

# Information Documents

**SG/Inf(2003)10**

February 2003

---

## News from the Council of Europe Field Offices January 2003

---

**Tirana Office*****Ms Marta Onorato***Acting Special Representative of the  
Secretary General

Tel/fax: +355 42 333 75

**Belgrade Office*****Ms Verena Taylor***Special Envoy to the FRY and Head of  
Office

Tel: +381 11 180 228

Fax: +381 11 620 476

**Podgorica Office*****Mr Gennadiy Kosyak***

Head of Office

Tel: +381 81 265 438/441/435

Fax: +381 81 265 439

**Pristina Office*****Ms Karin Völkner***

Head of Office

***Ms Sonia Parayre***

Deputy Head of Office

Tel : +381 38 243 749

Fax: +381 38 243 752

**Sarajevo and Mostar Offices****Sarajevo Office*****Dr Sonja Moser-Starrach***Special Representative of the Secretary  
General***Mr Hugh Chetwynd***Deputy Special Representative of the  
Secretary General

Tel/Fax : +387 33 264 360 / 361

**Mostar Office*****Mr Amir Kazic***

Head of Office, a.i.

Tel/Fax: +387 66 581 061

**Yerevan Office*****Ms Natalia Voutova***Special Representative of the Secretary  
General

Tel: +374 1 24 33 85

Fax: +374 1 24 38 75

**Baku Office*****Ms Inkeri Aarnio-Lwoff***Special Representative of the Secretary  
General

Tel: +994 12 975 493

Fax: +994 12 975 475

**Chisinau Office*****Mr Jorgen Grünnet***Special Representative of the Secretary  
General

Tel: +373 2 23 50 34

Fax: +373 2 23 50 35

**Tbilisi Office*****Mr Plamen Nikolov***Special Representative of the Secretary  
General

Tel: +995 32 989 560

Fax: +995 32 989 657

# January 2003 in Tirana

## SUMMARY

### Political Overview

- **Negotiations on the Stabilisation and Association Agreement with the EU**
- **Controversy concerning the Nano-Berisha agreement on institutional reform**
- **Study on a new administrative structure for Albania**

### Office activities

- **Minorities**
- **Local Government**
- **Albanian Magistrates' School**
- **Cultural Tourism**

### Political overview

#### **Negotiations with the EU on the Stabilisation and Association Agreement**

1. An EU Troika delegation visited Tirana during the first week of the month. The opening of negotiations on the Stabilisation and Association Agreement (SAA) was the main item on the agenda, together with progress on institutional reform. The Prime Minister reaffirmed the Government's commitment to implementing the necessary reforms, fighting corruption and organised crime, and resolving the property issue. On 31 January, the President of the European Commission, Mr Romano Prodi, paid a visit to Albania and officially declared the SAA negotiations open.

#### **Controversy concerning the Nano-Berisha agreement on institutional reform**

2. The New Year in Albania started with a major dispute between the ruling Socialist Party and opposition Democratic Party. The main issue was the breaking of the Nano-Berisha agreement on institutional reform in Albania. The opposition leader, Sali Berisha, said that the agreement had been seriously damaged by the alleged irregularities during the December by-elections in Constituency 52, where the SP candidate, the present Minister of Labour and Social Affairs, was declared the winner. There were also accusations of lack of transparency by the Government in the preparations for next autumn's local elections. Mr Berisha said that no further co-operation was possible with the present corrupt government and that the only solution seemed to be to hold early elections.

#### **Study on a new administrative structure for Albania**

3. A study on a new administrative structure for Albania, which would involve a reduction in the number of regions, municipalities and communes and a consequent strengthening of the regions, has been drafted by the Ministry of Local Government and Decentralisation. At a meeting with the acting Special Representative, the Minister expressed his intention of asking for a Council of Europe expert appraisal of the project.

## **Office activities**

### **Minorities**

4. The Council of Europe, ODIHR and the European Commission organised training for Roma and Egyptian associations in Elbasan on 7 and 8 January. The purpose of the training was to form a network of these associations and formalise their participation in the Roma and Stability Pact for South Eastern Europe network. A representative of DG III and the acting Special Representative were also present.
5. A round table on "Policy making on Roma in Albania, with a focus on education and protection of children's rights in a multicultural society", co-organised by the Council of Europe, ODIHR/OSCE, the European Commission and the Ministry of Foreign Affairs, was held from 9 to 10 January. A representative of DG III attended the event. Following the round table, representatives of international organisations and of the Roma minority met the Deputy Minister of Labour and Social Affairs, who is chairman of the inter-ministerial Working Group on the National Strategy for Roma. He described progress on the drafting of the above-mentioned strategy and asked for assistance.

### **Local Government**

6. The acting Special Representative met the Minister of Local Government and Decentralisation on 11 January and has also met the Secretary General of the same Ministry on several occasions to brief them on developments on the National Training Strategy for Local Government (NTS). The Minister asked for further assistance with the NTS and for the establishment by October 2003 of a National Training Institute for Local Government, which could provide direct training for local authorities.
7. On 24 January, the acting Special Representative participated in a donor meeting organised by the European Commission to present the work on the NTS. The group meets regularly to discuss topical issues relating to public administration reform and coordinate their field projects.
8. From 24 to 26 January, a Council of Europe expert from the Polish Foundation for the Support of Local Democracy had meetings with the local expert on the Training Needs Analysis.

### **Albanian Magistrates' School (AMS) Judges**

9. From 20 to 22 January, Council of Europe experts, members of the AMS Curricula Commission, visited the courts and the Law Faculty in Shkodra.
10. A training course on techniques for investigating criminal offences of trafficking in human beings was held at the AMS on 12 and 13 January, in co-operation with the US Embassy and Danida (Danish International Development Assistance).

### **Cultural tourism**

11. On 24 January, the acting Special Representative and the Deputy Chairman of the Council of Europe's Culture Committee met the Director of Marketing of the Ministry of Territorial Adjustment and Tourism to brief her on the Council's work in the field of cultural tourism.

# January 2003 in Belgrade

## SUMMARY

### Political overview

- **YUGOSLAVIA**
  - **Constitutional Charter**
  - **Co-operation with the International Criminal Tribunal for the Former Yugoslavia in The Hague**
- **SERBIA**

### Office activities

- **Judicial reform**
- **Minorities**
- **Civil Society**
- **Education**
- **Media Reform**

### Political overview

#### YUGOSLAVIA

##### **Constitutional Charter**

12. The Constitutional Charter, which forms the basis of the new State Union of Serbia and Montenegro, was adopted by the Serbian Parliament on 27 January and that of Montenegro on 29 January.<sup>1</sup>
13. The Implementation Law requires all new institutions to be created within 30 days. The two republics have six months to draft and adopt new constitutions, and until the end of the year to harmonise all legislation with the Constitutional Charter.
14. A Human Rights Bill, to be adopted by all three Parliaments, is currently under discussion and the Council of Europe, in particular its Venice Commission, has been invited to comment on the draft.

##### **Co-operation with the International Criminal Tribunal for the Former Yugoslavia in The Hague**

15. While the Yugoslav authorities continue to claim their readiness to co-operate no significant progress can be observed, even though former Serbian President Milan Milutinovic voluntarily surrendered a couple of weeks after his mandate expired.
16. International pressure, especially from the United States, is mounting. In a recent visit the US Ambassador for War Crimes, Pierre Prosper, announced that US aid would be frozen unless Ratko Mladic, Veselin Sljivancanin and Miroslav Radic (the “Vukovar Three”) were arrested.

---

<sup>1</sup> Since 4 February, when the Constitutional Charter was adopted by the Federal Parliament, the country has been called Serbia and Montenegro.

## **SERBIA**

17. The political landscape was changed by the transformation, on 15 December, of the G17+ group of experts into a political party led by Yugoslavian Deputy Prime Minister and former Presidential candidate for Serbia, Miroljub Labus. President Kostunica's DSS still has a relative majority with some 24% of support among the population, whereas about 10% would support the Serbian Radical Party (SRS) of Vojislav Seselj.
18. Prime Minister Zoran Djindjic has startled the international community by calling for a greater involvement of the Serbian authorities in Kosovo affairs in general, and more specifically the return of Yugoslavian security forces to Kosovo.

### **Office activities**

#### **Judicial reform**

19. On 17 January, the Council of Europe was invited to co-ordinate the drafting of amendments to the already adopted judicial legislation. The Council was also asked to contribute its experience and expertise to the establishment of a Judicial Mediation Centre, partly to deal with the existing backlog of unfinished cases.
20. A training course for judges and other members of the judiciary from Serbia and Montenegro took place in Strasbourg from 19-25 January as part of the Human Rights Training Programme (DGII). At the same time, the President of the Serbian Supreme Court, Ms Leposava Karamarkovic, paid an official visit to the Council of Europe.
21. The Ministry of the Interior's Review and Advisory Group for Criminal Law Reform has asked the Council of Europe/DGI to provide expert opinions on the legislation governing the organisation and jurisdiction of Government authorities in combating organised crime and on amendments to the Code of Criminal Procedure.
22. In a meeting with the EU Justice and Home Affairs Council on 28 January, the Legal Advisor of the Belgrade Office was invited to present comments concerning human rights and various aspects of legislative reform in the Federal Republic of Yugoslavia.

#### **Minorities**

23. On 11 January, the Head of Office attended the setting up of the Slovak National Council.
24. The Federal Ministry of Ethnic Communities has called weekly meetings for the implementation of the National Strategy for Roma.

#### **Civil society**

25. On 31 January, an Office representative participated in a meeting of the new German Marshall Fund, which will shortly open its Balkans regional office and intends to allocate small grants to local non-governmental organisations.

#### **Education**

26. From 22-24 January, DGIV, in co-operation with the Serbian Ministry of Education, organised a seminar on the reform of history teaching and textbook reform.

27. From 23-25 January, DGIV, in co-operation with the Serbian Ministry of Education, organised a training-the-trainers seminar on education for democratic citizenship.
28. On 30 January, the Office attended a coordination meeting organised by the Serbian Ministry of Education, which brought together international partners involved in educational reform.

**Media reform**

29. On 30 January and 1 February, two seminars on Article 10 of the ECHR were held in Novi Sad, attended by some 60 judges and prosecutors from the province of Vojvodina.

# January 2003 in Podgorica

## SUMMARY

### Political overview

- **Constitutional Charter ratified**
- **New Government formed**
- **Second round of the presidential election**
- **“Radio Television Crna Gora” (RTCG) Council’s composition approved**
- **Visit of EU Ambassadors**

### Office Activities

- **Human Rights**
- **Legislative developments and co-operation**
- **Public administration**
- **Judiciary**
- **Combating trafficking in human beings**
- **Media**
- **Co-operation with other international organisations**

## Political Overview

### **Constitutional Charter ratified**

30. On 29 January, the Constitutional Charter and its implementing legislation were ratified by the Montenegrin Parliament. Fifty-four out of 77 members of parliament voted for the Charter, but only 44 supported the implementing legislation. The ruling coalition was also divided on the issue. The Social Democratic party, the Civic party and the Albanian coalition voted against, while the Liberal Alliance boycotted the whole session.

### **New Government formed**

31. On 8 January, the Montenegrin Parliament approved the composition of the new Government with Mr Djukanovic as Prime Minister. Mr Djukanovic stressed that the most important tasks will be economic and legal reform, protecting human and minority rights, and fighting corruption and all forms of organised crime.

32. Mr Djukanovic’s new Government consists of four deputy prime ministers (economic policy, political system and domestic policy, financial system and European integration) and 16 ministers representing the Democratic Party of Socialists, the Social Democratic Party, the Civic Forum and the Albanians Together coalition.

### **Second round of the presidential election**

33. The second round of the presidential elections is scheduled to take place on 9 February 2003. The candidates remain the same as in the first round (22 December 2002) as the law does not allow new candidates to stand.

**“Radio Television Crna Gora” (RTCG) Council’s composition approved**

34. In accordance with the new media legislation a new “Radio Television Crna Gora” (state run media) Council was formed on 15 January. The Managing Board of the state-run daily “Pobjeda” was also elected. The Office provided the newly formed Council and Board with documentation on European standards in the media field.

**Visit of EU Ambassadors to Podgorica**

35. On 31 January, 14 EU ambassadors to the Federal Republic of Yugoslavia paid a one-day official visit to Podgorica. They met the Montenegrin leadership to discuss such issues as co-operation with the Hague Tribunal and combating trafficking in human beings and organised crime. While expressing their satisfaction with the adoption of the Constitutional Charter, the Ambassadors underlined the need for further harmonisation of economic relations between Montenegro and Serbia. The ambassadors also visited the Montenegrin NGO Shelter, which initiated the “trafficking affair”.

**Office Activities****Human Rights**

36. The Office took part in the organisation and presentation of the awareness raising conference on the decisions of the UN anti-torture committee; particular reference was made to the situation of Roma in Montenegro.

**Legislative Developments and Co-operation**

37. The Office has had a series of high-level meetings with members of the newly formed Government to discuss the strategy concerning legal reform in Montenegro. Co-operation with the Hague Tribunal, trafficking in human beings and strengthening co-operation between the Council of Europe and Montenegro were discussed with the new Minister for Foreign Affairs. As of February the Minister will appoint a desk officer to deal exclusively with Council of Europe-related issues.

**Public Administration Reform**

38. The Office participated in a meeting of the “Public Administration Reform in Montenegro Project” (PARIM) Board, which discussed the development of a new strategy and approach to public administration reform, to be presented to the Government in February.

**Judiciary**

39. The Office participated in the development of the project aimed at increasing the efficiency of the Montenegrin judiciary, in co-operation with the Judicial Training Centre. A study visit to Strasbourg was organised for 5 Montenegrin judges.

**Combating trafficking in human beings**

40. The Office has taken part in the National Board’s sessions to discuss the development of the strategy for combating trafficking in human beings. The Council of Europe’s proposal to organise a seminar to share experience on this issue with neighbouring countries was welcomed by the Board.

**Media**

41. The draft legislation on free access to information was finalised by the Montenegrin working group of representatives of Government and NGOs. The Council of Europe was asked for an expert opinion and may also be asked to take part in a Joint Working Group on the subject.

**Co-operation with international organisations**

42. At a meeting with the new Acting Head of the OSCE Office in Montenegro, the Head of Office discussed co-operation between the two offices in the field of legal reform, the judiciary and the media.

# January 2003 in Pristina

## SUMMARY

### Political overview

- **Murder of Tahir Zemaj, former commander of the “Armed Forces of the Republic of Kosovo”**
- **Provisional institutions to take on full responsibility in all transferred areas of government**
- **End of boycott of the Kosovo Assembly by Koalicija Povratak (KP: the Serb “Return Coalition”)**
- **Grenade attack on Police Headquarters in Pec/Peja**
- **Meeting of Kosovo Serbs in Belgrade: joint strategy for Kosovo**

### Office Activities

- **Ethnic communities**
- **Legal co-operation**
- **Human Rights**
- **Assembly of Kosovo**
- **Decentralisation**
- **Cultural Heritage**

### Political Overview

#### **Murder of Tahir Zemaj, former commander of the “Armed Forces of the Republic of Kosovo”**

43. On 4 January, Tahir Zemaj, former commander of the “Armed Forces of the Republic of Kosovo”, his son and another relative were killed in a drive-by shooting. Mr Zemaj, a member of the LDK, was one of the key witnesses in the “Dukagjini Group” trial (5 former UCK fighters sentenced on charges related to illegal detention and aggravated assault on four Kosovo Albanians in 1999).

#### **Provisional Institutions to take on full responsibility in all transferred areas of government**

44. In a televised speech on 20 January, Michael Steiner, the UN Secretary General's Special Representative, listed the key challenges for Kosovo and UNMIK during 2003: the economy, fighting crime and multi-ethnicity. The Special Representative reiterated UNMIK's willingness to transfer further authority to the Provisional Institutions of Self-Government, whilst underlining that hand-over would depend on their performance. External relations, the fight against organised crime, security and minority rights would not be transferred.

#### **End of boycott of the Kosovo Assembly by Koalicija Povratak (KP: the Serb “Return Coalition”)**

45. On 24 January, Koalicija Povratak Assembly members decided to resume participation in the Kosovo Assembly as of the next plenary session on 6 February. The decision was reached after a series of talks in Belgrade and Pristina with the DOS Presidency and the Serbian Orthodox Church.

**Grenade attack on Police Headquarters in Pec/Peja**

46. On 22 January, a rocket-propelled grenade was fired into the police headquarters in Pec/Peja (no injuries, but damage to the building), apparently to distract the police from ongoing investigations in that region. In an extraordinary session on 23 January, the Kosovo Assembly condemned the attack.

**Meeting of Kosovo Serbs in Belgrade: joint strategy for Kosovo**

47. On 28 January, Serbian Prime Minister Djindjic met Deputy Prime Minister Covic and representatives of the Serbian National Councils in Kosovo and Coalicija Povratak. A joint strategy for Kosovo was agreed but not published. According to the Serbian newspaper Beta the aim of the strategy is to make Serbia “an active factor” in Kosovo. In a letter to UNMIK and NATO of 1 February Mr Djindjic requested the return of 1 000 Yugoslav security forces to Kosovo. This was rejected by UNMIK and by NATO, the EU and the USA.

**Office Activities****Legal co-operation**

48. On 17 and 18 January, the Deputy Head of Office participated in two CDRC (Criminal Defence Resource Centre) meetings. Possible joint training events on probation and human rights standards were discussed.
49. On 20 January, the Deputy Head of Office and the Legal/Language Assistant visited two legal aid desk offices in Ferizaj and Podujevo. These field visits, on behalf of the Legal Aid Board, aimed at assessing the concrete work of legal aid provided by lawyers and NGOs on the spot.
50. On 23 January, the Deputy Head of Office attended the Kosovo Law Centre Board of Directors meeting, which discussed, *inter alia*, the appointment of a new director and the future of the organisation.
51. On 23 January, the Legal/Language Assistant attended an extraordinary Supervisory Board meeting on the Legal Aid Project in the Kosovo Chamber of Advocates regarding compensation for legal and judicial expertise.
52. From 23 to 25 January, a member of DG I, Criminal Problems Division, visited Kosovo to consider a possible PACO project in Kosovo. Together with the Deputy Head of Office she had several meetings with representatives of the UNMIK Department of Justice, the European Agency for Reconstruction and the Office of Good Governance of the Prime Minister’s Office. Her stay also included a meeting of the Inter-ministerial Group of the Provisional Government of Kosovo on anti-corruption, following the seminar organised by the Council of Europe and the Office of Good Governance last October.

**Human Rights**

53. In early January, the Deputy Head of Office was approached by the OSCE with a request to participate in a training activity on the European Court of Human Rights for law students. Dates to be defined.

54. Several meetings took place throughout January between the Deputy Head of Office and representatives of UNHCR, regarding the preparation of a series of Kosovo-wide workshops on Roma rights planned for May. During a seminar in Sarajevo, UNHCR representatives met colleagues from DG III – Social Cohesion on the same issue.
55. On 22 January, the Deputy Head of Office made a short presentation about the Council of Europe Commissioner for Human Rights' report at a meeting of the Assembly of Kosovo Committee on Missing Persons.
56. During the month, the Head of Office several times met the Director of the Office on Communities in the PM's Office regarding the Non-Discrimination Review soon to be started in Kosovo.

### **Assembly of Kosovo**

57. On 22 January, the Deputy Head of Office met Guillaume Wagener, who has been appointed International Advisor to the Legal and Procedural Department of the Assembly of Kosovo and is the former Secretary General of the Luxembourg Parliament. His secondment was proposed by the Parliamentary Assembly of the Council of Europe.

### **Decentralisation/local government**

58. On 14 January, the Head of Office met representatives of the International Crisis Group on the issue of decentralisation. From 20–22 January, members of DGAP, DG I and DGAL visited Kosovo to clarify, in co-operation with UNMIK's Political Affairs Division, the mandate of the future Council of Europe Decentralisation Mission and agree on the logistical/technical details with the UNMIK Administration. Accompanied by the Head of Office, they also met representatives of OSCE (Democratisation), the EU's Lessons Learnt Unit, the International Crisis Group and the editor of the Kosovo daily *Koha Ditore*.
59. On 27 January, the Head of Office met a representative of UNDP concerned with decentralisation. An ongoing exchange of information on the issue was agreed.
60. On 27 January, the Head of Office participated in an initial one-day seminar on the OSCE-led Municipal Assembly Support Initiative (MASI) attended by several (potential) local and international partner organisations that offer different training activities to support municipal assemblies. This is modelled on the Assembly Support Initiative (ASI), which has been supporting the Kosovo Assembly since its creation last year.

### **Cultural heritage**

61. A Council of Europe expert visited Kosovo from 23 to 26 January in the context of the ongoing work on cultural heritage. He met representatives of the Ministry of Culture and a variety of local organisations concerned with cultural heritage. On 25 January the Head of Office accompanied him and Ministry representatives to the Serbian monastery in Decan for a meeting with Father Sava, one of the influential (and moderate) Serb Orthodox church leaders.

# January 2003 in Sarajevo and Mostar

## SUMMARY

### Political overview

- **BiH Council of Ministers (CoM) Appointed**
- **Republika Srpska (RS) Government Appointed**
- **Inaugural Session of the Federation House of Peoples (FBiH HoP)**
- **Federation Presidency Appointed**

### Office Activities

- **Education Reform**
- **Human Rights and Legal Affairs**

## Political Overview

### **BiH Council of Ministers (CoM) Appointed**

62. On 13 January, BiH House of Representatives appointed the new CoM. The BiH Minister of Justice could not be appointed at this session, as the OHR and the Electoral Commission had not completed the approval procedure of the candidate for this post.

63. During his address to the HoR, Mr. Terzic outlined the CoM's priorities, including establishing the rule of law, fighting organized crime and corruption, reforming the judicial system, establishing a single economic area, preserving macroeconomic stability, improving the business climate for domestic and foreign investment, completing the privatisation process and signing the Agreement on Stabilisation and Association with the European Union.

### **Republika Srpska (RS) Government Appointed**

64. On 17 January, the RS National Assembly appointed the RS Government. The Cabinet of the new RS Prime Minister, Mr. Dragan Mikerevic (PDP), was officially inaugurated on 22 January.

### **Inaugural Session of the Federation House of Peoples (FBiH HoP)**

65. The inaugural session of the FBiH HoP took place on 17 January in Sarajevo. The FBiH elected Mr. Slavko Maric (HDZ) as Chairman and Mr. Vahid Heco (SBiH) and Ms. Spomenka Micic (SBiH) as Deputy Chairpersons. The FBiH HoP also elected five Bosnian Croat and five Bosniak delegates to the BiH House of Peoples.

66. The FBiH HoP is composed of 58 delegates (17 delegates from each of the constituent peoples and 7 delegates from the "Others"). However, as the Bosnian Serb caucus in the FBiH HoP could not be fully constituted some parties questioned the constitutionality of the FBiH HoP. The Collegium of the FBiH HoP proposed the establishment of an *ad hoc* commission to find a way of filling the vacant seats in the Bosnian Serb caucus. It is expected to present its recommendations to the FBiH HoP within 30 days.

**Federation Presidency Appointed**

67. On 21 January the FBiH House of Representatives (FBiH HoR) approved the nomination of Mr Niko Lozancic (HDZ) as candidate for the FBiH Presidency and Mr Sahbaz Dzihanovic (SBiH) and Mr Desnica Radivojevic (SDA) as Vice-Presidents. The FBiH House of Peoples confirmed these nominations. The FBiH Presidency is expected soon to nominate a Prime Minister and thus begin the process of forming the Federation government.

**Office Activities****Education Reform**

68. Both entity Ministers of Education approved the 2003 programme of activities for education in BiH. The draft state-level law on primary and secondary school, developed with the assistance of the Council of Europe and a specific accession commitment, was submitted to the Council of Ministers on 9 January.

**Human Rights and Legal Affairs**

69. A number of meetings have been held with partner organisations (OHR, OSCE, EC, UNDP, UNHCR, UN OHCHR, UNDP). Subjects include training programmes on the State Penal Code and Criminal Procedure Code; preparing for the establishment of the Judicial Training Centres; the need to revise the draft legislation on the movement and residence of foreigners and asylum, in the light of the proposed legislation on ministries; and persuading the Federation Ministry of Defence to respond to the issues raised by the Council of Europe and others on the question of conscientious objection. At the request of UNHCR, the Office will lead a workshop for lawyers on the ECHR within the UNHCR sponsored Legal Aid Centres Network.

70. The Deputy Special Representative returned to Strasbourg during the week of 27-31 January 2003 for consultations with the Secretariat on the implementation of the priority actions in Bosnia and Herzegovina during 2003.

\*\*\*

**MOSTAR OFFICE****Office activities****Radio Youth for Youth**

71. Contacts were made with Radio Student in Zagreb and Radio B92 in Belgrade to arrange the participation of Radio Youth for Youth in two Festivals.

72. The first festival, named "Test 4", is for actors from academies of performing arts in south east Europe and will be held from 16 to 23 March 2003 in Zagreb. The second - "Refract" (Regional Festival of Alternative Culture) - will take place from 22 to 28 April 2003 in Belgrade.

**Human Rights Centre**

73. The implementation of the project “legal clinics for students of Mostar Law faculties” will start on 15 February in the Council of Europe Library.

**Safe House**

74. Nine builders replied to the tender and the most favourable bid has been selected. The building of the Safe House should be completed by the end of March 2003.

# January 2003 in Baku

## SUMMARY

### Political overview

- **Co-rapporteur of the Parliamentary Assembly Monitoring Committee visits Azerbaijan**
- **Two constitutional laws enter into force**
- **Amendments to the legislation on grants and on NGOs**
- **State language legislation**
- **Trials of political prisoners**
- **Trial concerning Novoye Vremya and Yeni Musavat newspapers**
- **Negotiations with the opposition parties on Election Code**
- **Members of the National TV and Radio Council appointed**

### Office activities

- **Evaluation mission on prison reform**
- **Trial observation training**
- **Special Representative's activities**

### Political Overview

#### **Co-rapporteur of the Parliamentary Assembly Monitoring Committee visits Azerbaijan**

75. The co-rapporteur of the Monitoring Committee on Azerbaijan, Mr Martinez Casan, visited Azerbaijan from 20-25 January 2003.

#### **Two constitutional laws enter into force**

76. On 4 January two constitutional laws came into force, one regulating the exercise of human rights and freedoms and the other establishing additional guarantees to Parliament's rights regarding matters confidential to the Cabinet of Ministers.

#### **Amendments to the legislation on grants and on NGOs**

77. The amendments to the legislation on grants (which requires registration of grants from foreign donors) entered into force on 5 January. A presidential decree calls for all grants to be notified but only grants to religious organisations must be registered before they can be used. The new legislation also has a major financial impact on the functioning of NGOs because of the obligation to pay high social insurance fees on the grants received. Moreover, the amendments to the legislation on NGOs, effective from 16 January, have removed the tax exemption provisions (VAT etc).

#### **State language legislation**

78. The new Law on the state language of Azerbaijan came into force on 4 January. Knowledge of the state language becomes compulsory for every Azerbaijani citizen. Currently the Law imposes no penalties but the Cabinet of Ministers has been instructed to prepare regulations on liability for infringements of the Law. The Law will affect, amongst others, television broadcasts as all films and programmes must be transmitted in Azeri.

**Trials of political prisoners**

79. In January, only Ragim Gaziyeu remained on trial. Iskender Hamidov will be transferred from the Gobustan prison to correctional colony No 9 on 8 February.

**Negotiations with the opposition parties on the Election Code**

80. The OSCE Office in Baku has held discussions with the opposition parties, the ruling party and the authorities in an attempt to achieve consensus on the participation of the opposition coalition in the second round table on the draft Election Code scheduled for February. Despite additional action by EU ambassadors, discussions have so far failed and the round table is unlikely to take place.

**Trial concerning Novoye Vremya and Yeni Musavat newspapers**

81. ANS TV brought six suits against the Russian language newspaper Novoye Vremya claiming that articles published were an insult to its honour, dignity and professional reputation. In December 2002 the newspaper was fined 150 million mantas (about USD 30 000) and the author of the article 50 million mantas (USD 10 000). Court hearings over the other suits are under way.

**Members of the National TV and Radio Council appointed**

82. On 22 January 2003 six (out of nine) members of the National TV and Radio Council (responsible *inter alia* for issuing licenses and frequencies for TV-Radio broadcasts) were appointed by presidential decree. The expert opinion provided last autumn by the Council of Europe had drawn the authorities' attention to provisions on the National TV and Radio Council that did not comply with European standards.

**Office activities****Legal and Human Rights field****Evaluation mission on prison reform**

83. From 21 to 31 January, an evaluation mission to reassess prison reform in Azerbaijan was conducted by a delegation composed of Slovenian, British and Danish experts and a representative of DGI. A first assessment was made in 1998. The experts acknowledged improvements in the system, such as a reduction of the prison population and the renovation of facilities. They also addressed particular issues related to inmates' right to activities and work (which requires a change in the legislation) and to the establishment of an independent inspectorate. The draft of the evaluation report will be presented to the Steering Group meeting in Baku in March.

**Trial observation training**

84. A "trial observation" training programme for Azerbaijan lawyers was organised in Baku from 14 to 17 January 2003 by the International Commission of Jurists in conjunction with the DSP.

**Special Representative's activities**

85. On 16 January, the Special Representative gave a presentation on the Council of Europe at a conference organised by the Office of the Ombudsman to celebrate the first two years of Azerbaijan's membership of the Council.

86. On 27 January in Strasbourg, the Special Representative participated in an inter-agency co-ordination meeting on assistance to Azerbaijan in preparation for the 2003 Presidential elections. It was attended by representatives of the OSCE/ODIHR, the OSCE Office in Baku, the European Commission and members of the Council of Europe Secretariat.
87. The Office of the Special Representative received 21 individual complaints in January 2003.

## January 2003 in Yerevan

### SUMMARY

#### Political overview

- eleven registered candidates for President
- Developments in the “Noyan Tapan” court case
- Postponement of the tender for TV frequency licences

#### Office activities

- Pre-electoral Secretariat visit

### Political Overview

#### **Eleven registered candidates for President**

88. On 17 January, 11 registered candidates were presented by the Central Electoral Commission. The status of candidate for President of Armenia establishes a number of rights and duties, including immunity against criminal and administrative liability. Presidential elections will be held on 19 February 2003.

#### **Developments in the “Noyan Tapan” court case.**

89. On 17 January, the Court of Cassation rejected the appeal of the National TV and Radio Commission (see previous reports). On 20 January, “*Noyan Tapan*” submitted its tender. Owing to shortcomings in the application, the National TV and Radio Commission gave the company 10 days to bring it into conformity with the regulations.

#### **Postponement of the tender for TV frequency licences**

90. Following the court decision in favour of *Noyan Tapan* in connection with the tender, the National TV and Radio Commission was due to meet on 31 January. However, on 30 January five TV companies applied to court against the National TV and Radio Commission on the grounds that the latter had refused to return the bids submitted by the TV companies, despite the fact that these bids, according to the TV companies, had to be updated. The court hearing is on 14 February.

### Office activities

91. Following the Minister for Foreign Affairs' invitation to the Secretary General to observe the forthcoming presidential and parliamentary elections, a Secretariat team visited Armenia to assist the Armenian authorities in the preparation of the elections. A separate report will be issued.

## January 2003 in Chisinau

### **The Moldovan Permanent Round Table**

92. Efforts to assist the Moldovan Permanent Round Table (RT) to achieve progress in creating a real political dialogue continued during the month. The Special Representative participated as an observer in several RT meetings. Of the Parliamentary parties, the Christian Democrats (PPCD) were not represented by their Parliamentary leaders, but only by a member of parliament and the ruling Communists (CP) were not present at all.
93. The three Council of Europe experts on the RT model for conflict resolution (Mr Tadeusz Mazowiecki, former Prime Minister of Poland, Mr Markus Meckel, former Foreign Minister in the GDR's last transitional government and now a member of the Bundestag, and Ms Ulrike Poppe, well-known democracy activist in GDR days) met in Strasbourg during the Parliamentary Assembly session at the end of the month to assess the effects of their visit to Chisinau in late November. Based on extensive consultations and reports on developments since their visit, the three experts concluded that they would not go back to Chisinau at present to assist the RT. They stated in a letter to the Secretary General that they had observed no political will to use the RT as a tool for entering into dialogue, and thus saw no point in making a visit at this time. However, they expressed a willingness to reconsider a mission if a political will to make use of the RT emerged.

### **Legislation on rules governing party political activity**

94. A hotly debated subject at the RT meetings was a law passed by Parliament laying down strict rules for party political activity. The Special Representative offered a Venice Commission expert opinion on the law. The offer was accepted by the Moldovan Parliament, but President Vladimir Voronin promulgated the law before the expert opinion had been delivered. Among the rules in the law were demands that all parties file their full membership lists with the Ministry of Justice before the end of February, and that they provide proof they have local organisations in all districts if they wish to run in elections as national parties. All opposition parties declared these demands impossible to meet and said that the rules would block normal participation in the local elections to be held no later than the end of May. The expert opinion had not been finished by the Venice Commission at the end of the month, but the Special Representative was authorized by the Commission secretariat to give a preliminary indication that the final expert paper would include very clear points of criticism.

### **Advisory referendum on EU and NATO membership**

95. A request by the PPCD to be allowed to conduct a so-called people's initiative (collection of 200 000 signatures) for an advisory referendum on Moldovan membership of the EU and NATO was turned down by the Central Election Commission (CEC). The CEC argument was that according to the Constitution Moldova was a neutral country and that no advisory referendum could be held on a question requiring a constitutional change.

**Initiative for a referendum on electoral reform**

96. An earlier people's initiative by the centrist Braghis Alliance to hold a referendum on a proposal for electoral reform with a different proportional system was dismissed by Parliament, when the CP majority of 71 decided to abstain because it found too many of the 227 000 signatures collected by the Braghis Alliance to be invalid. In protest, the Alliance leader, Dumitru Braghis, announced a boycott of plenary sessions of Parliament (but continuing committee work). The Alliance also picketed Parliament for two days when it reconvened after the winter recess.

**Implementation of Parliamentary Assembly recommendations**

97. With Parliament in winter recess little or no progress was achieved in the various legislative fields that were the subject of recommendations from the Council of Europe Parliamentary Assembly last year. During 2002 nearly thirty different laws were submitted to the Council, especially DG I, and opinions on most of these were delivered before the end of the year, among them comprehensive papers on the judiciary and local government. Among expert opinions delivered in January was one from DG II (Media Division) on transforming the State TV/Radio into an independent company (an important point in the Assembly recommendations). The relevant Parliamentary Committee chairman promised action in this field during the spring.

## **January 2003 in Tbilisi**

NO NEWS FOR THIS MONTH.