate conditions for sustainable reintegration are still not conducive to returns. Some progress has been registered in the Belgrade-Pristina direct dialogue Working Group on Returns (chaired by UNHCR) with the aim of facilitating the process by achieving technical and practical progress in returns. See also the recent conclusions and recommendations of the Representative of the United Nations Secretary General on the Human Rights of Internally Displaced Persons, at the end of his visit to Serbia and Montenegro (see also UNHCHR, [Statement](#), 24.06.2005).

108. Of particular concern is the situation of the Roma Kosovo IDPs, aggravated by the fact that they often lack proper personal documentation (on civil status) as well as on their property rights in Kosovo. Furthermore, the short-term validity of temporary documents would require a clear agreement between Serbia and Montenegro authorities and UNMIK in order to ensure their continuous enjoyment of IDPs status.

109. In Montenegro, the adoption of legislation on asylum, citizenship and on identification documents in Montenegro is still in the phase of consultation, following CoE experts’ comments and the organisation of a

round-table earlier this year. The legislation on asylum at the level of the member states remains a sensitive issue; it should ensure that no overlapping is created with the State Union Law on Asylum.

10. Conscientious objection and alternative service

110. In mid-April 2005, the Minister of Defence announced the reduction of the military service from 9 months to 8 months; the alternative service was correspondingly reduced from 13 to 12 months. Regarding conscientious objection, the Secretariat delegation was informed by the Ministry of Defence of measures to reduce the number of objectors. According to the Ministry there had been abuses of the system and applicants for alternative service would now be subject to a screening procedure, with a view to establishing whether objections were genuine. More generally, it appears that a large number of conscripts currently try to avoid army service. On 8 June 2005, the Minister of Defence reported that of a total number of 9,000 men drafted for military service, only 4,000 responded positively. This could raise questions about whether the rules for conscientious objection comply with international practice.

111. Further CoE advice in this process of army reform could therefore be most useful, also to ensure that the 2003 CoE experts' recommendations has been incorporated in the latest Council of Ministers decree on Military Service. When acceding to the CoE, the country undertook to change the legislation regarding conscientious objection and alternative service (within three years of accession).

11. Social and economic rights

112. In accordance with the commitments made, the Revised European Social Charter was signed on 22 March 2005. The compatibility study of both Serbian and Montenegrin legislation with the Revised Charter, carried out within a joint programme by the European Commission and the CoE, has been completed and should be published soon. Two conferences will be organised in Belgrade and Podgorica on 12-13 July 2005 to present the study and support a future ratification.

113. In Serbia and Montenegro, at the level of the State Union or at the level of member states, there is an absence of anti-discrimination legislation; this problem was recently considered among the principal subjects of concern by the UN Committee on Economic, Social and Cultural Rights (CESCR) (see [Concluding Observations](#), 13.05.2005). Such a framework legislation is in the process of being drafted by a working group and should be ready by the end of the year. In [Serbia](#), a coalition of NGOs had proposed in 2001 a Law on Model Equal Treatment as well as a Law against Discrimination of Persons with Disabilities.

114. In [Serbia](#), the authorities should give particular attention to the problems related to the exercise of the right to health, in particular the obligation to guarantee the right of access to health facilities, goods and services on a non-discriminatory basis, especially towards vulnerable or marginalised groups (see also FIDH, [Serbia: Discrimination and corruption, the flaws in the health care system](#), April 2005).

VII. EDUCATION

115. In [Serbia](#), the draft law on Higher Education has not yet been adopted, reform and implementation are necessary to be accomplished in respect of the Bologna process (see previous report (SG/Inf (2005)5, para 83). The CoE remains at disposal to assist, in particular, in the phase of implementation of the new law, as well as regarding history teaching.

116. In Sandzak, the teaching of Bosniak language on an optional basis has been introduced in the first and second elementary school grades in the second semester of the year 2004/2005 by decision of the Ministry of Education at the end of December 2004. However, this measure was not taken in Priboj and Prijepolje municipalities, with a Serb majority, because the members of the local assemblies allegedly voted against it. As concerns education in minority languages in Southern Serbia, see III, 4.

117. In the reporting period, a series of co-operation activities, which were part of a joint programme between the European Commission and the CoE, had to be cancelled in Serbia. These training seminars, for the introduction of human rights education, could not take place after the removal from office of the relevant ministerial staff.

118. Some additional teacher training events are now planned to take place in Montenegro still this summer. In Serbia, it is still hoped that a final activity, in collaboration with the Serbian teacher trainers who have taken part in the seminars held under the joint programme, may be organised with the Ministry's approval.

VIII. COUNCIL OF EUROPE CO-OPERATION AND ASSISTANCE

119. During the period March through June 2005, the CoE completed more than 70 assistance activities for Serbia and Montenegro, throughout seven of the CoE's eight Lines of Action. Many activities were carried out within the Joint Programme between the CoE and the European Commission's initiative for democracy and human rights (EIDHR), which will come to an end in August this year. Another joint programme, the second joint initiative with the European Agency for Reconstruction for improving the media legislation in Montenegro, came to an end in the reporting period (in June 2005).

120. The CoE has continued to concentrate on activities which support the attainment of the commitments and obligations agreed at the time of accession. The CoE action also clearly supports the European Commission's April 2005 Feasibility Study for Serbia and Montenegro. The areas of CoE assistance closely correspond with those highlighted in the Feasibility Study.

121. A large number of Human Rights activities were carried out in the reporting period, including expertise of draft regulations on the Government Agent Office, training activities on the European Convention on Human Rights (ECHR), organisation of a study visit for seven police officers to Stockholm, Sweden, and a legislative expertise on the Draft Law on Police Education in Serbia. Legal expertise, a round table on the draft law on freedom of religion, discussion and translation of the report of the compatibility of the Criminal Procedure Code with the requirements of the ECHR and preparation of written comments on the law on public information were also organised. The CoE has also advised on balance between freedom of expression and information and other fundamental rights (for instance the right to privacy). In Montenegro, the CoE has advised on the existing media laws and worked on the media structure analysis.

122. In the reporting period there was also a certain momentum for the pivotal question of facing the past, particularly in Serbia. A Secretariat exploratory mission to Serbia took place in March, in order to help devise future CoE support activities in this field. With the kind help of a voluntary contribution, the CoE subsequently agreed to help the State Union Ministry of Human and Minority Rights in its campaign to spread correct information about the work of the ICTY. It is the first time the authorities themselves carry out activities of this kind.

123. In the Rule of Law-assistance, the focus was on European standards for crime control and the functioning and efficiency of justice and public law. Under the CARDS Police Programme, the CoE established working groups on financial investigations and organised seminars to identify gaps and opportunities in the legislation and to discuss implementation strategies.

124. The CoE also assisted with the creation of specialised witness protection units and on co-operation between financial intelligence units, the police and public prosecution. Many of these activities were regional. Further activities have been targeted on the prison system, the draft law on Police, the draft law on Parliamentary Police Oversight, the draft Law on Petty Offences and assessment of the prison system.

125. Activities exclusively for Serbia included the fight against economic crime, community sanctions and measures and assistance on draft laws relating to the functioning of the judiciary, the Civil Procedure Code, law drafting techniques, the administrative justice and the constitutional framework. Specifically for Montenegro, the CoE advised on the draft Code on Police Ethics, prison legislation, community sanctions and measures, drafting of secondary legislation on judicial reforms, the draft law on legal aid and the draft law on asylum.

126. The justice system has been in focus in this report and certainly continues to be a key domain of CoE cooperation and assistance. In the reporting period, the CoE provided advice for the reform of the judicial system in Serbia and its functioning on the basis of European standards and the ECHR, to cross-border judicial cooperation and to the fight against organised crime. Moreover, the CoE is working on implementation of the four modules under the CARDS Justice regional programme and assistance to judicial reforms. In Serbia, the CoE is helping to establish an efficient mediation system. In Montenegro, assistance regarding court civil procedure has been carried out.

127. For Serbia, assistance on the draft Law on public notaries, meeting on the quality of legislation and assistance on the norms of training related with the judicial training institutions are now on the agenda. The Serbian Minister of Justice visited Strasbourg on 29 June. The planned activities for Montenegro include a seminar on community sanctions and measures and an expert meeting on the quality of legislation.

128. Work for the development of local self-government continues, also bearing in mind the prospects for a ratification of the European Charter for Local Self-Government. Specifically for Serbia, the CoE has provided support to bilateral meetings on the action plan on the implementation of national work programme. The Montenegro activities included strengthening the institutional framework for local government. The CoE has also organised a Democratic Leadership Programme Transfrontier Training Course.

129. In the line of action for building stable and cohesive societies, the CoE has continued to support Roma and Travellers. The CoE has set up roundtables on “Access of Roma to employment” and “Access of Roma to the labour market” and has supported initiatives by women activists for cross-border action. Serbia and Montenegro also participated in meetings of the networks on housing and employment in South East Europe.

130. Regarding education, a planned series of joint programme training seminars on human rights and civic education could not be carried out in Serbia due to sudden changes in the Ministry of Education (see also VII).

131. The Council of Europe Development Bank (CEB) has an important role to play in Serbia and Montenegro, in particular as regards social development. In addition to its main line of activity, the CEB made a new, exceptional donation of USD 1.2 Million in March 2005 to support the local integration of refugees in Serbia. This donation covers support to 830-930 households and is managed by UNHCR.

IX. MAIN CONCLUSIONS AND RECOMMENDATIONS

132. The period under review was marked by a number of positive political developments, which both resulted from and provided fresh backing for an increased commitment to democratic reforms and European integration. While the uncertainties on the future of Serbia and Montenegro as a State Union continued to complicate or delay work in some areas, both the State Union and the member States made further progress on a number of commitments. In many areas, the dialogue with the Secretariat mission acquired further depth.

133. After more than two years of CoE membership, Serbia and Montenegro has now honoured a large number of accession commitments, at least as regards adoption of relevant legislation and signature and/or ratification of CoE Conventions, and this, in most cases, within the set deadlines. This includes: signature and ratification of the ECHR and its Protocols, the ECPT and its protocols, of Conventions on extradition and transfer of proceedings and the signature of the Revised ESC; adoption of legislation, including on asylum at

the level of Serbia and Montenegro, on media in Serbia, on Ombudsman, police and national security agency in Montenegro.

134. However, implementation remains the main matter of concern in both Serbia and Montenegro as many of the commitments will only be completely fulfilled when followed-up with adequate implementation. In 2005, a judge to the ECtHR and a member of the CPT were elected. An agent and a deputy agent to the ECtHR are about to be appointed.

135. At the same time, a number of commitments have not been fulfilled within the set deadlines, notably as regards the harmonisation of the Constitutions of the member states with the Constitutional Charter. This failure has a negative impact on a range of other reforms. In Serbia, laws on the reform of the police, on citizens' associations and NGOs and on Ombudsman - due for 3 April 2004 - have not yet been adopted. However, significant progress has been achieved in all these fields during the past months.

136. Moreover, the following general observations shall be made:

- Significant progress has been achieved in the co-operation with the ICTY, in particular as concerns transfers of indictees. All attention is now focusing on location, arrest and transfer of Ratko Mladic.
- Particular efforts are still required in respect of reconciliation and facing the past, beyond the commendable initiatives of the State Union Minister for Human Rights and Minorities, including also co-operation in establishing the facts concerning the fate of missing people and handing over all information concerning mass graves. Revision of the legislation concerning war crimes so as to ensure prosecution before the courts of crimes which are not prosecuted by the ICTY, and concerning the prison system is ongoing; its subsequent effective implementation remains a challenge.
- In spite of a number of steps forward (new levels of jurisdiction, creation of judicial councils), further efforts are needed in the area of the Judiciary, its overall functioning, the independence and impartiality of judges and prosecuting authorities.
- The legislative work has still not been completed at member states' level on national minorities and, again notwithstanding several positive developments, difficulties in several regions need serious attention.

137. In the light of the above concluding remarks, a number of specific recommendations to the Serbia and Montenegro authorities are listed below. Issues related to the future of the State Union and the possible holding of a referendum in accordance with Article 60 of the Constitutional Charter are not covered by the present report.

At the level of the State Union

- i. to urgently complete the work, now at an advanced stage, on establishing the Government Agent institution before the European Court of Human Rights;*
- ii. building on the considerable progress achieved, to seize the momentum to fully co-operate with the ICTY and ensure the arrest of the remaining ICTY indicted fugitives, as well as to remove any remaining restrictions to ensure access to documents and witnesses from the military;*
- iii. to step up the work undertaken to facilitate reconciliation and facing the past, including domestic investigation, prosecution and trials of war crimes, awareness-raising activities;*
- 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 undertake effective measures to ensure the proper functioning of the State Union Court and to reduce its backlog of cases;*
- vi. to enhance the process of return of refugees through direct negotiation inter alia among Bosnia and Herzegovina, Croatia and Serbia and Montenegro and continue the ongoing progress with the Belgrade/Pristina working group on IDPs' returns;*

At the level of member states

Republic of Serbia:

- i. making full use of the Venice Commission's assistance, to decisively 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 undertake 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 improve the functioning of the judiciary;*
- iv. to foster a greater inclusion of different ethnic communities in state institutions and administration, including the judiciary, prosecution and police, particularly in regions such as Southern Serbia, Sandzak or Vojvodina;*
- v. to complete reform of the police, inter alia by adopting the draft legislation on Police and External Oversight;*
- vi. to undertake adequate measures to fight against corruption and organised crime, namely by adequately implementing the National Anti-Corruption Strategy;*
- vii. to enact legislation on the Ombudsman in respect of the CoE experts' comments;*
- viii. to ensure the appropriate implementation of the Law on Free Access to Public Information;*
- ix. to initiate work on a law on the National Minorities Councils and ensure their adequate functioning and initiate work on a legislation on the protection of minorities;*
- x. completing the sound preparatory work, to enact legislation on the status of NGOs in compliance with CoE experts' recommendations;*
- xi. to re-consider the draft legislation on religious organisations in compliance with CoE experts' recommendations;*

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 undertake 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 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 improve the functioning of the judiciary;*
- iv. to adequately implement the new reform on the Police and National Security Agency, with a particular emphasis on sound democratic control;*
- v. to step up action against corruption and organised crime, in particular trafficking in human beings, and undertake appropriate and diligent investigations into allegations of trafficking;*
- vi. as regards trafficking in human beings, to comply with the CoE/OSCE experts' recommendations and pursue the steps undertaken with respect to witness and victims' protection, education of policemen and prosecutors as well as general awareness-raising;*
- 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 I

Programme of the Secretariat's visit to Belgrade, Bujanovac and Podgorica (13-17 June 2005)

Monday 13 June 2005 (Belgrade)

Meetings with NGOs representatives

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| 08h30-09h30 | Meeting with Representatives of the ICTY Office, Ms. Alexandra Milenov |
| 10h00-11h00 | Meeting with Representatives of the Belgrade Centre for Human Rights, Mr. Borko Nikolic |
| 11h00-12h00 | Meeting with Representatives of the Humanitarian Law Centre, Mr. Jovan Nacic |
| 12h00-13h00 | Meeting with Representatives of the Helsinki Committee, Ms. Marijana Obradovic |
| 15h45-16h15 | Meeting with the Minister of Foreign Affairs of Serbia and Montenegro, Mr. Vuk Draskovic |
| 16h25-16h45 | Meeting with the Prime Minister of Serbia, Mr. Vojislav Kostunica |
| 17h00-17h45 | Meeting with the Minister of Human and Minority Rights of Serbia and Montenegro, Mr. Rasim Ljajic |
| 20h00 | Dinner hosted by the Deputy Minister of Foreign Affairs, Mr. Predrag Boskovic |

Tuesday 14 June 2005 (Belgrade)

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| 09h30-10h15 | Meeting with the Vice-President of the State Union Court, Ms. Katarina Manojlovic Andric |
| 10h30-11h10 | Meeting with the Minister of Justice of Serbia, Mr. Zoran Stojkovic |
| 11h15-11h50 | Meeting with the Deputy Minister of Public Administration and Local Self-Government of Serbia, Ms. Vesna Ilic-Prelic (see also Thursday 16 June 2005) |
| 12h00-12h45 | Meeting with the Minister of Interior of Serbia, Mr. Dragan Jovic |
| 13h00-13h45 | Meeting with the President of the Constitutional Court of Serbia, Mr. Slobodan Vucetic |
| 17h00-17h45 | Meeting with the Minister of Defence of Serbia and Montenegro, Mr. Prvoslav Davinic |
| 18h00-19h00 | Meeting with the President of the Supreme Court of Serbia, Ms. Vida Petrovic Skero |

20h00 Dinner hosted by the CM Monitoring Mission (Invitees: Director of the NGO Civic Initiatives, Mr. Miljenko Dereta, Director of the Open Society Fund, Ms. Jadranka Jelincic, Director of the Strategic Marketing Agency, Mr. Srdan Bogosavljevic)

Wednesday 15 June 2005 (Bujanovac)

11h00-11h30 Meeting with the OSCE South Serbia Co-ordinator, Mr. Martin Brooks

11h30-12h30 Meeting with the President of the Co-ordination Body for South Serbia, Mr. Nebojsa Covic

12h30-13h30 Meeting with the Mayor of Presevo, Mr. Riza Halimi

Parallel meetings

Group A

13h30-14h15 Meeting with the LPD Leader, Mr. Jonusz Musliu and the BDL Leader, Mr. Skendar Destani

14h15-15h00 Meeting with the Deputy Mayor of Bujanovac, Ms. Novica Manojlovic, and the Head of "Coalition for Bujanovac" Caucus, Mr. Bratislav Lazarevic

15h00-15h45 Meeting with the Mayor of Bujanovac, Mr. Nagip Arifi

Group B

13h30-14h30 Meeting with the District Police Chief, Mr. Stole Filipovic, Bujanovac Police Chief, Mr. Dragan Velickovic, and Presevo Police Chief, Mr. Avdi Bajrami

14h30-15h00 Meeting with the Head of Bujanovac Human Rights Council, Mr. Shaip Kamberi

15h00-16h00 Meeting with the District Court President, Mr. Zoran Djordjevic, Bujanovac municipal Court President, Mr. Sinisa Stojiljkovic and Presevo municipal Court President, Mr. Svetozar Simic

Wednesday 15 June (Belgrade)

(part of the delegation)

09h00-10h00 Meeting with representatives of the Center for Anti-War Action, Ms. Vesna Pesic

10h00-11h00 Meeting with representatives of media organisations: ANEM, Ms. Sibina Golubovic, NUNS, Mr. Nebojsa Bugarinovic, RTS UNION, Mr. Miodrag Zupanc and Mr. Dragan Milanovic

11h00 -12h00 Meeting with representatives of the Anti-corruption Council, Mr. Danilo Sukovic

12h00 -13h00 Meeting with the director of the Youth Initiative for Human Rights, Mr. Andrej Nosov

14h00 – 14h40 Meeting with the Head of Office of the UNHCR in Serbia and Montenegro, Mr. Dario Carminati

- 15h00 -16h00 Meeting with the director of the Crisis Group Belgrade Office, Mr. James Lyon
- 16.15 -17.00 Meeting with the Head of Office of the UNHCHR in Belgrade, Ms. Caroline Harvey

Thursday 16 June 2005 (Belgrade)
(part of the delegation)

- 11h00-12h00 Meeting with the Deputy Minister of Public Administration and Local Self-Government of Serbia, Ms. Vesna Ilic-Prelic

Thursday 16 June 2005 (Podgorica)

- 09h30-10h15 Meeting with the President of the Socialist People's Party, Mr. Predrag Bulatovic
- 10h15-11h00 Meeting with the Prime Minister of Montenegro, Mr. Milo Djukanovic
- 11h00-11h45 Meeting with the Vice- President of the Government of Montenegro and Minister of Interior, Mr. Dragan Djurovic
- 11h45-12h45 Meeting with the President of Montenegro, Mr. Filip Vujanovic
- 13h00-14h30 Working Lunch hosted by the National Coordinator for Combating Trafficking in Human Beings, Ministry of Foreign Affairs, Mr. Bojan Obrenovic

Group A

- 14h30-15h15 Meeting with the Minister of Justice of Montenegro, Mr. Zeljko Sturanovic
- 15h15-17h00 Meeting with the Coordinators of the Parliamentary Clubs (DPS, SDP, SNP, SNS, NS, CP, DUA, etc.)
- 17h00-18h00 Meeting with the President of the Parliament of Montenegro, Mr. Ranko Krivokapic

Parallel meetings held in CoE Office

Group B

- 15h00-16h00 Meeting with media representatives
 - Mr. Mladen Milutinovic, Acting Editor in Chief, daily "DAN"
 - Mr. Slavoljub Scekcic, Editor in chief, daily "VIJESTI"
 - Mr. Savic Jovanovic, Deputy Editor in Chief, daily "POBJEDA"
 - Ms. Snezana Nikcevic, Editor in Chief, RTV CG
- 16h00-17h00 Meeting with representatives of the organisations in the field of judiciary and prosecution
 - Mr. Mitar Mugosa, Association of State Prosecutors
 - Mr. Nikola Martinovic, Centre for Rule of Law
 - Mr. Dejan Vujanovic, Bar Association

- 17h00-18h00 Meeting with representatives of HR NGOs and individuals active in this field
 - Mr. Dragan Prelevic, Prelevic Law Firm, Attorney of the families of deported Bosniaks refugees in 1992
 - Mr. Zlatko Vujovic, Centre for election monitoring (CEMI)
 - Ms. Vanja Calovic, Network for affirmation of NGO sector (MANS)
- 18h00-19h00 Meeting with the Programme-Manager Good Governance, European Agency for Reconstruction, Office in Podgorica, Ms. Regina De Domenicis (part of the delegation)
- 18h00-19h00 Meeting with the a.i. President of the Constitutional Court, Mr. Zoran Smolovic and a.i. President of the Supreme Court, Ms. Stanka Vucinic (part of the delegation)
- 19h00-20h00 Meeting with the Media NGOs
 - Mr. Boris Darmanovic, Association of Young Journalists
 - Mr. Igor Milosevic, Montenegro Press
 - Mr. Branko Vojcic, Independent Self-regulatory Body
 - Mr. Vojo Raonic, Montenegrin Institute of Media
- 20h00-20h15 Talks with the Minister of Foreign Affairs of Montenegro, Mr. Miodrag Vlahovic
 20h15 Dinner hosted by Mr. Miodrag Vlahovic

Friday 17 June 2005 (Belgrade)

- 08h30-09h30 Meeting with the Minister of Education of Serbia, Mr. Slobodan Vuksanovic
- 09h30-10h30 Meeting with the UN Secretary General Representative on the Human Rights of internally displaced persons, Mr. Walter Kälin (part of the delegation)
- 10h45-11h45 Meeting with the Head of the EC Delegation in Serbia and Montenegro, Ambassador Joseph Lloveras
- 12h30-13h30 Briefing session for the members of the Diplomatic Missions of the CoE Member States in Belgrade (organised by the Embassy of Portugal to Serbia and Montenegro)

Composition of the Secretariat Delegation:

Mr. Marc Scheuer, Director, Directorate of Political Counsel and Co-operation, Directorate General of Political Affairs (DGPA)
 Ms. Claudia Luciani, Head of Division, Directorate of Political Counsel and Co-operation, Directorate General of Political Affairs (DGPA)
 Mr. Fredrik Holm, Co-ordination Unit, Directorate of Strategic Planning (DSP)
 Ms. Dana Pescarus, Monitoring Department, Directorate of Strategic Planning (DSP)
 Mr. Stefano Valenti, Special Representative of the Secretary General (SRSG) in Serbia and Montenegro
 Mr. Vladimir Ristovski, Head of CoE Office in Podgorica