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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

Third quarterly report (November 2003 – February 2004)

Executive summary

The imminent deposit of instruments of ratification of the European Convention on Human Rights and the European Convention for the Prevention of Torture – which should take place on 3 March 2004 – should be seen as a major step forward. However, this cannot hide the very limited capacity of Serbian and Montenegrin judicial systems to implement European standards, and in particular the ECHR, at domestic level. The repeatedly failed presidential elections, the very complex situation emerging from the December 2003 parliamentary elections in Serbia and the revival of nationalistic political forces, are very worrying developments. Serbia and Montenegro is therefore likely to face even bigger challenges in the future. Compliance with obligations and commitments accepted when joining the Council of Europe should be considered as a top priority. Opportunities offered by the various co-operation programmes should be used to full extent.

*- **Democratic institution-building:** at the Union level, democratic institutions have been established, but the situation in Serbia has affected their proper functioning. In Serbia, the presidential and early parliamentary elections, which were generally conducted in compliance with European democratic standards, have resulted in an institutional and political stalemate. In Montenegro, the boycott of parliamentary sessions by opposition political forces has continued. However, this has not prevented the adoption of certain key laws.*

*- **Co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY):** no significant progress can be registered. The results of the early parliamentary elections in Serbia call for renewed vigilance.*

*- **Rule of Law:** no Court has been established so far at the Union level. Both in Serbia and in Montenegro, basic conditions for an independent and effective functioning of the judicial and prosecuting authorities have not been met. Urgent and decisive measures are needed in law and in practice, notably to prevent undue influence from the executive and legislative branches of power in the election/appointment of judges and prosecutors. In Serbia, the reform process is embryonic and particular emphasis should be put on the review of existing laws in accordance with European norms. In Montenegro, there is some progress with the adoption of a new criminal legislation and a Law on the Public Prosecutor's Office, although some key draft laws are still pending before parliament. More attention should be paid to the adequate implementation of laws in compliance with European standards.*

*- **Human Rights:** in the light of the forthcoming ratification of major Council of Europe human rights instruments, decisive efforts are needed to ensure their concrete implementation. In Serbia, the human rights situation gives rise to concern, notably regarding social rights and freedom of the media. In Montenegro, serious efforts are still needed in several fields, in particular as for national minorities and the fight against trafficking in human beings.*

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As concerns principal Council of Europe texts and list of commitments accepted by Serbia and Montenegro, an Addendum to the present report, taking into account the latest developments in this respect, should be issued in March 2004.

INTRODUCTION

1. In the context of Serbia and Montenegro's accession to the Council of Europe on 3 April 2003, the Committee of Ministers decided to set up a specific monitoring procedure, under the authority of its Rapporteur Group on Democratic Stability (GR-EDS), which provides for a regular review of the progress achieved and difficulties encountered in the fulfilment of commitments and implementation of the post-accession programme, on the basis *inter alia* of quarterly reports by the Secretariat.
2. The present document is the third report prepared by the Secretariat in this context¹. With the assistance of the Special Representative of the Secretary General and the Council of Europe Offices in Belgrade and in Podgorica, a Secretariat's delegation visited Serbia and Podgorica from 19 to 23 January 2004. Despite the absence of relevant official interlocutors in Serbia, members of the Secretariat met with representatives of the Ministry of Foreign Affairs of Serbia and Montenegro, representatives of the Republic of Montenegro, members of the Serbian and Montenegrin judicial systems, civil societies and media. The programme of the visit can be found in Appendix.

PART I: MAIN CONCLUSIONS AND RECOMMENDATIONS

A. AT THE STATE UNION LEVEL

3. The functioning of the State Union institutions has been affected by the political crisis in Serbia. However, the imminent ratification of the **European Convention of Human Rights (ECHR)**, its **Protocols Nos. 1, 4, 6, 7, 12, 13** and of the **European Convention for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment (ECPT)** – expected on 3 March 2004 – should be seen as a major step forward in the fulfilment of Serbia and Montenegro's commitments.
4. This new step requires that the authorities of Serbia and Montenegro take further action, notably:
 - to take concrete measures to ensure the **effective implementation** of these treaties in Serbia and Montenegro;
 - to ensure that further measures are adopted in view of the immediate transfer of cases pending before **military courts** to civilian courts at the level of republics;
 - to give concrete evidence of **improved cooperation with the ICTY** and its Prosecutor, notably through the effective functioning of the National Co-ordination Council, and to ensure that decisive measures are taken to arrest all indictees, to further facilitate access to documents and increase the effectiveness of the procedure relating to waivers for witnesses accordingly;
 - to establish a **Union Court**, which should be – in some cases – the last domestic remedy in Serbia and Montenegro;
 - to present candidatures for the **election of a judge to the European Court of Human Rights** with respect to Serbia and Montenegro and to set up the **Office of the Government Agent** before the Court;
 - to indicate to the Committee for the Prevention of Torture (CPT) which **authority is competent to receive notifications** to the Government, and to inform it of any **liaison officer** they may appoint;
 - to provide the Parliamentary Assembly with candidatures in view of the future **election of a member of the CPT** with respect to Serbia and Montenegro.

¹ As concerns previous reports, see documents [SG/Inf\(2003\)28](#) and [SG/Inf\(2003\)38](#) (available on the Secretary General's Website: www.coe.int/sg).

5. Important steps are also needed to facilitate the future signature and/or ratification of other relevant Council of Europe treaties by April 2005 and, in the meantime, to ensure that their fundamental principles are applied in law and practice, namely:
 - the European Social Charter;
 - the European Charter of Local Self-Government;
 - the European Charter for Regional or Minority Languages;
 - the Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.
6. With this in mind, the Union authorities should adopt a **detailed Action Plan**, supplemented by **specific programmes of action** at the level of member states of the Union (see below, paras 7 and 8), fully taking into account compliance with relevant obligations and commitments accepted by Serbia and Montenegro when joining the Council of Europe. Concrete measures should be taken accordingly.

B. AT THE LEVEL OF MEMBER STATES OF THE UNION

1. REPUBLIC OF SERBIA

7. The forthcoming ratification of major Council of Europe instruments by Serbia and Montenegro requires more resolute action in the reform process in Serbia. According to several interlocutors, including judges, prosecutors and lawyers, the Serbian judicial and prosecuting authorities do not yet have the capacity to independently and effectively implement ECHR standards at domestic level. The urgent need for reinforced and independent judicial and prosecuting authorities is also relevant in the context of cases pertaining to war crimes, organised crime and corruption. Likewise, most areas of concern, which have already been identified in previous reports, remain valid (see documents [SG/Inf\(2003\)28](#) and [SG/Inf\(2003\)38](#)). During the period under review, the conduct of two major elections has resulted in much energy being spent in election campaigns and the dialogue to resolve the current political crisis. Consequently, the reform process has seriously slowed down. In this context, it appears that priority action must be taken on the following issues:

Rule of Law

- **to take immediate and resolute action to strengthen the judicial and prosecuting authorities and secure their independence and impartiality.**

A precise reform strategy should be followed by the authorities. Legal amendments should therefore be prepared on the basis of previous Council of Europe expert recommendations in order to ensure that the legal framework is respectful of the applicable standards. Particular attention should be paid to the election/appointment of judges and prosecutors without undue influence from other branches of power as well as the strengthening of and the independence of specialised court departments and prosecutors (war crimes, organised crime). Council of Europe assistance can be instrumental and should be pursued.

- **to ensure that results obtained by supervisory bodies of police and security forces be more transparent and visible;**

- **to take further legislative and other measures to fight against corruption;**

Human Rights

- **to take immediate and decisive measures to ensure that ECHR and ECPT standards are implemented in law and in practice;**
- **to implement a policy in keeping with the principles enshrined in the European Social Charter, notably as concerns the right to a fair remuneration and the right to collective bargaining;**
- **to adopt legislative and other measures in accordance with recommendations made by the Advisory Committee of the Framework Convention for the Protection of National Minorities in November 2003;**
- **to take immediate action to protect freedom of the media, in particular:**
 - to establish a legitimate and effective Broadcasting Council, notably in the context of the allocations of broadcasting licences;
 - to consider amending the Law on Public Information in accordance with Council of Europe recommendations;
 - to ensure that the draft Law on Free Access to Information is amended in accordance with Council of Europe recommendations before being adopted;
 - to ensure that means of responding to unjustified attacks and criticisms are not disproportionate (notably as concerns defamation cases);
- **to adopt a law on the institution of Ombudsperson and to secure the effective and independent functioning of his/her Office;**
- **to strengthen the Serbian civil society, notably through legislative measures;**

*Democratic institution-building***- to start result-oriented work on a future Serbian Constitution.**

The Venice Commission is ready to provide technical assistance in this context;

- **to undertake a thorough reform of the local self-government legislation** in compliance with the European Charter of Local Self Government and to take further measures to transfer competencies in the field of regional democracy. The Council of Europe expertise could be mobilised to this effect;

- to review electoral laws in accordance with European standards.

The Venice Commission is ready to provide technical assistance in this context.

2. REPUBLIC OF MONTENEGRO

8. The imminent ratification of the ECHR and of the ECPT also requires that the Montenegrin judicial and prosecuting authorities function effectively and that their independence be secured. Significant steps have been undertaken by the Montenegrin authorities in late 2003 with the adoption of key laws (in particular the Criminal Code, the Code of Criminal Procedure and the Law on the Public Prosecutor's Office), although some other important draft laws, such as the draft Law on Police, have not yet been adopted. The Council of Europe is ready to provide assistance for future adjustments and implementation of the legislation. However, many interlocutors indicated that the Montenegrin judicial and prosecuting authorities do not yet have the capacity to effectively and independently

implement ECHR standards at domestic level. The Montenegrin authorities should take more resolute action, notably:

Rule of Law

- to strengthen the judiciary and secure its independence and impartiality.

Urgent measures, through specific constitutional changes if need be, should be taken so that the Higher Judicial Council play a greater role in the appointment of judges. Particular emphasis should also be put on the implementation of the 2002 Law on Courts;

- to adopt the draft Law on Police without delay and to ensure adequate implementation of the newly adopted Criminal Code, the Code of Criminal Procedure and the Law on the Public Prosecutor's Office in compliance with European standards;

- to adopt draft laws on financing of political parties and on political parties;

- to finalise "the programme for combating corruption and organised crime".

Recent Council of Europe experts' opinions (January 2004) should be taken into account. The programme should be effectively implemented in the nearest future, with Council of Europe assistance.

Human Rights

- to take immediate and decisive measures to ensure that ECHR and ECPT standards are implemented in law and in practice;

- to finalise the draft Law on the Protection of National Minorities' Rights and send it for Council of Europe expert appraisal and to adopt other measures to further protection of all minorities in accordance with the recommendations made by the Advisory Committee on the Framework Convention in November 2003;

- to pursue their efforts to protect freedom of expression and information, notably by amending the draft Law on Free Access to Information in accordance with Council of Europe recommendations, and to ensure that means of responding to unjustified attacks and criticisms are not disproportionate (as concerns defamation cases);

- to ensure concrete follow-up to OSCE/Council of Europe recommendations on trafficking in human beings, notably through an Action Plan.

- to take measures ensuring freedom of conscience and religion in law and in practice in compliance with the European Court of Human Rights' case-law.

Democratic institution-building

- to start more result-oriented work on the Constitution.

The Venice Commission stands ready to provide technical assistance in this context;

- to further measures to ensure an adequate implementation of local self-government laws and to ensure that draft laws on territorial organisation are in compliance with Council of Europe standards.

PART II: OVERVIEW OF SERBIA AND MONTENEGRO'S COMPLIANCE WITH ITS OBLIGATIONS AND COMMITMENTS

A. DEMOCRATIC INSTITUTION-BUILDING

9. The authorities of the State Union indicated that Serbia and Montenegro's democratic institutions have been established and function. However, the recent institutional and political instability in Serbia has had an impact on their effective functioning. In addition, parliamentary rules of procedure should still be adopted and committees should be set up within the Parliament. The Council of Europe, in particular its Parliamentary Assembly of the Council of Europe (PACE) is currently planning assistance to the Union Parliament, as well as parliaments of both member states of the Union.
10. In Serbia, democratic institutions have been paralysed by two major elections. The presidential elections of 16 November 2003 failed once again as the fifty per cent voter threshold has not been reached. Early parliamentary elections were held on 28 December 2003. The results and the subsequent political dialogue on the formation of a future Government have led Serbia to an institutional and political stalemate. On 4 February 2004, the Speaker of the Parliament (and future Acting President of Serbia), Mr Dragan Marsicanin, was elected, but critical comments have been made on the fact that he was backed by the Socialist Party of Serbia, formally headed by the ICTY indictee Mr. Slobodan Milosevic. He recently indicated that he would call for new parliamentary (and presidential) elections in the near future if no solution is found on the formation of a new Government.
11. Progress has been made in the conduct of elections. Both OSCE/Council of Europe International Election Observation Missions found that elections were generally conducted in compliance with European democratic standards. Nevertheless, substantial shortcomings exist in the legislation and give rise to concern with respect to the effective functioning of democratic institutions in Serbia (for more details, see PACE [document No. 10045](#), 26/01/2004). Electoral laws should be reviewed in accordance with Council of Europe standards. The fact that several ICTY indictees were permitted to run in the parliamentary elections and received wide support from the electorate is a particularly worrying factor.
12. Due to early parliamentary elections, the work undertaken by the Constitutional Commission was stopped. No agreement has been reached on a working draft. Various interlocutors have indicated that any future work on a Serbian Constitution should be more result-oriented and in accordance with the Constitutional Charter, the Charter of Human and Minority Rights and Civil Liberties and Council of Europe standards. A strong involvement of legal experts in the drafting process and transparency are key elements to success. Bearing in mind the forthcoming ratification of the European Convention of Human Rights, particular emphasis should be put on the independence of the judiciary. The Council of Europe – particularly the Venice Commission – stands ready to provide further assistance to the Serbian authorities.
13. Within the framework of past work on the Constitution, discussions on decentralisation and the territorial organisation reached stalemate. These issues should be tackled by the future Government and Parliament as action is needed in the context of local and regional democracy. A so-called "Omnibus Law" transferred some administrative competencies to the authorities of Vojvodina, but no regional self-government has been established yet. A thorough reform of the local government legislation in compliance with the European Charter of Local Self Government is necessary. The Council of Europe has already expressed its readiness to provide technical assistance in this respect.

14. In Montenegro, no concrete results have been achieved on the constitutional issue. Discussions are underway as to the possibility to amend the existing Constitution or to draft an entirely new Constitution.
15. According to judges and lawyers, the Parliament showed little commitment for the independence of the judiciary when, in December 2003, it rejected proposals made by the Higher Judicial Council in the context of the election of judges. Particular emphasis should be put on the independence of the judiciary when revising the Constitution.
16. The Parliament still faces a number of difficulties due to the opposition parties' boycott. However, several pieces of legislation have been passed in December 2003 (see below item C). The opposition parties' boycott cannot therefore entirely justify the lack of progress in the adoption of some important laws.
17. According to representatives of the legal profession, implementation of the new law on local self-government is particularly problematic. Local authorities are often unable to carry out their tasks due to a lack of adequate financial means. As a consequence, the implementation of several provisions had to be postponed.

Specific concerns and proposals

At the Union level, the authorities of Serbia and Montenegro have failed to set up a Union Court and the proper functioning of the institutions is affected by the political situation in Serbia.

In Serbia, a Government is still to be formed in order to accelerate the reform process (and the holding of new elections is still not excluded if no solution is found to the current crisis)). The work on a Serbian Constitution should be more result-oriented, with a particular emphasis on the independence of the judiciary and the future functioning of democratic institutions. National legal experts (in constitutional law in particular) and should be deeply involved in the drafting and the constitutional work should be as transparent as possible. The Council of Europe stands ready to provide further technical assistance in this context.

In this connection, concrete measures should be taken to strengthen local and regional democracy. More specifically, action is needed to reform the local government legislation in compliance with the European Charter of Local Self Government and to establish a regional self-government in Vojvodina.

Electoral laws should be reviewed in accordance with Council of Europe standards and should be sent to the Council of Europe Venice Commission for expert appraisal.

In Montenegro, opposition political parties should show more commitment to the effective functioning of democratic institutions. Political dialogue must re-start within Parliament.

The work on the Constitution should pay particular attention to the independence of the judiciary and the effective functioning of democratic institutions.

Particular attention should be paid to problems of adequate implementation of the self-government law. The authorities should ensure that new laws on the territorial organisation and on the status of Podgorica comply with Council of Europe standards.

B. CO-OPERATION WITH THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY) AND PROSECUTION OF OTHER WAR CRIMES

18. Very little progress has been registered in the cooperation with the Office of the ICTY Prosecutor and the ICTY. No arrest and no surrender can be reported since early November 2003. No action has been taken by the authorities with respect to new indictees, in contradiction with the Serbian law and although the authorities of Serbia and Montenegro have been warned well in advance of these new indictments. Paradoxically, one of the indictees is still working as a senior official within the Ministry of Interior.
19. Transmission of documents is a slow process. In November 2003, the authorities of Serbia and Montenegro recalled that physical access of members of the Prosecution to documentation located and maintained on premises controlled by the Government of Serbia and Montenegro cannot be granted, as it was confirmed by the ICTY Trial Chamber in its decision of 18 June 2003. According to the authorities, 530 documents have been submitted since October 2003. However, the Prosecutor had to resort several times to Rule 54bis (Orders directed to States for the production of documents) to obtain the relevant material.
20. Likewise, there are some sixty pending waivers. As indicated in the previous report, the procedure to grant waivers is slow and cumbersome. The fact that a very broad range of activities - including minor ones - carried out by members of military and security forces are classified as secrets is particularly problematic.
21. All these issues have a direct impact on the completion strategy (end of 2004) and the prosecution of indictees. In this connection, as concerns war crimes trials, several conditions are necessary, notably the creation of a favourable political climate, an effective witness protection and bilateral agreements between countries of the former Yugoslavia (access to crime scenes, cross-border visits and execution of judicial decisions).
22. No agreement is possible on the transfer of ICTY cases to Serbian courts. However, it is necessary for domestic courts to deal with war crime cases. Measures taken by the authorities in this respect have been mentioned in previous reports. However, various interlocutors, including judges and prosecutors, consider that domestic judicial and prosecuting authorities do not have the capacity to deal with war crimes cases at present, especially since the independence of the Special Prosecutor for War Crimes and the War Crimes Chamber can be seriously questioned. Assistance continues to be offered by the ICTY and the OSCE in this context, notably in terms of training. A number of interlocutors also stressed the need for special measures to protect war crimes witnesses. The future Ovcara trial – concerning a number of individuals indicted for crimes committed at the Ovcara farm (near Vukovar) in November 1991 – is considered by many interlocutors as a new test in this respect. Note should be taken that ICTY has also indicted three former Yugoslav Army officers for the Ovcara crimes.
23. Although a Law on Responsibility for Human Rights Violations (“Lustration Law”) exists in Serbia and that a Commission has been put in place to examine cases referred to it, NGO representatives deplored the fact that the Commission failed to react when candidates who had been indicted by the ICTY were running for early parliamentary elections or individuals who appeared to endorse party lists (see [Humanitarian Law Centre](#) (HLC), 10/12/2003). The post-Serbian parliamentary election situation calls for renewed vigilance in terms of co-operation with ICTY.

Specific concerns and proposals

The authorities of Serbia and Montenegro, and the future Serbian Government in particular, should give concrete evidence of improved co-operation with the ICTY, notably through the effective functioning of the National Co-ordination Council, and its Prosecutor and take without delay decisive measures to ensure that all indictees are arrested, to further facilitate access to documents and to accelerate the procedure relating to waivers for witnesses.

In the context of war crimes prosecuted and tried at domestic level, significant measures are needed to strengthen specialised judicial and prosecuting bodies, secure their independence and effectively protect witnesses against intimidation.

C. RULE OF LAW

24. The forthcoming ratification of the ECHR and the ECPT requires that Serbia and Montenegro has the capacity to implement standards contained in those instruments independently and effectively. However, the authorities of the State Union indicated that the most significant drawback in the implementation of the Constitutional Charter has been the failure to establish the Union Court, primarily due to certain political difficulties in the process of appointment of judges within the Union Parliament.
25. In both Serbia and Montenegro, the independence, impartiality and efficiency of the judicial and prosecuting authorities have been seriously questioned. Particularly worrying is the interference of the executive and legislative branches of power in the appointment of judges and prosecutors.

1. JUDICIAL REFORM AND KEY LEGISLATION

26. In Serbia, judges and prosecutors consider that no genuine judicial reform has been initiated since 5 October 2000. As indicated in previous reports, the authorities did not follow any clear reform strategy, as shown by the repeated amendments made to the legislation. Action undertaken so far has rather weakened the position of judges and prosecutors in the legal system and was particularly detrimental to their independence. Law professionals, including judges and prosecutors, expect from the next Government that its future action will follow clear reform objectives and that all possible means will be used to ensure that the legislation will comply with Council of Europe standards. They still believe that the Council for Judicial Reform, if its effectiveness is ensured, can be instrumental in this regard. A number of laws pertaining to the judiciary are now under Council of Europe scrutiny and concrete follow-up to Council of Europe recommendations is highly expected.
27. As indicated above, the question of appointment of judges and prosecutors remains a particular area of concern. According to various interlocutors, the Higher Judicial Council should be composed of judges as well as prosecutors and the appointment of its members should be carried out without interference from the executive and legislative branches of power. In this context, NGOs alleged that Article 70 of the Law on Judges relating to the election of judges, does not comply with European standards as to the independence of the judiciary. In this connection, Serbian judges also deplored that the presidents of courts are selected upon political criteria rather than professional ones as they are notably in charge of the distribution of cases (in this respect, see [HLC](#), 10/12/2003). Some representatives of the civil society also advocated specific constitutional changes.

28. The implementation of the Serbian Law on Courts, providing for the setting-up of appellate and administrative courts as from 1 January 2004, has been postponed by the Constitutional Court, which was the only institution that was able to do so after the dissolution of the Parliament in November 2003. Several interlocutors pinpointed that the failure to implement this law gives cause for additional concern.
29. In Montenegro, some progress can be registered with the adoption of a number of key laws in December 2003, such as the new Criminal Code, the Code of Criminal Procedure and the Law on the Public Prosecutor's Office. However, a number of Council of Europe experts' recommendations have not been taken into account. In addition, the fact that some other key draft laws – in the police and security field for instance – were not adopted gives cause for concern. The Montenegrin authorities, in particular the Ministry of Justice, indicated that they were attached to the principle of transparency in the drafting process. A more proactive role from the Ministry of Justice in this respect would be welcome.
30. The implementation of laws remain the most disturbing issue in Montenegro. This is notably the case for the 2002 Law on Courts. No Administrative Court has been put in place. No Court of Appeal has been yet established, although the authorities informed the Secretariat that it should be put in place by mid-June 2004. According to Montenegrin law professionals, the Law on Courts contains a number of elements that can reinforce the judiciary and secure its independence, but they are not yet implemented.
31. As in Serbia, constitutional restrictions for the election of judges remains a particular issue of concern. In December 2003, the Montenegrin Parliament rejected without explanation two-third of proposals for new judges made by the Higher Judicial Council. According to law professionals and representatives of the civil society, it is absolutely essential that a clearer separation of power be established between the judiciary and other branches of power. The Higher Judicial Council should play a greater role in the election of judges. Specific constitutional changes could be envisaged in this context.

Specific concerns and proposals

At the Union level, a Court should still be established.

In Serbia, the next Government should urgently re-activate the judicial reform process. In consultation with relevant national experts and institutions, amendments should be prepared on the basis of previous Council of Europe expert recommendations in order to ensure that the legal framework respects applicable European standards. The Council for Judicial Reform could be instrumental, provided the authorities show a clear commitment and ensure its effective functioning.

In Montenegro, some progress has been made with the adoption of key laws in the criminal field and the functioning of the prosecuting bodies, but the Parliament failed to pass other key draft laws, such as the Law on Police. Serious efforts are needed for a full implementation of laws, notably the 2002 Law on Courts, in compliance with European standards.

2. EFFECTIVE FUNCTIONING OF THE JUDICIARY

32. In Serbia, concerns previously expressed by judges remain fully valid. Law professionals considered that intimidation of judges is somehow institutionalised. They complained that there is no political will to secure the independence of the judicial and prosecuting bodies.

33. Likewise, the Serbian law faculties do not effectively prepare future judges to implement ECHR and international standards at domestic level. In this connection, training seminars on the ECHR continue to be organised by the Council of Europe and the Judicial Training Centre.
34. In Montenegro, law professionals, including judges, were shocked by the recent Parliament's decision to reject most of the Higher Judicial Council's proposals for new judges. According to them, few elements are now in place for an effective and independent judiciary in Montenegro. Judges are asking for more stable sources of financing, such as court fees. The low level – and in some cases, the non-payment – of judges' salaries is also a specific area of concern, which directly impedes the effectiveness and the independence of the judiciary. Likewise, no new rules of procedure have been adopted, although a draft already exists. As a result, random distribution of cases, which could provide further guarantees of independence, is not implemented and cases are still distributed by the President of the Supreme Court. The judiciary faces a heavy workload and reasonable deadlines are often not met. Montenegrin judges and law professionals believe that the authorities are unwilling to strengthen the judiciary and secure its independence.
35. At the same time, the authorities have reiterated their firm commitment to continue the reform process. In response to concerns expressed in the previous report, the authorities have recognised that the judiciary faces a number of financial difficulties, which impede its effectiveness and independence. In the meantime, they have underlined the existence of constitutional and practical obstacles to secure further independence of the judicial system at this stage (notably the unconstitutionality of an autonomous budget for the courts and financial difficulties encountered by the authorities themselves).
36. In both Serbia and Montenegro, the execution of judicial decisions is particularly problematic. In Montenegro, draft laws have been prepared in the field of execution of court decisions. Council of Europe assistance has been and should be provided in this context.
37. According to various interlocutors, including officials, military courts – which are officially abolished in accordance with the Constitutional Charter – continue to examine cases. Specific measures are still required to ensure the effective transfer of pending cases to civilian courts.
38. Serious concerns have again been expressed about the “Lustration Law” and its implementation in Serbia, while legislative measures still need to be adopted and implemented in Montenegro.

Specific concerns and proposals

Both in Serbia and in Montenegro, immediate and resolute action is vital to ensure the effective functioning of independent and impartial judicial and prosecuting authorities. Respective Higher Judicial Councils should be strengthened and play a greater role in the appointment of judges and prosecutors.

Intensive training of judges on ECHR standards remain essential. In parallel, serious efforts should be undertaken in the field of law education and training.

Particular attention should be paid to the execution of courts' decisions in both member states of the Union.

Concerted action is needed to ensure that pending cases before military courts are effectively transferred to civilian courts.

In Serbia, the implementation of the Lustration Law should be reconsidered in order that the Commission works in accordance with the requirements of the rule of law and the principle of transparency while legislative measures are still needed in Montenegro.

3. EFFECTIVE FUNCTIONING OF THE PROSECUTING BODIES

39. In Serbia, prosecutors indicated that the situation is alarming and continues to deteriorate as the executive power exerts undue influence through the re-appointment of new deputy prosecutors in December 2003. No action was taken to secure the independence of specialised prosecutors (war crimes, organised crime).
40. In Montenegro, a number of specific comments and recommendations made by the OSCE/Council of Europe Independent Expert Team in its Report of 3 September 2003 directly concern the effective functioning of prosecuting bodies (see document SG/Inf(2003)42). Relevant laws have been adopted in December 2003. Particular attention should be paid on the implementation of the legislative framework. In their report, the Expert Team emphasised the need for better coordination between the prosecuting and police authorities, adequate allocation of financial and human resources to the prosecuting bodies and the setting-up of safeguards against undue influence.

Specific concerns and proposals

In Serbia, action is crucial to secure the independence of prosecutors and their deputies. The Higher Judicial Council should be composed of judges and prosecutors and should be in charge of appointments. Urgent measures are needed to secure the independence of specialised prosecutors in the fields of war crimes and organised crime.

In Montenegro, special emphasis should be put on the follow-up given by the authorities to the Council of Europe/OSCE Report on trafficking in human beings in Montenegro. The fact that the draft Law on Police has still not been adopted is detrimental to an improved cooperation with prosecutors.

In the light of the forthcoming ratification of the ECHR and the ECPT, more attention should be paid to training of Serbian and Montenegrin prosecutors.

4. POLICE AND SECURITY FORCES

41. In Serbia, the Ministry of Interior has set up a working group on the draft Law on Police. Council of Europe experts made a number of comments and recommendations and a public debate was held in late November 2003. However, the early parliamentary election process suspended the reform process.
42. Despite the results obtained by the Ministry of Interior when the 'Operation Sabre' was completed, a number of interlocutors, in particular judges, warned that relevant trials may reveal poor police investigations during the state of emergency.
43. NGO representatives have complained about the lack of transparency of police internal supervisory mechanisms and indicated that the Serbian Ministry of Interior confirmed

several allegations of human rights violations by police officers without providing information on disciplinary action undertaken.

44. In Montenegro, the Parliament's failure to adopt the draft laws on Police and on the State Security Agency still gives rise to concern, notably in the light of the future entry into force of the new Code of Criminal Procedure in early April 2004. Divergence of views exist within the majority coalition with respect to the involvement of the Parliament in the appointment of heads of police and security agencies. The authorities have indicated that members of police forces need specific training on Council of Europe human rights standards.

Specific concerns and proposals

In Serbia, concrete follow-up should be given to Council of Europe recommendations with respect to the draft Law on Police.

Results obtained by supervisory bodies should be more transparent and visible.

In Montenegro, the draft Law on Police should be adopted in line with European standards and particular focus should be put on its future implementation.

Both in Serbia and Montenegro, specific human rights training could be envisaged for police officers.

5. CIVILIAN CONTROL OF ARMED FORCES

45. Progress has been made with respect to the civilian control of armed forces. A reformed Military Security Agency (VBA) of the Army of Serbia and Montenegro has started to work in early January 2004. It has been created in order to facilitate the transfer of the control of the military from the Army of Serbia and Montenegro to the Defence Ministry. The VBA consists of two departments: one is subordinated to the Defence Minister, in charge of counter-intelligence while the other is subordinated to the Army Chief of Staff, in charge of general security.

6. WITNESS PROTECTION

46. Shortcomings in the protection of witnesses against intimidation have been identified in both Serbia and Montenegro (see also para. 22). In Montenegro, some measures are envisaged and have been undertaken in the context of the follow-up given to the Council of Europe/OSCE Report on Trafficking in Human Beings. A draft law on witness protection is being prepared with Council of Europe assistance.

Specific concerns and proposals

In Serbia and in Montenegro, urgent action is urgently needed with respect to witness protection. In Montenegro, cooperation with the Council of Europe should be pursued.

7. FIGHT AGAINST CORRUPTION AND RELATED MATTERS

47. Although a Law on the Financing of Political Parties exists in Serbia, no legislation on conflict of interests could have been adopted so far. An Anti-Corruption Agency monitors corruption cases and can issue public reports.

48. In Montenegro, NGO representatives deplored the fact that draft laws on the financing of political parties and on political parties have not been adopted in December 2003, as expected. No law on conflicts of interest have been adopted either. A programme to fight against corruption and organised crime is being elaborated. Council of Europe experts provided their opinions in January 2004.

Specific concerns and proposals

Corruption is seen as a major area of concern in Serbia and in Montenegro. Legislative and practical measures should be taken in order to tackle these phenomena.

In Montenegro, the authorities should finalise “the programme for combating corruption and organised crime”, taking into account Council of Europe experts’ opinions.

D. HUMAN RIGHTS

1. COUNCIL OF EUROPE HUMAN RIGHTS TREATIES: EUROPEAN CONVENTIONS ON HUMAN RIGHTS AND ON THE PREVENTION OF TORTURE

49. The authorities of Serbia and Montenegro have taken a significant step in the ratification process of the ECHR and the ECPT. On 26 December 2003, the State Union Parliament unanimously authorised the ratification of both instruments. The authorities indicated that this step demonstrates their firm commitment to increase the level of human rights protection in Serbia and Montenegro. Instruments of ratification should be deposited by the Minister of Foreign Affairs in Strasbourg on 3 March 2004.
50. No declaration is to be made with respect to the territory or territories to which these treaties shall apply. The issue of the applicability of Council of Europe human rights treaties to Kosovo remains an open question, subject to further examination.
51. Particular emphasis should be put on concrete implementation of human rights standards at domestic level. NGOs have continued to proceed with complaints of human rights violations, notably alleged ill-treatment by members of police and security forces. The Committee for the Prevention of Torture (CPT) plans to visit Serbia and Montenegro in 2004 (CPT standards are available in Serbian on the CPT’s website: <http://www.cpt.coe.int/serbian.htm>).

Specific concerns and proposals

The authorities of Serbia and Montenegro should ensure that the ECHR and the ECPT are effectively implemented at domestic level. They should also present candidatures for the election of a judge to the European Court of Human Rights and to set up the Office of the Government Agent before the Court.

A Council of Europe evaluation of the compliance of the criminal procedure with ECHR is underway in Serbia. In Montenegro, the results of the compatibility exercise should be presented in Podgorica in June 2004. The draft compatibility report was received by the Council of Europe in December 2003, as expected.

2. EUROPEAN SOCIAL CHARTER

52. In Serbia, representatives of trade unions have described a situation in the social and economic sphere which is very worrying and pointed to a number of violations of rights guaranteed by the European Social Charter. The judiciary is often unable to resolve conflicts and, when it proves to do so, decisions are most often not enforced. Many cases relate to the right to a fair remuneration and the right to collective bargaining.

Specific concerns and proposals

In Serbia, the future Government should adopt and implement a policy in keeping with the principles enshrined in the European Social Charter. Particular attention should be paid to the right to a fair remuneration and the right to collective bargaining.

3. NATIONAL MINORITIES

53. The Advisory Committee of the Framework Convention for the Protection of National Minorities adopted its [Opinion](#) on Serbia and Montenegro on 27 November 2003. The Ministry for National Minorities and Human Rights of Serbia and Montenegro decided to make it public before it being discussed by the Committee of Ministers. It is currently being translated into Serbian.
54. Representatives of the civil society underlined that the 2002 Law on the Protection of the Rights and Freedoms of National Minorities, as adopted by the then federal parliament, still raises a number of issues in its implementation at the Union level. In this connection, an expert group has been set up to draft a new Union Law on National Minority Councils, which may then serve as a legal framework for further legislative measures at the level of constituent states. In Serbia, the National Minority Councils can be instrumental in securing rights of minorities, although adequate financial means should be allocated to them. However, NGO representatives consider that further measures are needed to assist them in their establishment and effective functioning.
55. In Montenegro, the authorities indicated that they are not willing to apply the 2002 law and prefer instead to draw up their own law on the protection of national minorities. They failed again to send a draft for Council of Europe expert appraisal as there is still divergence of views with respect to a number of issues, such as terminology or means to be employed to ensure a political representation of minorities.
56. In Serbia, the authorities failed to amend the electoral laws before the early parliamentary elections in order to facilitate future participation of national minorities in Parliament. As a result of 28 December elections, there are no political parties devoted to the representation of national minorities' interests in the future Parliament. However, some parliamentarians affiliated to other political parties belong to national minorities.
57. A change of attitude is still necessary towards minorities while additional special measures are needed in terms of ensuring full and effective equality for persons belonging to national minorities, in particular Roma, in the education and other fields. According to some interlocutors, a number of special measures are particularly needed at local level, notably in the Sandjak region.

58. Both in Serbia and in Montenegro, concerns have been expressed about the insufficient representation of national minorities within the public administration, the judiciary, military, police and security forces.
59. In connection with the last census in Montenegro, concerns have been expressed that members of the Roma communities did not have the possibility to participate.

Specific concerns and proposals

At the Union level, in Serbia and in Montenegro, follow-up measures are expected in the light of recommendations made by the Advisory Committee of the Framework Convention for the Protection of National Minorities.

In Serbia, the authorities should ensure that national minorities' interests are taken into account in the future law-making process. In this connection, legislative and other measures to implement the 2002 Law on the Protection of the Rights and Freedoms of National Minorities should be undertaken.

In Montenegro, the authorities failed again to submit a draft law on minorities for Council of Europe expert appraisal. The Secretariat was assured that a draft text will be sent to the Council of Europe as soon as a compromise solution has been found on these issues.

4. FREEDOM OF THE MEDIA

60. In Serbia, the media coverage of both election campaigns was relatively unbiased. Resolute action is expected from the future Government and Parliament. A legitimate and effective Broadcasting Council still needs to be put in place. A number of interlocutors advocated a renewed election process of its members. In this respect, much work is also expected from the Council, in particular as concerns the allocation of broadcasting licenses and the transformation of the State radio and television company (RTS) into a genuine public service broadcaster. There are some 1,200 electronic media in Serbia, with a substantial number of them without broadcasting licences. RTS now faces serious financial difficulties as the Parliament denied it a regular source of income. The Telecommunication Agency is still not in place.
61. According to media representatives, the Law on Public Information still needs to be amended in order to comply with European standards. The Council of Europe stands ready to assist in this context.
62. A number of worrying restrictions have been introduced into the draft Law on Free Access to Information. Media representatives complained that, according to the new draft, it would be virtually impossible for a journalist to get information from a number of key institutions and ministries. A number of recommendations have been presented by Council of Europe experts in the autumn 2003, but only some of them have been taken into account by the authorities.
63. In Montenegro, a Working Group for the implementation of media laws and an Agency for Radio Broadcasting have already been created. However, the implementation of media laws is still slow. The draft Law on Free Access to Information still needs to be adopted. Particular attention is now paid to the list of exemptions (classified information). Council of Europe recommendations should be fully taken into account in this respect (see doc. [ACTM\(2003\)029](#)).

64. Still in Montenegro, some positive developments have occurred with respect to defamation issues. According to new criminal provisions, adopted in December 2003, journalists cannot be sentenced to prison (see doc. [ACTM\(2003\)028](#)). However, some fears have been expressed about the unreasonable use of criminal laws (see, for example, [Reporters sans frontières](#), 6/2/2004, [www.rsf.org](#)).
65. In Serbia, about 220 journalists have faced criminal prosecutions for defamation since 2001. In the meantime, some repeated attacks, mostly by politicians, have been reported against the media.
66. Reduced number of incitement to hatred have been reported. However, in Montenegro, NGO representatives draw the attention of the Secretariat to cases of anti-Semitism in some newspapers and deplored the fact that no action has been taken.

Specific concerns and proposals

In Serbia, serious concerns already expressed remain valid. Media reporting during both election campaigns were relatively unbiased.

The future Serbian authorities will have to take a number of urgent measures: to set-up a legitimate and effective Broadcasting Council, bearing in mind the necessary allocation of broadcasting licences, and to consider amending the Law on Public Information in compliance with European standards. The authorities should fully take into account Council of Europe experts' recommendations on the draft Law on Free Access to Information in order to secure its compliance with the Committee of Ministers' recommendation [Rec\(2002\)2](#) on access to official information.

In Montenegro, the authorities and media representatives should pursue their efforts to ensure an effective implementation of the media laws. The draft Law on Free Access to Information should be adopted in compliance with Council of Europe recommendations.

Both in Serbia and Montenegro, the authorities should display restraint in resorting to criminal proceedings. Other means of responding to unjustified attacks and criticisms should be created and used. A positive step has been made by the Montenegrin authorities as defamation is no longer punishable by a prison sentence in the newly adopted criminal provisions. However, particular attention should be paid to the proportionality of measures taken in practice by the authorities.

In Montenegro, more attention should be paid to cases of anti-Semitism in the media.

5. THE INSTITUTION OF OMBUDSMAN

67. In Serbia, representatives of the civil society again recalled the need for such the creation of an institution of ombudsman, in particular in the light of the imminent ratification of the ECHR and the ECPT. Some interlocutors underlined that the Ombudsman's Office of Vojvodina needs more human and financial resources in order to function properly. This new institution also faces a number of difficulties as to its jurisdiction at local level: no institution of ombudsman has been established in Serbia while the new legislation on local self-government provides for the establishment of local branch offices to be set up in municipalities.

68. In Montenegro, human and financial resources allocated to the institution of Ombudsman are considered as insufficient and may have serious consequences on the future functioning of this body.

Specific concerns and proposals

In Serbia, action should be taken to set up an institution of Ombudsman.

In Montenegro, further measures can be envisaged to ensure the effective functioning of the new institution of Ombudsman.

6. TRAFFICKING IN HUMAN BEINGS

69. In Montenegro, a strategy against trafficking in human beings has been adopted in November 2003 and covers measures to be taken in the fields of prosecution, protection of victims and prevention. Likewise, a Working Group, chaired by the National Co-ordinator on Anti-Trafficking, is to adopt an Action Plan in conformity with the strategy.

Specific concerns and proposals

In Montenegro, follow-up measures to the OSCE/Council of Europe Report on trafficking in human beings should be taken and lead to visible results (see doc. SG/Inf(2003)42), notably through the effective implementation of a detailed action plan.

7. CONSCIENTIOUS OBJECTION AND ALTERNATIVE SERVICE

70. In Montenegro, NGO representatives have drawn the attention of the Secretariat on certain difficulties to implement the Union Council of Ministers' Decree on Civilian Alternative Service, which took effect in mid-October 2003.
71. Representatives of the civil society also considered that young people who have refused to serve in the Army should be amnestied.

Specific concerns and proposals

Further measures are needed in order to ensure concrete implementation of the Union Council of Ministers' Decree on Civilian Alternative Service. Constituent States should list sectors in which alternative service can be envisaged.

8. FREEDOM OF CONSCIENCE AND RELIGION

72. In Montenegro, some cases of violation of freedom of conscience and religion have been reported, notably as concerns minority religious groups. Likewise, representatives of the civil society indicated that a number of religious communities are discriminated due to the privileged position of the Serbian Orthodox Church.

Specific concerns and proposals

The Montenegrin authorities should take measures in order that freedom of conscience and religion is ensured in law and practice in compliance with Articles 26 and 27 of the Union Charter on Human and Minority Rights and Fundamental Freedoms and Articles 9 and 11 of the ECHR.

9. FREEDOM OF ASSOCIATION

73. In Serbia, representatives of the civil society have explained that NGOs do not have adequate fiscal status and have recommended new legislative measures.

Specific concerns and proposals

The Serbian authorities should take measures at the legislative level in order to facilitate the work of NGOs.

10. REFUGEES AND INTERNALLY DISPLACED PERSONS (IDPs)

74. The situation of refugees and IDPs is still very difficult. As concerns refugees specifically, legislative measures with respect to refugees are still required at all levels. In the context of the future implementation of the ECHR in Serbia and Montenegro, the authorities should also pay particular attention to the rights of refugees and IDPs.

75. A number of interlocutors have stressed that property rights, recognition of documents, access to education and to the working market are considered as particularly problematic areas.

76. In Montenegro, the work on the Law on Citizenship has been initiated.

Specific concerns and proposals

At the Union level, the authorities should adopt a legislative framework on refugees, which should be supplemented by specific laws at the level of member states of the Union.

In Serbia and in Montenegro, further measures should be taken to ensure that rights of refugees and IDPs are secured in practice.

E. EDUCATION

77. Both in Serbia and in Montenegro, many obstacles encountered in the reform process result from difficulties for a certain part of the population to face the past. Some of them strongly believe that steps should be further undertaken in the field of education to create further conditions for reform in the future. In this context, in Serbia, a new Law on the Foundations of the Education System has been adopted. New curricula for teaching civic education at primary and secondary levels are being prepared in co-operation with the Council of Europe.

PART III: COUNCIL OF EUROPE CO-OPERATION AND ASSISTANCE

78. During the period covered by this report, Council of Europe assistance continued on an important scale, in spite of the presidential and parliamentary electoral campaigns in Serbia. As one example, a resident Council of Europe expert on penitentiary reform has recently arrived in the country.
79. On 10 November 2003 the Belgrade Fund for Political Excellence was inaugurated. This initiative forms part of the network of schools of political studies that the Council of Europe supports. These schools offer possibilities for peer exchange with outstanding practitioners and scholars and could offer important support in capacity-building and reconciliation in the region.
80. With ratification, knowledge of the European Convention on Human Rights is becoming crucial. The training on ECHR has continued and a multiplier effect is now becoming visible, through the basic training that is being carried out by trainers both in Serbia and in Montenegro. The Council of Europe has also supported two in-country training seminars on the ECHR and mental disability issues. Workshops on the European Convention for the Protection Against Torture, are planned for Serbia and Montenegro in 2004.
81. In the light of recent parliamentary elections in Serbia, all forms of assistance that will help the country face the recent past are extremely important, in particular as there are few signs of this process actually taking place. The Council of Europe has recently organised a seminar on the development of teaching materials as well as an event on how to teach multiperspectivity. Six projects supported by the Confidence-Building Measures programme of the Council of Europe were also underway in the area.
82. In Serbia, an expert meeting on the revised draft police law was held in November 2003. At the end of November, the Council of Europe also organised training visits to Manchester and West Yorkshire for police officers. Expert appraisals are also underway for the so-called "judicial package" (law on courts, law on prosecutors, law on judges).
83. Regarding Montenegro an expert appraisal has been completed concerning the draft government programme for fighting against corruption and organised crime. The Council of Europe has also delivered a training seminar and workshop for prison staff. The draft police law in Montenegro, previously subject to a Council of Europe expert appraisal, has been the subject of extensive negotiations in the Montenegrin Parliament. It is possible that this law could benefit from renewed expert scrutiny by the Council of Europe. A seminar on human rights and civic education curricula was also recently organised in Budva.
84. On a general level, more commitment from the various levels of authority would be necessary in order for Serbia and Montenegro to fully benefit from Council of Europe assistance. It is a fact that the State Union-level largely remains underused or undeveloped. In this situation it is difficult to commit important resources to, for instance, the development of State Union-institutions (like the Union Court, yet to be established in Podgorica). However, an important programme to assist both the Union Parliament and the parliaments of both constituent states is to be launched in the near future, with the financial assistance of the European Agency for Reconstruction.
85. It is nevertheless encouraging that Serbia and Montenegro is increasingly taking part in multilateral and regional Council of Europe events, like IT in court administration, a ministerial conference on employment in South-East Europe, a seminar on criminal law

reform to fight trafficking, newsroom management, the Ombudsman institution in South-East Europe and a regional seminar on developing new textbooks (all within the period covered by this report).

APPENDIX

PROGRAMME OF THE SECRETARIAT'S VISIT TO BELGRADE AND PODGORICA (19-23 JANUARY 2004)

Monday, 19 January 2004

BELGRADE

- 5.30 pm Ms Sonja BISERKO, Helsinki Committee for Human Rights in Serbia
Ms. Ruzica ZAREVAC, Belgrade Centre for Human Rights
Mr. Senad SABOVIC, Humanitarian Law Centre
Ms. Aleksandra SANJEVIC, Civic Initiatives
- 8.00 pm Mr. Milan PAJEVIC (G17 Plus)
Mr. Jovan RATKOVIC (Adviser to the Union Defence Minister)
Mr. Srdan BOGOSAVLJEVIC (Marketing and Media Strategic Institute)

Tuesday, 20 January 2004

- 8.00 am Mr Dario CARMINATTI and Ms Isabelle MIHOUBI, UNHCR
- 9.00 am Ms Ivanka KOSTIC, Norwegian Refugee Council
- 10.15 Mr. Omer HADZIOMEROVIC, Association of Judges of Serbia
Mr. Zlatko SULOVIC, Association of Prosecutors and Deputy Prosecutors of Serbia
- 11.15 Ms. Rajna ANDRIC, Bar Association
Ms Natasa RASIC, Judicial Training Centre
- 12.30 Ms Milica LUCIC CAVIC, Independent Association of Journalists (NUNS)
- 3.00 p.m. Mr. Sasa MARKOVIC, B-92
- 4.15 p.m. Ms Sonja LICHT, Belgrade Fund for Political Excellency
- 5.30 p.m. Mr. Branislav CANAK, Trade-Union "Nezavisnost"
- 8.00 pm Ms James LYON, International Crisis Group

Wednesday, 21 January 2004

- 9.00 a.m. Mr. Geoffrey BARRETT, Head of the European Commission Delegation to Serbia and Montenegro
- 10.00 a.m Mr Johannes HOMMES, OSCE
- 12.30 Mr. Peter BACH, European Agency for Reconstruction
- 1.30 p.m. Mr. Benoît HAMBUCKERS, European Agency for Reconstruction

PODGORICA

8.30 p.m. Ms. Jadranka VOJVODIC, Assistant to the Minister of Foreign Affairs of the Republic of Montenegro

Thursday, 22 January 2004

9.00 a.m. Mr. Damir DAVIDOVIC, Adviser on international relations to the Speaker of Parliament of the Republic of Montenegro
Mr. Miodrag VUKOVIC, President of the Commission for International Relations
Ms. Mira DJUROVIC, Secretary of the Commission for International Relations

10.00 a.m. Mr. Orhan SAHMANOVIC, Secretary of the Ministry for the Protection of National Minorities and Ethnic Groups of the Republic of Montenegro
Mr. Sabahudin DELIC, Assistant to the Minister

11.00 a.m. Office of the National Co-ordinator for the Fight against Trafficking in Human Beings

12.00 Mr Abit CRNOVRSANIN, Assistant to the Minister of Interior
Ms Nada VUKANIC, Head of Division, Legal Affairs, Ministry of Interior

1.00 p.m. Ms Branka LAKOCEVIC, Deputy Minister of Justice
Mr. Branislav RADULOVIC, Assistant to the Minister of Justice

2.00 p.m. Mr Srdan DARMANOVIC, Centre for Democracy and Human Rights (CEDEM)

4.00 p.m. Mr. Svetozar JOVICEVIC, Group for Changes

4.45 p.m. Mr. Zoran PAZIN, judge, Montenegrin Association of Judges
Mr. Stanko MARIC, Association of Jurists of Montenegro
Mr. Velija MURIC, Montenegrin Lawyers Committee for the Protection of Human Rights

5.45 p.m. Mr Slobodan FRANOVIC, Montenegrin Helsinki Committee
Mr. Sava POPOVIC, lawyer, Humanitarian Law Centre
Mr. Zlatko VUJOVIC, Centre for Election Monitoring (CEMI)
Prof. Nebojsa VUCINIC, Human Rights Centre (University of Montenegro)

BELGRADE**Friday, 23 January 2004**

9.00 a.m. Mr. Dejan HINIC, Acting Head of the OSCE and Council of Europe Department,
Mr. Boris HOLOVKA, Ministry of Foreign Affairs of Serbia and Montenegro

11.00 a.m. Mr Dejan MIHOV, Head of ICTY Belgrade Office, Ms. Alexandra MILENOV,
Outreach Coordinator for Serbia and Montenegro