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Note Verbale

The Permanent Mission of the Republic of Serbia to the OSCE presents its compliments to all Permanent Missions/Delegations to the OSCE and to the Conflict Prevention Centre and, in accordance with Decision 2/09 of the Forum for Security Co-operation, has the honor to provide the Serbian reply to the Information Exchange on the Code of Conduct on Politico-Military Aspects of Security, valid as of 15 April 2010.

The Permanent Mission of the Republic of Serbia to the OSCE avails itself of this opportunity to renew to all Permanent Missions/Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

J.B.



Vienna, 15 April 2010

All Missions/Delegations to the OSCE
The Conflict Prevention Centre

REPUBLIC OF SERBIA
Exchange of Information on the OSCE Code of Conduct
on Politico - Military Aspects of Security
(submitted April 2010)

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

1.1 To which agreements and arrangements (universal, regional, sub regional and bilateral) related to preventing and combating terrorism is your State a party?

a) Agreements/arrangement related to combating terrorism which the Republic of Serbia is a Party are listed below:

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, Official Gazette of the SFRY – International contracts, number 9/85;

- International Convention against the Taking of Hostages, Official Gazette of the SFRY –International contracts, number 9/85;

- International Convention for the Suppression of the Financing of Terrorism, Official Gazette of the SRY –International contracts, number 7/2002;

- International Convention for the Suppression of Terrorist Bombings, Official Gazette of the SRY –International contracts, number 12/2002;

- International Convention for the Suppression of Acts of Nuclear Terrorism, Official Gazette of the Serbia and Montenegro –International contracts, number 2/2006;

- Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organized Crime, Official Gazette of the Serbia and Montenegro – International contracts, number 11/2005;

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, Official Gazette of the SFRY –International contracts, number 47/1970;

- Convention for the Suppression of Unlawful Seizure of Aircraft, Official Gazette SFRY International contracts, number 3/72;

- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Official Gazette of the SFRY –International contracts, number 9/85;

- Convention on the Physical Protection of Nuclear Material, Official Gazette of the SFRY –International contracts, number 9/85;

- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Official Gazette of the SFRY – International contracts, number 14/89;

- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Official Gazette of the Serbia and Montenegro –International contracts, number 2/2004;

- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, Official Gazette of the Serbia and Montenegro – International contracts, number 6/2004;

- European Convention on the Suppression of Terrorism, Official Gazette of the SRY – International contracts, number 10/2001;

- Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism, Official gazette Republic of the Serbia –International contracts, number 19/2009;

- Protocol on European Convention on the Suppression of Terrorism, Official Gazette Republic of Serbia –International contracts, number 19/2009;

- Council of Europe Convention on the Prevention of Terrorism, Official Gazette Republic of the Serbia –International contracts, number 19/2009;

- United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (hereinafter: Vienna Convention), adopted in 1988 (‘SFRY Official Gazette – International Agreements’, No. 14/90);

- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (hereinafter: Strasbourg Convention), adopted in 1990 (‘FRY Official Gazette - International Agreements’, No. 7/02 and ‘SCG Official Gazette – International Agreements’, No.18/05);

- United Nations Convention Against Transnational Organized Crime with its Additional Protocols (hereinafter: Palermo Convention, adopted in 2000 (‘FRY Official Gazette - International Agreements’, No. 6/01) ;

- 1999 Council of Europe Criminal Law Convention on Corruption ('FRY Official Gazette - International Agreements', No. 2/02 and 'SCG Official Gazette – International Agreements', No.18/05);

- United Nations Convention against Corruption, adopted in 2003 ('SCG Official Gazette – International Agreements' No, 12/05);

Agreements/arrangements related to sub regional cooperation:

- Police Cooperation Convention for Southeast Europe (5th May 2006),
- Agreement among the Governments of the BSEC Participating States on Cooperation in Combating Crime, in Particular in Its Organised Forms with the 2008 Additional Protocol on Combating Terrorism),
- Protocol on Enhanced Trilateral Cooperation in Combating Crime and Especially Trans-Border Crime (Serbia, Romania and Bulgaria).

The Republic of Serbia has concluded bilateral agreements/arrangements, referring cooperation to combat against organised crime and terrorism with the following states: Bulgaria, Austria, Romania, the Slovak Republic, Russia, Greece, Italy, Cyprus, Hungary, Belgium, Switzerland, Israel, and France.

Protocols on cooperation which Ministry of Justice of the Republic of Serbia signed with ministries of justice of other countries, such as member states of the European Union, neighboring countries and other countries from the region in the period from 2004 to 2008 are following:

1. Agreement on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Russian Federation (12.02.2008.)
2. Agreement on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Belarus (05.11.2007.)
3. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Romania (30.01.2007.)
4. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Federation Bosnia and Herzegovina (28.04.2006.)
5. Memorandum on cooperation between Ministry of Justice of the Republic of Serbia and Austrian Federal Ministry of Justice (27.03.2006.)
6. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Greece (09.02.2006.)
7. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Albania (08.02.2006.)
8. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Croatia (05.12.2005.)
9. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Bulgaria (18.11.2005.)
10. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Former Yugoslav Republic of Macedonia (29.09.2004.)

11. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Montenegro (concluded in June 2004, period of existence of the State Union of Serbia and Montenegro)
12. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of France (27.10.2008.)
13. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Slovenia (28.09.2004.)
14. Memorandum on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Hungary (28.09.2009.)
15. Memorandum on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Montenegro (28.05.2009.)
16. Memorandum on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Slovak Republic (05.05.2009.)
17. Protocol on cooperation between Ministry of Justice of the Republic of Serbia and Ministry of Justice of the Republic of Srpska (07.04.2009.).

Agreements enclose harmonization of relevant legislation, modernization of judiciary, education and trainings of employees in the Ministry of Justice, reform of the system for enforcement of penal sanctions, as well as cooperation in combating organized crime, terrorism, human trafficking, money laundering, corruption and other criminal offences of great danger for society.

Ministry of Justice has prepared agreement on cooperation with:

1. Ministry of Justice of the Republic of Turkey - finalized draft text.

Protocols with following states are in the processes of negotiation: Federal Republic of Germany, Kingdom of Spain, Republic of Portugal, Republic of Poland, Republic of Azerbaijan and Republic of Italy.

- 1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

By ratifying the above mentioned international agreements/arrangements, all laws/acts have been integrated into the internal legal order of the Republic of Serbia.

In March 2009 National Assembly of the Republic of Serbia adopted Law on recognition of the Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism.

In September 2009 Law on amendments and additions to the Criminal Code and Law on amendments and additions to the Criminal Procedure Code were adopted in order to be in line with international and regional conventions. Provisions of these laws related to financing of terrorism and money laundering were changed and sentences related to these criminal offences were increased in order to be in line with international standards.

Concretely, issue of combating terrorism is stipulated in following chapters and articles of the Criminal Code (Official Gazette of the Republic of Serbia, number 85/2005, 88/2005, 107/2005, 72/2009, 111/2009):

Criminal offences against general safety of people and property (Chapter XXV),
Unlawful Acquiring and Endangerment of Safety with Nuclear Material (article 287),
Criminal offences against road traffic safety (Chapter XXVI),
Endangering Air Traffic Safety by Violence (article 292),
Hijacking an Aircraft, Ship or Other Means of Transport (article 293),
Criminal offences against the constitutional order and security of the Republic of Serbia - (Chapter XXIX),
Terrorism (article 312), Offences against public peace and order (Chapter XXXI),
Illegal Production, Possession, Carrying and Sale of Firearms and Explosives (article 348),
Criminal offences against humanity and other rights guaranteed by international law - (Chapter XXXIV),
Unlawful Production, Sale and Possession of Forbidden Weapons (article 377),
International Terrorism (article 391),
Taking Hostages (article 392) and
Financing Terrorism (article 393).

Chapter XIX of the Criminal Procedure Code, titled Special Provisions related to Procedure for Criminal Offences of Organized Crime, Corruption and Other Criminal Offences of great danger for society has been adjusted in order to be in line with international standards. More precisely, paragraph 1 of the article 504a predicts that provisions of this title contain special rules of procedure related to criminal offenses of organized crime, corruption and other exceptionally severe criminal offenses. The other exceptionally severe criminal offenses referred to in paragraph 1 of this article are the following criminal offenses: murder (Article 113 of the Criminal Code), aggravated murder (Article 114 of the Criminal Code), abduction (Article 134 paragraphs 1 through 4 of the Criminal Code), robbery (Article 206 paragraph 2 of the Criminal Code), extortion (Article 214 paragraphs 3 and 4 of the Criminal Code), money forgery (Article 223 paragraphs 1 through 3 of the Criminal Code), money laundering (Article 231 paragraphs 1 through 4 of the Criminal Code), unauthorized production and illicit traffic in narcotic drugs (Article 246 paragraphs 1 and 3 of the Criminal Code), criminal offenses against constitutional order and security of the Republic of Serbia (Articles 305 through 321 of the Criminal Code), illegal production, carrying and sale of guns and explosives (Article 348 paragraph 3 of the Criminal Code), illegal border crossing and trafficking in persons (Article 350 paragraphs 2 and 3 of the Criminal Code), trade in human beings (Article 388 paragraphs 1 through 6, 8 and 9 of the Criminal Code), trade in minors for adoption (Article 389 paragraphs 1 and 2 of the Criminal Code), international terrorism (Article 391 of the Criminal Code), taking hostages (Article 392 of the Criminal Code) and terrorism financing (Article 393 of the Criminal Code).

Law on the execution of the prison sentence for criminal offences of organize crime (Official Gazette of the Republic of Serbia, number 72/2009) precise in article 1 that the provisions of the law are also applicable to the execution of the prison sentence for the criminal offence of terrorism specified in Article 312 of the Criminal Code and the criminal offence of international terrorism referred to in Article 391 of the Criminal Code.

Special Department for the serving of the prison sentence for organized crime at the closed type, high security penal and correctional institution has been established. Special Department is formed for the execution of the prison sentence imposed for the criminal offences mentioned in Article 1.

The Law on Protection against Ionizing Radiation and on Nuclear Safety (The Official Gazette 36/09) and The Law on Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (the Official Gazette No. 36/09).

National legislation pertaining to the AML/CFT area implements the above-specified international legal instruments, but they also incorporate the FATF (Financial Action Task Force) and EU AML/CFT standards (Criminal Code, AML/CFT Law).

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

The position of the Serbian Armed Forces is regulated by the Constitution and the acts generated on the basis of the Constitution (Act on the Armed Forces, Act on Defence). According to the said regulations, the Serbian Armed Forces is an organised armed force defending the Republic of Serbia against external armed threats and it performs other missions and tasks in compliance with the Constitution, law and the principles of international law.

The key role within the Ministry of Defence in combating terrorism is played by the Military Security Agency. Its position is regulated by the Act on the Foundations of the Security Services System in the Republic of Serbia and the Act on the Military Security Agency and the Military Intelligence Agency.

Pursuant to Article 33 of the Act on Defence, any form of paramilitary organisations or associations for performing defence tasks is forbidden.

Development of forensic methods for crime scene investigations and expert analysis of terrorist acts. The Department for the Detection and Investigation of Cases of Terrorism within the Criminal Police Directorate is in charge of collecting the operational information on organisations, groups and individuals, leaders of terrorist activities; immediate criminal processing of all the activities directly or indirectly related to terrorism; crime scene investigations; planning and direct realisation of the measures against the suspects and perpetrators, as well as for filing criminal charges, reporting to the prosecutor and the court.

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:

- Financing of terrorism;
- Border controls;
- Travel document security;
- Container and supply chain security;
- Security of radioactive sources;
- Use of the Internet and other information networks for terrorist purposes;

- Legal co-operation including extradition;
- Safe havens and shelter to terrorists and terrorist organizations.

Mechanism for constant modernisation of technology and equipment for forensic analysis of travel documents.

Article 393 of the Serbian Criminal Code criminalises "financing of terrorism", as follows:

(1) Whoever, directly or indirectly, provides or collects funds intended for a full or partial financing of the commission of the criminal offence specified in Articles 312, 391, and 392 of this Code, shall be punished by imprisonment of one to ten years.

(2) Whoever aids and abets the provision or collection of funds for the commission of the criminal offence laid down in Articles 312 (*Terrorism*), 391 (*International Terrorism*) and 392 (*Taking of hostages*) of this Code, irrespective of whether such an offence was committed or whether such funds were used for the commission of such offences, shall be punished by imprisonment of six months to five years.

(3) The funds referred to in paragraph 1 of this article shall be seized.

Republic of Serbia has in place an anti-money laundering and counter-terrorism financing (AML/CFT) system, including a preventive component embodied in the Law on the Prevention of Money Laundering and Terrorism Financing. The AML system in Serbia was set up in 2002 with the adoption of the Law on the Prevention of Money Laundering. Since then two other laws have been adopted, in 2005 and 2009 respectively. The 2009 AML/CFT Law, which entered into force on 27 March 2009, includes also the explicit provisions on the prevention of the financing of terrorism. A range of financial institutions and Designated Non-Financial Businesses and Professions (DNFBP's) are obliged to fulfill the reporting requirements laid down in the AML/CFT Law according to a new approach adopted in the 2009 AML/CFT, namely the risk-based approach. According to this new approach, the reporting entities are required to apply *normal*, *enhanced*, or *simplified* customer due diligence in accordance with the AML/CFT risk analysis and assessment of the specific transaction, client, or business relationship. The same reporting requirements apply both in case of suspicion on money laundering and terrorism financing. The reporting entities send to the Administration for the Prevention of Money Laundering (APML – Serbian FIU) cash-transaction reports (CTR's), the threshold being EUR 15,000, and all suspicious transactions (STR's) in case of suspicion on money laundering or terrorism financing irrespective of the amount involved. All the reporting entities are supervised by the supervisors specified in the AML/CFT Law.

The Financial Intelligence Unit (FIU) of Serbia was established in 2002 as a Federal Commission for the Prevention of Money Laundering. Meanwhile, it became part of the Serbian Ministry of Finance, as the Administration for the Prevention of Money Laundering (APML). The APML, as an administrative FIU, collects, analyzes and keeps data and information and, where it suspects money laundering or terrorism financing, it notifies the competent State bodies (the police, judicial, and supervisory authorities) so that they can take measures within their competence. The finances for the operation and functioning of the APML, as a direct budget user, are provided for in the Republic of Serbia budget.

To prevent illegal physical transportation of cash across the state border, the Rulebook Concerning the Declaration of Physical Cross-Border Transportation of Bearer Negotiable Instruments was adopted in September 2009, the threshold being EUR 10,000 or its equivalent in RSD or in foreign currency. The Rulebook was developed on the basis of the EU Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community.

Furthermore, and in connection with the issues dealt with in part 1 of the Report Relating to Measures Aimed at Combating Terrorism, paragraph 1.4 concerning the security of containers, chain of suppliers and radioactive sources, as well as general control at the frontier, pleased be advised that the Customs Administration has taken, *inter alia*, the following measures:

- Customs officers stationed at border crossings are equipped with pagers detecting radioactivity (110 pagers in total);
- At the Gradina border crossing, a portal has been installed for the detection of radioactive ionizing radiation;
- Two more portals will be installed shortly at the border crossings with Romania;
- The Customs Administration should provide additional eight portals from the 2008 IPA funding;
- Procurement of ten mobile scanners and three stationary scanners is underway, for the purpose of intensifying border control and
- Procurement of ten mobile scanners and three stationary scanners is underway, for the purpose of intensifying border control. Stationary scanners will be used at the “Nikola Tesla” Airport.

2. Stationing of armed forces on foreign territory

- 2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

Based upon the expressed need and the agreements signed with the UN, thirty-four (34) members of the Serbian MoD and SAF are currently being deployed to four (4) peacekeeping missions (Liberia, the Ivory Coast, the Democratic Republic of Congo and Chad) as follows:

- 4 military observers in the UNMIL Mission in Liberia,
- 3 military observers in the UNOCI in the Ivory Coast,
- 1 medical team, consisting of 6 members, for medical evacuation AMET-14 in the MONUS Peacekeeping Operation in the Democratic Republic of Congo, and
- 1 medical team consisting of 21 members in the MINURCAT peacekeeping Mission in the Republic of Chad.

In addition to the abovementioned missions, in 2010, the Republic of Serbia is planning to deploy personnel to the peacekeeping missions in Lebanon (UNIFIL), in Cyprus (UNFICYP), as well as to augment our participation in the already existing missions.

The process of considering and adopting the Annual Plan of the Employment of the Serbian Armed Forces and Other Defence Forces in multinational operations abroad based upon which the National Assembly is to make a decision on the participation of all capacities of the Republic of Serbia in peacekeeping missions in 2010 is now in progress.

The planned participation of the Serbian MoD and SAF members in peacekeeping missions in 2010 will be regulated by the Annual Plan of Employment to be approved by the Parliament of the Republic of Serbia.

3. Implementation of other international commitments related to the Code of Conduct

3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

The Republic of Serbia has accepted a range of agreements and resolutions in the field of arms control and disarmament and has been implementing them consistently. Inter alia, Serbia has undertaken and fulfilled all the commitments from the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. The Chemical Weapons Convention (the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction) was adopted in 2000, and a new Act on the Implementation of the Chemical Weapons Convention, which additionally defined the measures regarding the prohibition of chemical weapons that had been in place until then, was passed in 2009.

As an OSCE member, Serbia implements Vienna Document 1999, and pursuant to Chapter X conducts bilateral agreements with the Republic of Hungary signed by the respective governments, and with the Republic of Bulgaria signed by the respective ministries of defence. Serbia is a State Party to the OSCE Document on Small Arms and Light Weapons and accepted the EU Code of Conduct related to arms exports. Also, Serbia is a State Party to the Dayton Peace Accords, and based upon Article V of the Annex 1b to the said Agreement, a bilateral agreement has been signed with the Bundeswehr Verification Centre (the Federal Republic of Germany).

In the previous period, the Republic of Serbia considerably downsized the Armed Forces personnel and major combat items and systems for more than 3400 pieces (BT, APCs, artillery systems, helicopters and combat aircraft).

3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

Arms control, disarmament and CSBM are key elements to strengthen and enhance security and stability in the OSCE area. The Republic of Serbia conducts arms control measure in accordance with the provisions of all signed agreements. Since 2001, the Republic of Serbia has accepted thirty (30) inspections and thirteen (13) evaluations in its territory as per mandatory quotas under the Vienna Document 1999, and thirty-six (36) activities under bilateral agreements. Simultaneously, sixty-three (63) arms control activities have been carried out abroad.

The regular procedure for the adoption of the National Small Arms and Light Weapons Control Strategy by the Government of the Republic of Serbia is now in progress.

Pursuant to the provisions of the Dayton Peace Accord, Article IV of the Annex 1b, the Republic of Serbia has accepted a hundred and twenty-two (122) inspections in a hundred and ninety-eight (198) facilities specified for inspection altogether in its territory since the beginning of the implementation of the said Agreement in 1996. Simultaneously, a hundred and five (105) arms control inspections in two hundred and three (203) facilities specified for inspection altogether have been carried out abroad so far.

Section II: Intra-State elements

1. National planning and decision-making process

1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

The Constitution of the Republic of Serbia specifies certain procedures for ensuring the democratic political control over the Serbian Armed Forces as well as over the security services. According to the provisions of the Constitution of the Republic of Serbia, the National Assembly oversees the operation of the security services, the President of the Republic commands the Serbian Armed Forces while the Government coordinates the work of governmental bodies which includes the work of the Ministry of Defence as well.

The budget procedure in the Republic of Serbia is based upon the Act on Budget System published in the Official Gazette of the Republic of Serbia, issue 54/2009. In principle, the budget procedure consists of a set of activities regarding the following:

- development of budget and financial plans,
- budget enacting,
- budget allocation,
- budget execution,
- budget accounting and statements, and
- budget control.

The legal basis for budget planning and execution comprises:

- Budget Act,
- Act on Assets Owned by the Republic of Serbia,
- Act on Public Procurements,
- Budget Accounting Regulation,
- Rulebook on Standard Classification Framework and on Chart of Accounts for the Budget System,
- Rulebook on the Way of Preparing, Drafting and Submitting the Financial Reports by the Beneficiaries of Budget Resources and the Beneficiaries of Mandatory Social Insurance,
- Memorandum on the Budget and on the Economic and Fiscal Policy of the Republic of Serbia,
- other regulations.

The procedure for passing the budget and for the apportionment of resources for defence funding:

Pursuant to the Memorandum on the Budget and on the Economic and Fiscal Policy of the Republic of Serbia covering a mid-term three-year period, the Ministry of Finances of the Republic of Serbia provides the budget beneficiaries with the Guidance for the development of the budget for the following budget year and a projection of expenditures for the next two years.

The MoD and SAF structures responsible for the main programmes in cooperation with the function holders produce draft financial plans for the main programmes which they further submit to the Defence planning Council for approval. Upon the harmonisation process, the Defence Planning Council approves the Draft Financial Plans made by the structures responsible for the main programmes based upon which the Budget and Finance Sector produces a Draft Financial Plan for Defence and submits it to the Ministry of Finances after it has been signed by the Minister of Defence.

All budget beneficiaries harmonise their draft financial plans with the Ministry of Finances which produces the Draft Budget for the Following Year and submits it to the Government of the Republic of Serbia for approval.

After considering the Draft Financial Plans of all budget beneficiaries, the Government adopts the Draft Budget Act to be further submitted to the Parliament of the Republic of Serbia. After the Budget Act has been passed by the Parliament, the MoD Budget and Finance Sector produces a Draft Decision on Financing the Defence of the Republic of Serbia to be approved by the Minister of Defence. Pursuant to the Minister's Decision, the structures responsible for the main programmes apportion the financial resources to organisational units that finance their needs according to planned tasks.

Structure of the Defence Budget for 2009

Structure of the Defence Budget for 2009

| No | Expenditures | Structure | |
|---------------------|------------------------------------|---------------|-----|
| | | 2009 | % |
| 1 | Salaries and Benefits | 285,843,803 € | 39 |
| 2 | Military pensions | 229,231,606 € | 31 |
| T o t a l (1+2) | | 515,075,409 € | 70 |
| 3 | Operational costs | 155,331,839 € | 21 |
| 4 | Infrastructure and Equipment costs | 69,712,724 € | 9 |
| T o t a l (1+2+3+4) | | 740,119,972€ | 100 |

- 1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

The National Security Strategy of the Republic of Serbia, in its part referring to the main orientation and preferences of the national security policy, precisely defines that the Republic of Serbia is devoted to honouring the commitments that stem from the United Nations Charter, principles of the Universal Declaration on Human Rights and the Helsinki Final Act. The said Strategy particularly highlights the quality of being refrained from threatening by force or from employment of force for the purpose of threatening the territorial integrity or independence of any state. It also emphasises honouring the internationally recognised borders and solving disputes and open issues in a peaceful manner. The Republic of Serbia pleads for compliance with international law, the strengthening of the roles of the UN, OSCE and EU, and for the creation of mechanisms for preserving the security in the world with equal appreciation of the interests of all states, peoples and ethnic groups.

The national security of the Republic of Serbia is closely connected with the security in the region of SEE and of the European continent as a whole due to which the Republic of Serbia is constantly improving its relations with the EU member states as well as with the NATO member and partner countries on the basis of a direct, close and long-term cooperation and joint action. By its accession to the NATO PfP Programme, the Republic of Serbia has confirmed its long-term commitment to contribute to common democratic values and to the strengthening of the regional and global security.

2. Existing structures and processes

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

Civil control over the security services is performed by the legislative, judicial and executive institutions. The civil (democratic) control of the security services comprises parliamentary supervision and control through parliamentary committees and adoption of laws, control by the ombudsman, inspector general, commissioner for access to information of public importance, as well as by civil society institutions (media, citizens' associations and expert groups). All security services have organisational units dealing with public relations (requests for access to information can be submitted by the citizens and the media).

The Constitution of the Republic of Serbia addresses the procedures for ensuring a democratic political control over the Serbian Armed Forces as well as over the security services in the most general way.

According to Article 99, paragraph 1, of the Constitution, the National Assembly oversees the operation of the security services. The President of the Republic commands the Armed Forces, while the Government, in compliance with Article 123, item 5, guides and coordinates the work of governmental bodies, which includes the work of the Ministry of Defence as well. Pursuant to Article 138, paragraph 1, of the Constitution of the Republic of Serbia, the Ombudsman is an independent governmental body authorised to protect the rights of the citizens and to control the work of the governmental bodies. Provision 141 of the Constitution of the Republic of Serbia, according to which the Serbian Armed Forces is under democratic and civil control is general in its character as well.

The National Assembly of the Republic of Serbia has passed the following acts:

- Act on the Foundations of the Security Services System in the Republic of Serbia and
- Act on the Military Security Agency and the Military Intelligence Agency.

The National Security Council has been established pursuant to Article 3, paragraph 2, of the Act on the Foundations of the Security Services System in the Republic of Serbia as a body of the Republic of Serbia which, in addition to activities relating to taking care of the national security in general, also guides and coordinates the operation of the security services, considers the mutual cooperation among the bodies responsible for defence, the bodies in charge of interior affairs and the security services, and their cooperation with other competent governmental bodies as well as their cooperation with the security agencies and services of foreign countries and of international organisations. The Coordination Bureau has been set up pursuant to Article 3, paragraph 3, of the same Act, and it operationally coordinates the work of the security services and acts according to the conclusions of the National Security Council.

Article 16 of the said Act provides for the responsibility of the National Assembly to oversee the operation of the security services via a competent committee through the prescribed obligation of reporting to the Committee on the part of the Directors of the security services and through immediate oversight: access to the premises of a service, access to files etc. Article 21 provides for the obligation of the security services to inform the public about their work.

The control is conducted on several levels. The control and oversight, in accordance with the authority-sharing principle, are performed by the legislative, the executive and the judicial authorities, by the President as well as by specialised parliamentary and governmental bodies for the protection of human and minority rights.

Provision 55, paragraph 3, of the Constitution and Article 33 of the Act on Defence stipulate that secret and paramilitary associations are forbidden.

One can file a complaint with the Constitutional Court against individual acts and activities of governmental bodies or organisations entrusted with public authorisations by which the human or minority rights and freedoms guaranteed by the Constitution are either violated or denied if other legal instruments for their protection have been exhausted or have not been provided for.

2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

The procedures for exercising democratic political control over the military and security forces defined by the Constitution only in general terms are elaborated in a wide range of acts.

Also, the accomplishment of these procedures is ensured by the following:

- new laws on security services;
- establishment of the National Security Council of the Republic of Serbia chaired by the President of the Republic of Serbia;
- reforms of the defense and security systems.

National Security Council is main body in charge of providing guidance and harmonisation of the security services. There are two organs within the Council: Office of the National Security Council (Government's service) and the Coordination Bureau (harmonises at operational level the functioning of security services). The Bureau is made up of security-intelligence services directors, the secretary of the Council who is at the same time chief of staff of the President of the Republic of Serbia. The State Public Prosecutor, General Police Director, Heads of the Police Directorates, director of the Custom Administration and representatives of the Ministry of the Interior can also participate in work of the Bureau.

The Act on Defence, in its Article 29, and the Act on the Serbian Armed Forces, in its Article 129, indicate that the Serbian Armed Forces (SAF) is under democratic and civil control and that this control includes: control over the employment and development of SAF, internal and external control of expenses for military purposes, monitoring the state of affairs and informing the public about the current status of the SAF preparations, ensuring a free access to information for the public and determining the responsibilities for the discharge of service duties in compliance with law. This democratic and civil control is being exercised by the National Assembly of the Republic of Serbia, by the Ombudsman and other governmental bodies in accordance with their responsibilities as well as by the citizens and the public.

The Ombudsman Act regulates in detail the procedure for protecting the rights of the citizens if they think that any of their human or minority rights has been violated by an act of a governmental body or an organisation entrusted with public authorisations. This equally refers to both the Serbian Armed Forces and the security services. Pursuant to the Act on the Foundations of the Security Services System in the Republic of Serbia, two types of control have been established. First of all, the National Security Council exercises control over the operation of the security services by guiding and coordinating the work of these services. In addition, the National Assembly of the Republic of Serbia oversees, either directly or via its Supervisory Committee, the work of the security services in terms of constitutionality and legality, compliance with the highest-level political documents defining the intelligence and security policy of the country as well as the political and ideological neutrality and neutrality vis-à-vis interests in the work of these services, and the spending of the budget and other working resources of the security services.

According to the Act on the Military Security Agency and the Military Intelligence Agency, oversight and control over the work of the Military Security Agency are exercised by the Internal Control and the Government via the Ministry of Defence (external control). For the purposes of external control, the Government appoints an Inspector General. Pursuant to the Constitution, the bodies/agencies of the Republic of Serbia responsible for carrying out the procedures in the field of democratic political control over the Serbian Armed Forces and the security services of the Republic of Serbia are as follows: the National Assembly, the President of the Republic, the Government, courts, the Ombudsman.

The position of the Military Security Agency within the Ministry of Defence is regulated by the Act on the Military Security Agency and the Military Intelligence Agency. We believe that crucial importance in the subject area should be attached to the provision under Article 6, paragraph 2, item 2, of the said Act saying that the Military Security Agency detects, tracks and disables internal and international terrorism, extremism and other forms of organised violence directed against the Ministry of Defence and the Serbian Armed Forces.

Pursuant to Article 33 of the Act on Defence, any form of paramilitary organisations or associations for performing defence tasks is forbidden.

The provision under Article 29 of the Act on the Serbian Armed Forces stipulates that the Serbian Armed Forces is subject to democratic and civil control.

Democratic and civil control over the Serbian Armed Forces particularly includes control over the employment and development of SAF, internal and external control of expenses for military purposes, monitoring the state of affairs and informing the public about the status of the SAF preparations, ensuring a free access to information of public significance and determining the responsibilities for the discharge of service duties in accordance with law.

Democratic and civil control over the Armed Forces is exercised by the National Assembly of the Republic of Serbia, the Ombudsman and other governmental bodies in accordance with their responsibilities as well as by the citizens and the public. Regulations on the Ombudsman pertaining to the protection and the exercise of the citizens' rights also apply to professional members of the Serbian Armed Forces.

The provision under Article 3 of the Act on the Foundations of the Security Services System in the Republic of Serbia stipulates that the security services are part of the integrated security and intelligence system of the Republic of Serbia.

The National Security Council has been established for the purpose of considering the issues of significance for the national security, and the said Act regulates in particular the activities of the Council of importance for the coordination and guidance of the operation of the security services.

The Coordination Bureau for the Operation of the Security Services has been established for the purpose of the operational coordination of the work of the security services (hereinafter referred to as "The Coordination Bureau").

The operation of the security services is subject to democratic and civil control exercised by the National Assembly, the President of the Republic, the Government, the National Security Council, by other governmental bodies/agencies and the public in accordance with law.

The provision under Article 8 of this Act provides prescribes that the Government shall issue a Regulation to set up the Office of the national Security Council (hereinafter referred to as "The Council Office" as a governmental service discharging expert and administrative affairs for the purposes of the Council and the following ones in particular:

- affairs related to convening and preparing the Council's sessions,
- expert affairs related to the monitoring of the implementation of the Council's guidelines and conclusions,
- administrative and technical support activities for the Coordination Bureau,
- safeguarding the reports and other documents of the Council and making them available for the members of the Council.

The provision under Article 16 of this Act stipulates that the National Assembly oversees the operation of the security services directly or via a competent committee of the National Assembly (hereinafter referred to as “The Committee”).

The Committee performs the following activities in particular:

- oversees the constitutionality and legality of the operation of the security services,
- oversees the compliance of the security services operation with the National Security Strategy, the Defence Strategy and the security and intelligence policy of the Republic of Serbia,
- oversees compliance with the political and ideological neutrality and neutrality vis-à-vis interests in the work of the security services,
- oversees the legality of the application of special procedures and measures for secret collecting of data,
- oversees the legality of the spending of budget and other working resources,
- considers and adopts reports on the work of the security services,
- considers bills, other draft regulations and draft general documents within the purview of the security services,
- launches initiatives for and submits bills (new laws) within the purview of the security services,
- considers the citizens’ proposals, petitions and representations made to the National Assembly regarding the work of the security services, and suggests measures for their settlement and notifies these to those who have submitted them,
- establishes facts about the illegalities and irregularities observed in the work of the security services or of their members, and draws conclusions accordingly,
- notifies the National Assembly about its conclusions and proposals.

Article 53 of the Act on the Military Security Agency (MSA) and the Military Intelligence Agency (MIA) prescribes that the Government exercises control over the work of the Military Security Agency and the Military Intelligence Agency via the Ministry of Defence. Article 54 of the same Act specifies the responsibilities of the Inspector General (IG) in the process of exercising control and oversight over the Military Security Agency and the Military Intelligence Agency as follows: IG oversees the implementation of the principles of political and ideological neutrality and of neutrality vis-à-vis interests, oversees the legality of the spending of budget and other working resources, establishes facts about illegalities and irregularities observed in the work of MSA and MIA and of their members, reports to the Minister of Defence on the oversight results and proposes measures accordingly. Article 57 provides for the responsibility of the Internal Control as an organisational unit within MSA and MIA which controls the legality of operation and of the exercise of the authorisations of their members. If the Director of any of the two agencies does not eliminate the observed illegalities and irregularities, the Internal Control may turn to the Inspector General.

The said Article also prescribes the obligation of the members of the services to undergo security clearance checks, mental and physical fitness checks, health condition checks, lie detector tests and other checks at the request of the Internal Control.

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

The position of the Serbian Armed Forces is regulated by the Constitution and the acts produced and enacted on the basis of the Constitution (the Act on the Serbian Armed Forces, the Act on Defence) emphasising that the Serbian Armed Forces is an organised armed force defending the Republic of Serbia against external threats and performs other missions and tasks in compliance with the Constitution, law and the principles of international law.

The position of the Military Security Agency within the Ministry of Defence is regulated by the Act on the Military Security Agency and the Military Intelligence Agency. We believe that crucial importance in the subject area should be attached to the provision under Article 6, paragraph 2, item 2, of the said Act saying that the Military Security Agency detects, tracks and disables internal and international terrorism, extremism and other forms of organised violence directed against the Ministry of Defence and the Serbian Armed Forces.

Pursuant to Article 33 of the Act on Defence, any form of paramilitary organisations or associations for performing defence tasks is forbidden.

The provision under Article 7 of the Act on Defence stipulates that the main strategic and doctrinal documents in the field of defence are: the National Security Strategy of the Republic of Serbia, the Defence Strategy of the Republic of Serbia, and the Serbian Armed Forces Doctrine.

The main planning documents in the field of defence are: the Long-Term Development Plan of the Defence System of the Republic of Serbia, the Strategic Defence Review and the Defence Plan of the Republic of Serbia.

The provision under Article 4, paragraph 1, items 14, 15, 16, 17 and 21, of the Act on Defence provides that:

The National Security Strategy of the Republic of Serbia is a highest-level strategic document by the implementation of which the national interests of the Republic of Serbia are protected against challenges, risks and threats to security in different area of social life, and this document is adopted by the National Assembly of the Republic of Serbia at the proposal of the Government (Article 12 of the Act on Defence).

The Defence Strategy of the Republic of Serbia is a highest-level strategic document in the field of defence defining the views on the security environment, on the defence interests, the missions and tasks of the Serbian Armed Forces as well as the structure and the operation of the defence system. This document is adopted by the National Assembly at the proposal of the Government (Article 12 of the Act on Defence).

The Serbian Armed Forces Doctrine is a basic document defining the general preferences in terms of the military profession, the organisation, preparations, employment and sustainment of the Serbian Armed Forces in peacetime, wartime and in emergency situations in accordance with the Constitution and the Defence Strategy of the Republic of Serbia. This document is adopted by the President of the Republic as the supreme commander of the Serbian Armed Forces (Article 11 of the Act on Defence).

The Long-Term Development Plan of the System of Defence of the Republic of Serbia is a defence planning document defining the strategic preferences in terms of the development of the defence system of the Republic of Serbia, the required capabilities of the Serbian Armed Forces, the contents and dynamics of organisational changes, the development of human and material resources, defence system funding and other issues relevant for the operation of the defence system in accordance with the missions and tasks of the Serbian Armed Forces. This document is adopted by the National Assembly at the proposal of the Government (Article 9 of the Act on Defence).

The Strategic Defence Review of the Republic of Serbia is a starting programme document which defines mid-term defence planning, the efficient management of defence resources, the development of human and material resources, the transparency of defence affairs and the building of prerequisites for democratic and civil control and for the professionalization and efficiency of the Serbian Armed Forces in carrying out the assigned missions and tasks. This document is adopted by the Government with the previous consent of the President of the Republic as the supreme commander of the Serbian Armed Forces (Article 11 of the Act on Defence).

The democratic and civil control over the Armed Forces includes in particular: the control over the employment and development of the Serbian Armed Forces, the internal and external control of expenses for military purposes, monitoring the state of affairs and informing the public about the status of the preparations of the Serbian Armed Forces as well as ensuring the free access to information of public significance and the determination of responsibilities for the discharge of service duties in compliance with law.

Transparency in financing the defence needs includes in particular: the proposing, preparing, presenting and control of the defence system expenses; presenting the goals and objectives which require appropriate resources; submitting the reports on the spending of these resources on dedicated purposes and the permanent control of the defence systems expenses.

The provision under Article 30 of the Act on Defence provides that the Serbian Armed Forces defends the country against external armed threats and performs other missions and tasks in accordance with the Constitution, law and the principles of international law regulating the employment of force.

The provision under Article 31 of the Act on Defence stipulates that the Serbian Armed Forces is an organised armed force and that it is responsible for combat operations and all other forms of armed resistance, and this responsibility is determined by the Constitution and by law.

The Serbian Armed Forces integrates all the participants in combat operations and commands all the forces performing combat actions in wartime and emergency situations on the basis of law and in compliance with the Serbian Armed Forces Doctrine.

The Serbian Armed Forces Doctrine rests on the Defence Strategy of the Republic of Serbia.

3. Procedures related to different forces personnel

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

Pursuant to the Act on Military, Labour and Material Obligations (published in the Official Gazette of the Republic of Serbia, issue 88/2009), compulsory military service is general and commences at the beginning of the calendar year during which a citizen of the Republic of Serbia reaches the age of 18, when he is entered into the military records, and this obligation lasts till the end of the calendar year during which he reaches the age of 60.

For the conscription purposes, the competent territorial authorities call up conscripts for medical check-ups and psychological tests during which their fitness for military service is evaluated. The evaluation of the fitness for military service is made by the conscription commission of a competent territorial authority after the medical check-ups have been completed in a competent military health institution.

At the age of 19, conscripts are called up and sent to do their military service. The compulsory military service is done exclusively within the Serbian Armed Forces with or without carrying a weapon.

The obligations of the persons within the reserve force of the Serbian Armed Forces commence as of the date of a person's discharge from the armed forces (upon the completion of the compulsory military service), or as of the date of the completion of alternative service or the date of the termination of professional military service, and they last until the end of the calendar year during which a reservist (a male person) reaches the age of 60.

The obligations of the female persons within the reserve force of the Serbian Armed Forces commence at the beginning of the calendar year during which they reach the age of 19 and last until the end of the calendar year during which they reach the age of 50.

The persons within the SAF reserve force may be called up to participate in military exercises in the duration of up to 90 days per year.

The persons who completed their compulsory military service and whose war-time positions are within the Ministry of the Interior are not called up to participate in military exercises, but they fulfil their obligations according to the Police Force Act.

Article 33 of the Act on Defence (the Official Gazette of the Republic of Serbia, issues 116/207, 88/209 and 104/2009) stipulates that the Republic of Serbia forbids any form of paramilitary organisations and associations for performing defence tasks.

3.2 What kind of exemptions or alternatives to military service does your State have?

Alternative service in the Republic of Serbia is civil service done within the governmental bodies, organisations and institutions, units and legal entities which discharge affairs of general social interest and which are financed from the budget of the Republic of Serbia. The alternative service lasts for 9 (nine) months and it is made available for conscripts who wishes to replace compulsory military service under arms with civil service for religious, moral and other justified reasons that stem from conscientious objections. They are allowed to do so under the conditions and in the way prescribed by the Act on Alternative (Civil) Service (the Official Gazette of the Republic of Serbia, issue 88/2009).

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

The human and minority rights of both the members of all the forces of the Ministry of Defence and the conscripts are guaranteed by the Constitution (the Official Gazette of the Republic of Serbia, issue 98/2006).

According to the Constitution and law, all persons are considered equal. Each person is entitled to equal legal protection without discrimination.

Everybody is entitled to judicial protection if any of his/her human or minority rights guaranteed by the Constitution is violated, and is also entitled to the relief from the consequences resulted from the violation of these rights. Human dignity is sacred and everybody is obliged to respect and protect it. Both the members of the forces and the conscripts are entitled to life, the sanctity of the physical and mental integrity and the protection against forced labour as well as to freedom and safety.

4. Implementation of other political norms, principles, decisions and international humanitarian law

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

The Republic of Serbia ensures availability of the international humanitarian law and law of war for the security services' personnel by:

- having included international humanitarian law and the law of war into obligatory curricula of relevant faculties;
- organising courses in the field of international humanitarian law and law of war for the representatives of security services in cooperation with ICRC, International Institute of Humanitarian Law in Sanremo and NATO;
- distributing the information brochures, codes of ethics and instructions to all security services' personnel;
- organising public campaigns,
- informing the public on violations of the norms of international humanitarian law and law of war,
- informing the public on war crimes trials.

The Republic of Serbia and SAF are committed to respecting the significance and role of the Law on Armed Conflicts (International Humanitarian Law) which is undoubtedly confirmed by the fact that the Republic of Serbia has accepted (by ratifying, accession to or otherwise) almost all LOAC sources. This has resulted in the uncontested legal obligation of the Republic of Serbia to respect and ensure the compliance with all these rules.

Education: The themes in the field of LOAC are currently being studied at the Military Academy within the subject – Defence Law and LOAC (30 instruction lessons and 15 exercise lessons).

At the higher levels of education, this subject matter is studied on the Command and Staff Course within the subject – Command and Leadership with two themes in the duration of two lessons each in the form of lectures.

On the General Staff Course, this subject matter is part of the subject – Strategy, as one theme titled "International Humanitarian Law" and is studied in the duration of 9 instruction lessons.

Training: In the period so far, the individual and collective training (training of units) has been provided through different courses and the training of conscripts and candidates for professional soldiers. Since 2005, the Peacekeeping Operations Centre of the Joint Operation Command of the SAF General Staff has been providing the LOAC Course in cooperation with the LOAC Institute from San Remo, the Embassy of the Kingdom of the Netherlands and the International Red Cross Committee (16 LOAC instructors and 118 members of MoD and SAF have been trained so far). In 2008, the theme titled "Law on Armed Conflicts" was integrated in the subject – Law - on the Course for Chief NCOs and is studied in the duration of 10 lessons (5 lectures and 5 exercise lessons). Also, the theme titled "Law on Armed Conflicts" has been studied within the Course for First NCOs in the duration of 8 lessons (3 lectures and 5 exercise lessons) since 2008.

It has been planned that 3 instruction lessons on LOAC be included in the Basic NCO Course during 2010. Since 2009, a LOAC exercise in the duration of 8 instruction lessons has been conducted within the Leaders' Course for professional soldiers. As for the conscription training and the training of professional soldiers to be, the LOAC training is conducted through 1 instruction lesson (within the subject – Service Rule).

The experience hitherto indicates that the LOAC subject matter is not present enough in its practical and applied form in most of the forms of education, advancement courses and training. For that reason, at the beginning of this year, the Serbian Armed Forces produced a Draft Strategy titled "The Integration of LOAC into the Military Education and the Training System of the Serbian Armed Forces" aimed at integrating the themes in the field of LOAC into the curricula and syllabi at all the levels of education and training of the professional members of the MoD and the Serbian Armed Forces in its practical and applicable form until 2010. Also, the aim is that the professional members of the Serbian Armed Forces acquire knowledge, consistently apply and comply with the LOAC provisions. The adoption and implementation of the said Strategy and of the Action Plan for the Integration of LOAC may be expected during the ongoing year which would improve the current status of LOAC in the Ministry of Defence and the Serbian Armed Forces.

4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

Information on individual and command accountability are available to overall armed forces personnel. There are many rules and instructions stipulating the manner of managing, commanding, performing combat activities, etc. in the context of accountability of overall armed forces personnel. All security services also comprise departments for control and lawfulness of work that ensure implementation of domestic and international regulations.

The provision under Article 8 of the Act on Defence provides that the members of the Serbian Armed Forces and of other defence forces are always and in all circumstances while conducting both combat and non-combat operations obliged to comply with the rules of international humanitarian law pertaining to how to treat the wounded and prisoners and how to protect the population as well as to other rules of the said law and international standards on the employment of force in accordance with the Constitution, law and the ratified international agreements.

Each member of the Serbian Armed Forces and of other defence forces is entitled to disobey an order requiring from him/her to act contrary to the Constitution, law and the rules of international humanitarian law.

The provision under Article 33 of the Act on Defence forbids any form of paramilitary organisations and associations for carrying out defence tasks.

The employment of the Serbian Armed Forces for party-related, ideological and religious purposes is also forbidden. The use of the names/titles, symbols and other insignia of the Serbian Armed Forces by legal entities, contractors and associations is forbidden unless it is approved by the Minister of Defence.

The provision under Article 13 of the Act on the Serbian Armed Forces stipulates that in discharging his/her duties a SAF member is obliged:

- 1) to act in compliance with the Constitution, law and other regulations, according to the rules of the profession, in an unbiased manner and to be neutral in terms of political parties;
- 2) not to display party or other political insignia or express his/her political convictions;
- 2a) to obey the orders and fulfil the obligations concerning the preparations for and participation in multinational operations in compliance with the regulations on the employment of the Serbian Armed Forces in operations abroad;
- 3) to obey the orders/commands of his/her superior regarding the service as well as the orders/commands given by a senior serviceman/servicewoman in the absence of the superior when it is necessary to take urgent measures for performing immediate and important service tasks unless such an order/command would lead to a criminal act.
- 4) if receives an order by obeying which the law would be violated, to request that his/her superior who has given such an order repeat it in writing;
- 5) to disobey the repeated order/command given by his/her superior or senior by obeying which a criminal act would be committed;
- 6) to immediately inform the person superior to the person that has given an unlawful order/command or some other responsible person that he/she has been given a repeated illegal order or command;
- 7) to act in accordance with the Service Rule of the Serbian Armed Forces and the Code of Honour of the members of the Serbian Armed Forces;
- 8) to safeguard military, official and top secrets during his/her service and after the termination of the service during the period determined by the act regulating the protection of secret data unless released from the obligation of safeguarding the secrets in a legally prescribed manner and/or authorised to communicate the secret data to a specified authority or person;
- 9) to communicate, in writing, the information relevant for defence he/she came by through the discharge of his/her military duties or otherwise to his/her immediate superior;

No one is allowed to influence a SAF member to do or not to do something contrary to regulations.

It is forbidden to privilege or deny the rights or duties to the members of the Serbian Armed Forces particularly because of their racial, religious, sexual or national affiliations, their origin or some other personal characteristics.

In addition to the rights and obligations stipulated by this act, the conscripts and the persons within the reserve force while doing their military service in the Serbian Armed Forces have the rights and obligations which are in compliance with the rules regulating the compulsory military service and those regulating the service in the Serbian Armed Forces.

In addition to the rights and obligations stipulated by this act, the citizens of the Republic of Serbia – the students and cadets of the military educational institutions being educated for military duties and the persons attending other forms of professional advancement intended for officers and NCOs have the rights and obligations which are in compliance with the rules regulating the military education system and those regulating the service in the Serbian Armed Forces.

The provision under Article 53, paragraphs 1, 2, 3 and 4, of the Act on the Serbian Armed Forces provides that the Military Police is responsible for the affairs related to the suppression of crime, the control and maintenance of the military order and discipline, the security of the most important military facilities, of certain persons, documents and armaments, the management and control of military road traffic and antiterrorist protection in the MoD and SAF.

Within the MoD and SAF, the police activities are carried out and the authorisations are exercised by the authorised officers of the Military Police unless otherwise stipulated by the law.

At the proposal of the Chief of General Staff, the Defence Minister determines which persons are to be considered as the authorised officers of the Military Police, the way how to exercise the authorities and perform the tasks and activities of the Military Police.

The authorized officers of the Military Police do the criminal processing of an MoD employee or a SAF member suspected of having committed a criminal act either while doing the service or acting in relation with the service for which one is to be prosecuted in line of duty unless otherwise stipulated by the law.

The provision under Article 143 of the Act on the Serbian Armed Forces provides that the accountability of the SAF members for criminal acts, economic violations and offences is determined according to the general regulations.

The accountability for criminal acts, economic violations and offences does not exclude disciplinary accountability if a deed which is the subject of criminal proceedings, of proceedings for the determination of the accountability for an economic violation or of offence proceedings is also considered to be a violation of service duty.

A disciplinary action is conducted regardless of the developments in criminal proceedings, proceedings for the determination of the accountability for an economic violation or offence proceedings.

For a criminal act committed against the Serbian Armed Forces for which a prison sentence of up to three years is provided for, a disciplinary action may be initiated against a serviceman/servicewoman and a disciplinary fine or a disciplinary measure stipulated by this act may be pronounced instead of a criminal sanction if the deed proves to be a petty offence and if this is required by the service interests, in accordance with the provisions of the Criminal Code.

4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

The human, citizens' and minority rights are protected by the Constitution of the Republic of Serbia, the Defence and the Serbian Armed Forces Acts, the Service Rule and the Military Discipline Regulations as well as the by studying and introducing the members of the Serbian Armed Forces to this very important matter.

The provision under Article 20 of the Constitution stipulates that the human and minority rights guaranteed by this document may be limited by the law if the Constitution allows such a limitation for the purposes permitted by the Constitution to the extent required for the fulfilment of the constitutional purpose of the limitation in a democratic society and without encroachments on the essence of the guaranteed right. The achieved level of the human and minority rights may not be lowered.

The provision under Article 22 of the Constitution provides that everybody is entitled to judicial protection if any of his/her human or minority rights guaranteed by the Constitution has been violated or denied and is also entitled to the relief from the consequences resulted from this violation.

The citizens are entitled to turn to international institutions for the protection of their freedoms and rights guaranteed by the Constitution.

The provision under Article 45 of the Constitution stipulates that an individual is not obliged to do military service or to fulfil any other obligation which includes the use of weapons contrary to his/her faith or convictions.

A person who calls for a conscientious objection may be called up do his compulsory military service without the obligation to carry a weapon, in accordance with the law.

The provision under Article 75 of the Constitution provides that in addition to the rights guaranteed to all citizens by the Constitution, the national minorities have additional individual or collective rights also guaranteed by the Constitution.

The individual rights are exercised individually, and the collective ones are exercised in a community with other people, in accordance with the Constitution, law and international agreements.

The provision under Article 76 of the Constitution stipulates that equality before the law and equal legal protection for the members of the national minorities are guaranteed.

Any kind of discrimination on grounds of somebody's belonging to a national minority is forbidden.

Through the Constitution, Law on Police, Law on Citizens' Assemblies, Law on Public Peace and Order, special Protocols on Conduct of Police Officers in Protection of Minors against Torture and Harassment, Instruction on Police Ethics and Manner of Performing Police Duties and implementation of legal acts in rulebooks and instructions for armed forces, the Republic of Serbia ensures that the armed forces do not violate, while exercising their powers, human and civil rights of individuals or groups. The Ministry for Human and Minority Rights of the Government of the Republic of Serbia, through its sectors for improvement and protection of national minorities, improvement and protection of human rights and representation before the European Court for Human Rights, protects the interests of the citizens.

4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

The provisions under Article 12 of the Act on the Serbian Armed Forces regulate the responsibilities of the Military:

- The Serbian Armed Forces discharge its responsibilities pursuant to the Constitution, the acts, other regulations and general documents, and the international treaties and agreements/arrangements which the Republic of Serbia has concluded or accessed to, in accordance with the Defence Strategy, the Serbian Armed Forces Doctrine and the principles of international law regulating the employment of force;
- The Serbian Armed Forces is neutral in terms of ideology, interests and political parties;
- The internal relations within the Serbian Armed Forces rest on the principles of subordination and single leadership.

The provision under Article 14 of this Act stipulates the rights of a SAF member as follows:

- A serviceman/servicewoman is forbidden to attend the gatherings of political parties dressed in a military uniform as well as any political activity except for the exercise of his/her active right to vote.
- A professional serviceman/servicewoman, a student or a cadet of a military educational institution, and a person attending other forms of professional advancement intended for officers and NCOs is not allowed to be a member of a political party.

- The professional members of the Serbian Armed Forces are entitled to form labour/trade unions in accordance with the regulations of the Government.
- The subject matter of the labour/trade union forming, organising and activities cannot be the provisions and the implantation of the acts and other regulations pertaining to: the composition, structure and organisation of the Serbian Armed Forces; its operational and functional capabilities, the employment and manning of the Serbian Armed Forces; its readiness and mobilisation; the state of being furnished with armaments and military equipment; the command and leadership within the Serbian Armed Forces and the defence system management; its participation in multinational operations as well as the internal relations within the Serbian Armed Forces resting on the principles of subordination and single leadership.

The Government regulates the execution of religious service within the Serbian Armed Forces. The mutual relations between the Serbian Ministry of Defence and the churches and/or religious communities in view of the execution of religious service in the Serbian Armed Forces are regulated by special agreements.

The provision under Article 29, paragraph 3, of the Act on Defence provides that the regulations on the Ombudsman regarding the protection and exercise of the citizens' rights also apply to the professional members of the Serbian Armed Forces.

4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

The planning and the employment of the Serbian Armed Forces in peacetime, in a state of emergency and in wartime rest on the regulations of the national legislation, international treaties and agreements/arrangements, the customs in the field of international humanitarian law, the international acts on the armed conflict and on international humanitarian law.

The provision under Article 139 of the Constitution of the Republic of Serbia provides that the Serbian Armed Forces defends the country against external armed threats and performs other missions and tasks in compliance with the Constitution, the law and the principles of international law regulating the employment of force.

Article 16 of the Constitution of the Republic of Serbia stipulates that the foreign policy of the Republic of Serbia rests on the generally recognised principles and rules of international law. The generally accepted rules of international law and the ratified international treaties constitute an integral part of the legal order of the Republic of Serbia and are consistently implemented. The said Article also emphasises that the ratified international treaties must be in compliance with the Constitution of international law.

The Act on the Serbian Armed Forces, in its provisions under Article 2, defines that the Serbian Armed Forces is an organised armed forces defending the country against external armed threats and performing other missions and tasks in accordance with the Constitution, the law and the principles of international law regulating the employment of force.

The President of the Republic or the Minister of Defence being authorised by the President of the Republic may make a decision for the Serbian Armed Forces to provide assistance to a competent governmental body and/or organisation, a body of the autonomous provinces and a body of the local governments' units at their requests for the purpose of protecting human lives and the security of people and property, environmental protection or for other reasons defined by the law.

The employment of the Serbian Armed Forces in operations abroad is regulated by the Act on the Employment of the Serbian Armed Forces and of Other Defence Forces in Multinational Operations abroad.

The procedure of producing and approving of the content of the Armed Forces Doctrine implies that it goes through different levels and types of control and its harmonization with the provisions of the abovementioned regulations.

The Republic of Serbia affirms its readiness to fulfil the commitments arising from the UN Charter which are regulated by the international legal instruments in the area of human rights and by other ratified international treaties and agreements/arrangements.

The Republic of Serbia is committed to employ its defence potentials on the basis of the Constitution, the UN Charter and the principles of international law regulating the employment of force.

Section III: Public access and contact information

1. Public access

1.1 How is the public informed about the provisions of the Code of Conduct?

The provision under Article 75 of the Act on Defence provides that the legal entities in the field of public informing, electronic and print media while performing their regular activities are obliged to timely and truthfully inform the public during wartime or a state of emergency in accordance with the act and regulations on public informing.

The Ministry of Defence and the governmental bodies are obliged to make available all information and data of public significance in the field of defence for the public in accordance with the act and regulations on free access to information of public significance.

The legal entities under paragraph 1 of this Article are obliged to convey urgent announcements of the governmental bodies regarding defence.

The provision under Article 125 of the Act on Defence stipulates that for the purpose of informing the public about the legal changes in the field of defence and within the Serbian Armed Forces and other acts regarding the security of the country, international defence cooperation and military cooperation, the Ministry of Defence publishes information for the public with a list of acts and explanations on the legal changes twice a year.

The first information under paragraph 1 of this Article is to be published by the Ministry of Defence within a six-month period as of the date of the entry into force of this act.

The provision under Article 30 of the Act on the Armed Forces provides that the Minister of Defence regulates the way of informing the public about the activities of the Serbian Armed Forces. The Minister has issued a Directive on informing the public on the work of the Ministry of Defence and the activities of the Serbian Armed Forces (The Official Gazette of the Republic of Serbia, issues 35/08 and 1/0).

1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

(See answer 1.3 of the same section)

1.3 How does your State ensure public access to information related to your State's armed forces?

The Public Relations Department of the Ministry of Defence is responsible for informing the public on the work of the Ministry of Defence and the activities of the Serbian Armed Forces by: providing the answers to journalists' questions and meeting the requests for the provision of information to the media and the citizens by telephone and via e-mail; organising press/media briefings and conferences; releasing statements and notifications; arranging the interviews and appearances of the MoD employees and the SAF members in the media; holding gatherings, conferences and seminars; issuing publications, advertisements, information papers; organising special events for the media and the public (the Open Day, the Serbian Armed Forces Day, the Air Show, exhibitions, and the like); organising visits to the institutions, commands and units of the Serbian Armed Forces, ensuring the presence of journalists at military exercises, editing the websites of the Ministry of Defence and the Serbian Armed Forces, www.mod.gov.rs, and the magazine "Odbrana" (Defence).

2. Contact information

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

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