

Annual report on Activities of the OSCE Mission to Serbia and Montenegro 2005

Content

02 Introduction

03 Message from the Head of Mission, Ambassador Maurizio Massari

09 Politico-Military Dimension Activities

- 10 – Police Reform
- 12 – South Serbia
- 13 – Combating Terrorism

14 Human Dimension Activities

- 15 – Refugee Return
- 16 – War Crimes and Reconciliation
- 18 – Parliamentary and Local Government Reform
- 19 – Fight Against Corruption
- 20 – Combating Organised Crime and Human Trafficking
- 22 – Human Rights
- 24 – National Minorities
- 25 – Media

27 Economic and Environmental Dimension Activities

- 28 - Promoting Economic Development
- 29 - Protection of the Environment

Introduction

The Annual Report has been prepared by the Press and Public Information unit of the OSCE Mission to Serbia and Montenegro in order to provide our partners at all levels of government, other international organisations, embassies and the public at large general information on the activities of the Mission in 2005.

The OSCE Mission to Serbia and Montenegro is now entering its sixth year of operation, having been established by an OSCE Permanent Council decision in January 2001. Following the ratification of the Belgrade Agreement, the "OSCE Mission to the Federal Republic of Yugoslavia" was renamed the "OSCE Mission to Serbia and Montenegro" in February 2003. The Mission's Office in Podgorica established under a Permanent Council decision in January 2002, exercises substantial autonomy in carrying out the Mission's mandate in Montenegro.

According to its mandate, the Mission, acting in close co-operation with the Government of Serbia and Montenegro, provides assistance and expertise to the authorities at all levels, working with interested individuals, groups and organisations, in the fields of democratisation and the protection of human rights, including the rights of persons belonging to national minorities.

The Mission's many activities are divided into three main baskets: Politico-Military Dimension Activities, Human Dimension Activities and Economic and Environment Dimension Activities. Under the leadership of the Head of Mission's office and with the support of the Fund Administration Unit, the staff of the Mission works in 5 thematic programmes: Law Enforcement, Rule of Law/Human Rights, Media, Democratisation, Economy and Environment. Much of the work of the Mission is inter-departmental. This Annual Report describes the Mission's activities in the past year, most of which address issues that will require continuing active engagement in 2006.

The OSCE Mission believes that Serbia and Montenegro's future lies in Europe as a full member of the Euro-Atlantic Institutions and remains committed to assist the country on its path towards this future.

Message from the Head of Mission, Ambassador Maurizio Massari

On 5 October 2005, the State Union of Serbia and Montenegro was invited by the European Union to start negotiations on a Stabilisation and Association Agreement (SAA). This invitation was issued on the fifth anniversary of the fall of the Milosevic regime, demonstrating how far Serbia and Montenegro have come since the dark days of war, international isolation, and economic sanctions. The SAA negotiations mark the first formal step towards EU integration and should serve as a further incentive for Serbia and Montenegro to implement the important political and economic reforms needed to improve the health of their societies and the lives of their citizens.

The State Union of Serbia and Montenegro and its two constituent republics face major challenges in consolidating democratic reforms. The staff of the OSCE Mission in Belgrade (Serbia), its presence in south Serbia, its Office in Podgorica (Montenegro), and its two Advanced Police Training Centres (one in each republic) have continued over the past year to pursue three major objectives:

- to promote political and human reconciliation within the country and in the region;
- to reinforce security and stability; and
- to strengthen the capacity of domestic institutions to meet international democratic standards necessary for integration into European and Euro-Atlantic structures.

Regional reconciliation and co-operation advanced significantly in 2005, in many cases with OSCE support. For example, high officials from Serbia and Montenegro, Bosnia and Herzegovina and Croatia met in Sarajevo in January to adopt a Declaration of Principles for resolving all outstanding refugee issues by the end of 2006. This meeting was encouraged and supported by the OSCE Missions, UNHCR Offices and European Commission delegations in the respective countries, which are also monitoring and supporting the vitally important implementation of this humanitarian initiative.

Judges and prosecutors from the same countries met twice in 2005 under OSCE auspices to discuss practical ways to improve interstate judicial cooperation in war crimes cases, continuing a process launched in late 2004 in the northern Serbian town of Palic. The OSCE Missions in the region also provided support to the NGO "Igman Initiative" for the organisation of two Presidential meetings among the same countries in 2005, one in Belgrade and one in Sarajevo, which commemorated the tenth anniversaries of the Srebrenica massacre and the Dayton peace agreement.

Within Serbia and Montenegro, the Mission continued to promote **reconciliation and justice** in connection with the country's history. We placed special emphasis on outreach programmes to increase public awareness of past war crimes and the need for full co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY). We also launched a programme to encourage students to discuss the relationship between dealing with the past and "Facing the Future." While insisting that the last remaining ICTY indictees must be sent to face international justice in the Hague, the Mission also provided practical assistance to police, prosecutors and judges responsible for bringing other alleged war criminals to trial in domestic courts.

Closely related to the Mission's support for post-conflict reconciliation, the Mission also continued in 2005 to **support stability and security** through development of more inclusive and tolerant multi-ethnic institutions. The diverse region of south Serbia took a decisive step forward when – with the assistance of the OSCE Mission and other representatives of the international community - authorities invited ethnic Albanian, Serbian and Roma community leaders to join the work of a re-organised Co-ordinating Body for the Municipalities of Presevo, Bujanovac and Medvedja. With the Mission's involvement and support, issue-oriented co-ordinating groups began to address such specific practical matters as security, media, education, economic development and administration of justice. While much remains to be done, central government ministries intensified their dialogue with local leaders and there was tangible progress on such issues as the use of Albanian language textbooks in the schools, in-service training for south Serbia's multi-ethnic police, and integration of the local courts.

More generally, Mission programmes in both Serbia and Montenegro continued to focus attention on human rights and especially the rights of persons belonging to national minorities. Roma rights were a particular priority during the year in which countries of the region, including Serbia and Montenegro, launched a regional Decade for Roma Inclusion. Just one contribution of the Mission to these efforts was to host a regional conference, in co-operation with the OSCE's Office for Democratic Institutions and Human Rights and the Ministry for Human and Minority Rights of Serbia and Montenegro, on the important problem of civil registration for Roma citizens.

Along with efforts to promote reconciliation and stable, inclusive multi-ethnic societies, much of the day-to-day efforts of the Mission are centred on the ongoing reforms necessary for Serbia and Montenegro to **meet international democratic standards**. The police and the judiciary need serious reforms, the fight against corruption and organised crime continue to be high priorities, and further reform of the media sector is essential. Significant legislation was adopted in 2005 in both Serbia and Montenegro, in many cases reflecting expert support provided by the Mission over a number of years. One example is the new Criminal Law of Serbia, which repeals penal sanctions for slander and libel while for the first time providing for command responsibility and witness protection. Both Serbia and Montenegro adopted legislation to strengthen democratic

institutions, including new Laws in both republics on Police and on Free Access to Information.

In addition to support for developing the necessary legislative framework in Serbia and Montenegro, the Mission increasingly focused over the past year on helping domestic institutions – courts, parliaments, local government bodies, civil society partners, and ministries – to build the capacity to implement reforms. The OSCE has a long tradition of seeking to ensure that paper commitments are followed up with practical deeds. I am convinced this is the area which will be most important for the Mission in the coming years, as Serbia and Montenegro will need to demonstrate their practical readiness for full European and Euro-Atlantic integration.

As I come to the end of my mandate, I feel confident that Serbia and Montenegro are on the right track. During my stay, I have experienced many ups and downs. The assassination of Serbian Prime Minister Djindjic was certainly one of the darkest moments, but I have also had many happy experiences, especially when visiting the many schools and communities outside Belgrade, seeing young people take charge of their lives and seeking new opportunities.

I would like to thank all our local partners both in and outside government for their co-operation in the many projects on which we worked together. Our projects would also not have been possible without the unflinching support of all OSCE participating States and other international partners and organisations. I would also like to express my warm appreciation to all those that I have met during my three years in Serbia and Montenegro for their support and friendship.

Poruka šefa Misije OEBS u Srbiji i Crnoj Gori, ambasadora Mauricija Masarija

5. oktobra 2005. godine državna zajednica Srbija i Crna Gora dobila je poziv od Evropske unije da započne pregovore za potpisivanje Sporazuma o stabilizaciji i pridruživanju. Ovaj poziv je upućen na petogodišnjicu pada Miloševićevog režima i dobar je pokazatelj onoga koliko je Srbija i Crna Gora napredovala od mračnih dana rata, međunarodne izolacije i ekonomskih sankcija.

Pregovori za potpisivanje Sporazuma o stabilizaciji i pridruživanju predstavljaju prvi formalni korak ka integraciji u Evropsku uniju i trebalo bi da predstavljaju dalji podstrek za Srbiju i Crnu Goru u sprovođenju važnih političkih i ekonomskih reformi koje su neophodne za poboljšanje zdravlja njihovih društava i života njihovih građana.

Državna zajednica Srbija i Crna Gora i njene dve republike članice suočavaju se sa ogromnim izazovima u procesu konsolidovanja demokratskih reformi. Zaposleni u Misiji OEBS u Beogradu (Srbija), kancelarija Misije u južnoj Srbiji, kancelarija u Podgorici (Crna Gora), kao i dva viša centra za obuku policije (po jedan u svakoj republici) tokom prošle godine nastavili su da streme ka postizanju tri glavna cilja, a oni su sledeći:

- Promovisanje političkog pomirenja i pomirenja među ljudima u zemlji i u regionu;
- Jačanje bezbednosti i stabilnosti;
- Jačanje kapaciteta domaćih institucija kako bi mogle da ispune međunarodne demokratske standarde neophodne za integraciju u evropske i evro-atlantske strukture.

Regionalno pomirenje i saradnja znatno su napredovali tokom 2005. godine, čemu, u velikom broju slučajeva, treba zahvaliti podršci koju je pružio OEBS. Na primer, visoki zvaničnici iz Srbije i Crne Gore, Bosne i Hercegovine i Hrvatske sastali su se u Sarajevu januara 2005. godine kada su usvojili Deklaraciju o principima za rešavanje preostalih pitanja izbeglica do kraja 2006. godine. Ovaj sastanak su pozdravile i podržale Misije OEBS, Kancelarija UNHCR-a i Delegacija Evropske komisije, koje takođe prate i podržavaju izuzetno važnu implementaciju ove humanitarne inicijative.

Sudije i tužioci iz ovih zemalja sastali su se dva puta tokom 2005. godine pod pokroviteljstvom OEBS-a kako bi razgovarali o praktičnim načinima za poboljšanje međudržavne saradnje na polju pravosuđa u vezi sa slučajevima ratnih zločina, što je nastavak procesa započetog krajem 2004. godine na Paliću, gradu na severu Srbije. Misije OEBS pružile su

podršku inicijativi nevladinih organizacija pod nazivom "Igmanska inicijativa" u organizaciji dva predsednička sastanka istih ovih zemalja u toku 2005. godine, od kojih je jedan održan u Beogradu, a drugi u Sarajevu, koji je obeležio desetogodišnjicu od masakra u Srebrenici i potpisivanja Dejtonskog sporazuma.

U Srbiji i Crnoj Gori, Misija je nastavila da daje podršku programu pomirenja i pravde vezanih za istoriju zemlje. Posebnu pažnju posvetili smo kampanjama usmerenim ka podizanju javne svesti o pitanjima ratnih zločina i potrebe za potpunom saradnjom sa Međunarodnim krivičnim sudom za bivšu Jugoslaviju (ICTY). Takođe smo organizovali seriju panela za studente sa ciljem da ih ohrabrimo da razgovaraju o odnosu koji postoji između suočavanja sa prošlošću i suočavanja sa budućnošću. Insistirajući da se poslednji haški optuženik izvede pred lice međunarodne pravde u Hagu, Misija je takođe pružala praktičnu pomoć policiji, tužilaštvu i sudijama odgovornim za izvođenje pred domaće sudove ostalih optuženika za ratne zločine.

U vezi sa podrškom Misije naporima usmerenim ka post-konfliktnom pomirenju, Misija je nastavila u 2005. godini sa podrškom stabilnosti i bezbednosti kroz razvoj sveobuhvatnijih i tolerantnijih multi-etničkih institucija. Raznoliki region južne Srbije napravio je odlučujući korak napred kada su vlasti Republike Srbije - uz podršku Misije OEBS i drugih predstavnika međunarodne zajednice - pozvale lidere zajednica etničkih Albanaca, Srba i Roma da se pridruže radu reorganizovanog Koordinacionog tela za opštine Preševo, Bujanovac i Medveđu. Uz učešće i podršku Misije, specijalne ko-ordinacione grupe za bezbednost, medije, obrazovanje, ekonomski razvoj i uspostavljanje pravde počele su rad na ovim pitanjima. Iako još puno toga tek treba da se uradi, Ministarstva Vlade republike Srbije intezivirala su dijalog sa lokalnim liderima i učinjen je opipljiv napredak po pitanju korišćenja udžbenika na albanskom jeziku u školama, obuci za multi-etničku policiju u južnoj Srbiji i integracije u lokalnim sudovima.

Uopšteno govoreći, programi Misije i u Srbiji i u Crnoj Gori nastavili su da usredsređuju svoju pažnju na ljudska prava, a naročito prava pripadnika nacionalnih manjina. Prava romske nacionalne manjine bila su poseban prioritet u godini kada su zemlje iz regiona, uključujući Srbiju i Crnu Goru, pokrenule regionalnu inicijativu Dekada uključivanja Roma. Jedan od doprinosa Misije ovim naporima bio je organizacija regionalne konferencije, u saradnji sa OEBS Kancelarijom za demokratske institucije i ljudska prava (ODIHR) i Ministarstvom za ljudska i manjinska prava državne zajednice Srbija i Crna Gora, u vezi sa rešavanjem važnog problema registracije građana Roma.

Pored napora da se promovišu pomirenje i stabilna i sveobuhvatna multietnička društva, veći deo svakodnevnih napora Misije usredsređen je na tekuće reforme koje su Srbiji i Crnoj Gori neophodne za ispunjavanje međunarodnih demokratskih standarda. Ozbiljne reforme potrebne su u policiji i sudstvu, borba protiv korupcije i organizovanog kriminala i dalje su veoma važni prioriteti, a od suštinskog značaja je i nastavak reformi u sektoru medija. Značajni zakoni usvojeni su tokom 2005. godine i u Srbiji

i Crnoj Gori, koji u velikom broju slučajeva odražavaju stručnu pomoć i podršku koju je Misija pružala poslednjih nekoliko godina. Jedan takav primer je i novi Krivični zakonik Republike Srbije, koji ukida krivične sankcije za uvredu i klevetu, i po prvi put uvodi komandnu odgovornost i zaštitu svedoka u zakonodavstvo. Takođe, i Srbija i Crna Gora usvojile su zakone kojima se jačaju demokratske institucije, uključujući nove zakone o policiji i slobodnom pristupu informacijama od javnog značaja.

Pored podrške koju Misija pruža razvoju neophodnih zakonodavnih okvira u Srbiji i Crnoj Gori, Misija je poslednjih godina sve više usredsređena na pružanje pomoći domaćim institucijama- sudovima, skupštinama, lokalnim vladinim telima, partnerima iz građanskog društva i ministarstvima- u procesu izgrađivanja kapaciteta za sprovođenje reformi. OEBS ima dugu tradiciju uspešnog preinačavanja obaveza zapisanih na papiru u praktična dela. Ubeđen sam da će upravo ova oblast Misiji biti najznačajnija u budućnosti, jer će Srbija i Crna Gora morati da pokažu praktičnu spremnost za punu evropsku i evro-atlantsku integraciju.

Kako se moj mandat približava kraju, postao sam uveren da su Srbija i Crna Gora na pravom putu. Tokom mog boravka, iskusio sam mnogo uspona i padova. Ubistvo premijera Republike Srbije Đinđića sigurno je bio jedan od najmračnijih trenutaka. Međutim, bilo je i mnogo lepih iskustava, naročito tokom poseta velikom broju škola i zajednica van Beograda, kada sam imao priliku da vidim kako mladi ljudi uzimaju svoje živote u svoje ruke u potrazi za novim mogućnostima.

Želeo bih da se zahvalim našim domaćim partnerima, kako u Vladi, tako i onima van nje, za njihovu saradnju na mnogim zajedničkim projektima. Hteo bih da dodam da naši projekti ne bi bili mogući ni bez nepokolebljive podrške svih država članica OEBS-a i drugih međunarodnih partnera i organizacija. Takođe bih voleo da izrazim svoju najiskreniju zahvalnost svim ljudima koje sam upoznao tokom trogodišnjeg boravka u Srbiji i Crnoj Gori na pruženoj podršci i prijateljstvu.

Politico – Military Dimension

Police Reform

The OSCE Mission to Serbia and Montenegro considers assistance to the reform process of the police service in the constituent republics as a core activity. The Mission believes that the citizens deserve a police service that is effective in combating crime while respecting the rights of citizens. It therefore needs well-trained officers from various communities, modern equipment and proper internal and external oversight. Serbia and Montenegro have not yet fully realised the goal of establishing modern, representative and democratic police services, but much progress has been achieved.

Since March 2001 the role of the Mission in this sphere has been to provide assistance and advice while monitoring the process of police reform. Major objectives are the establishment of community-oriented policing while ensuring the police services are free from corruption and accountable to democratically-elected governments. The Mission has become the major co-ordinator of the international assistance to the Ministries of Interior of both republics

In Serbia, the focus of assistance provided was on priorities identified in co-operation with the Ministry of Interior: Police Education and Development, Accountability and Internal Control, Organised Crime, Forensics, Border Policing, Community Policing, War Crimes, and Strategic Development.

In November, the Serbian Parliament adopted a new Law on Police, an important milestone in the transformation of the Serbian police service. The law will initiate changes in the organisational structure of the service, law enforcement practices and the structure of internal oversight. The Mission, together with the Council of Europe, provided the Ministry of Interior with expert comments on the draft concerning international standards and best practices.

In police education, the Mission supports implementation of a Police Development Programme that emphasizes community policing, management and supervision. The Mission, in co-operation with the Ministry of Interior, has also launched an initiative to transform the Police High School at Sremska Kamenica into a fully-functional, entry-level police training facility. Police education focuses on 'training the trainers' to build domestic capacities and sustain reform.

The need to develop a new and comprehensive crime scene investigation policy has also been identified as a priority. This includes developing a quality management system to achieve an unbroken chain of evidence from the crime scene to the forensic laboratory and then to the courts. New equipment, funded through a generous contribution from the Norwegian government, was handed over to the Criminal Technical Training Center in Nis, and will be followed up with the necessary training, seminars and study visits abroad.

In Montenegro, a similar project to establish and equip a forensic laboratory is underway with support from the United States of America and Norway.

To contribute to conflict prevention in south Serbia, the Mission, in co-operation with the Ministry of Interior, supported in-service training for local police officers from various communities. The Mission was able for the first time to use human resources developed through the OSCE Police Trainer Development Programme. With the financial assistance of the Norwegian government, training facilities will be established in the three municipalities of Bujanovac, Preševo and Medvedja.

In Montenegro, the process of implementing the Law on Police has already resulted in a number of targeted training projects. Training courses in Modern Management Principles and Community Oriented Policing and Problem Solving for station commanders and first line supervisors has been running since May 2004. The Mission also participated in a major donors' conference to outline the future equipment and training needs of the police service.

South Serbia

The ethnic Serbian and Albanian communities in south Serbia are at the centre of the Mission's conflict prevention activities. Efforts are aimed at giving the ethnic Albanian community a stake in the work of their local authorities, building trust between the various ethnic communities, and creating local judicial and security structures that work for everyone in the municipalities.

The Mission continues to assist the authorities in implementing the 2001 peace agreement aimed at re-integrating the ethnic Albanian community. To reaffirm their commitment to reducing tension and promoting socio-economic development in the region, Serbian President Boris Tadic and Prime Minister Vojislav Kostunica attended a ceremony marking the re-launching of the Government-appointed South Serbia Co-ordination Body. To sustain the work of the Co-ordination Body, the Mission supported the establishment of eight Working Groups. Each of these addresses specific issues (security, education, health, economic development, etc.) bringing together representatives of the relevant central government ministries, local community and political leaders, and representatives of the local administration.

These Working Groups have been able to make some progress since their establishment. In the field of education, the Minister of Education was able to authorize a list of more than 60 book titles compiled by one of the Working Groups for use in Albanian language schools.

Building on efforts to create a multi-ethnic and effective police service in the region, the Mission continued to provide input and guidance to various local-level community groups to address local safety concerns. Municipal Safety Councils in Medvedja, Bujanovac and Preševo have been established, and meetings in all three municipalities have been organised to improve police-community co-operation. The Norwegian government has generously pledged to fund a major project to provide facilities for in-service training in all three municipalities in 2006.

More than a dozen lawyers from both ethnic communities in south Serbia who had benefited from an OSCE training course successfully passed their bar exam – a qualification needed for employment in the local judiciary and administration.

Acknowledging the importance for the citizens to be informed in a timely and balanced manner, the Mission continued to assist local broadcasters strengthening their editorial and management capacity. Programmes in languages of national minorities were produced by relevant news desks and integrated into the regular grid.

To encourage economic development, the Mission has supported the establishment of small and medium enterprises (SMEs) support centres in Vranje and Bujanovac. In addition, the Mission again organised a "Best Entrepreneur of south Serbia" competition in 2005.

Combating Terrorism

The tragic events of 11 September 2001, reinforced international efforts to combat terrorism. The Bucharest Plan of Action for Combating Terrorism, adopted at the 2001 OSCE Ministerial Council, mandated establishment of the Action against Terrorism Unit within the OSCE Secretariat in Vienna.

The international fight against terrorism requires the active participation of the countries of southeastern Europe, including Serbia and Montenegro. International terrorism thrives on the weakness of state structures and national security forces, insufficient border controls and organized crime. Serbia and Montenegro and the region as a whole have a specific legacy of proliferation of light arms and years of political and economic isolation.

The Mission has helped Serbia and Montenegro prevent international terrorism by encourage regional co-operation and helping the country strengthen its political institutions, police services, and border controls. The Serbian Border Police have received sophisticated computer equipment to identify falsified travel documents. Specialised equipment and advanced training has been provided to the Ministry's National Hostage Negotiation Service and to the criminal intelligence units. Direct contacts with other police services were also encouraged, and led to the signing of a Memorandum of Understanding between the Serbian Ministry of Interior and the Swedish National Police Board. These measures primarily aim to assist Serbia in combating organised crime, but also enhance domestic capacities to combat terrorism.

To enhance the capacity of the border police services in both republics to combat human trafficking and trans-national organised crime, the Mission organized specialised training seminars, provided technical equipment and assisted in the development of an integrated border management strategy.

In addition, the Mission provided expertise on fighting international terrorism to high government officials by organizing lectures at the Diplomatic Academy of the Ministry of Foreign Affairs of Serbia and Montenegro. The Action against Terrorism Unit also organized training in Belgrade on legal and judicial co-operation to combat international terrorism for relevant Serbia and Montenegro officials.

Human Dimension Activities

Refugees and Internally Displaced Persons

Serbia and Montenegro is the country hosting the highest number of refugees in the region. According to data provided by the Office of the United Nations High Commissioner for Refugees (UNHCR), there are still more than 100,000 refugees from Croatia and Bosnia-Herzegovina. Additionally, Serbia and Montenegro host many Internally Displaced Persons (IDPs) from Kosovo. This places a great burden on the social services of both Serbia and Montenegro.

The Mission has made refugee work an important component of its work in close co-operation with the UNHCR, the European Commission Delegations and other OSCE Missions in the region. Throughout 2005, the Mission focused on providing technical assistance to Serbia and Montenegro within the framework of the January 2005 Inter-ministerial Sarajevo Declaration on Refugee Returns. In this declaration, the three Governments of Serbia and Montenegro, Bosnia and Herzegovina and Croatia committed to developing "Road Maps" to find solutions to outstanding refugee issues by the end of 2006. Follow-up meetings in Belgrade, Zagreb and Budva between representatives of all three governments resulted in a list of tasks to be undertaken by those governments to fulfil their commitments. The main elements of the Road Maps relate to: housing, access to rights, infrastructure and economic factors, local integration, information and deadlines such as those for applications for housing care and for permanent residence.

Governments in the region will have to re-double their efforts to find durable solutions so that the refugees can make informed choices of whether to return to their countries of origin or integrate in their countries of refuge.

At the republican level, the Mission provided technical assistance to the Serbian Commissariat for Refugees and IDPs. Through a the Mission-led Legal Assistance Programme, NGO lawyers in the region received training on case-preparation for domestic courts to help them provide better free legal assistance to refugees and IDPs

In Montenegro, the government has received support on a National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons.

War Crimes and Reconciliation

The State Union of Serbia and Montenegro is obliged to fully co-operate with the International Criminal Tribunal for the former Yugoslavia (ICTY). As a member of the United Nations and a signatory of the Dayton Accords, it is bound to hand over all persons indicted for war crimes to the court in The Hague. Just as important is the prosecution of war crimes before domestic courts in accordance with international standards. The swift arrest of alleged para-militaries seen on a video executing Bosnian prisoners following the fall of Srebrenica is a case in point. But further assistance to the Serbian police, prosecutors and judiciary as well as enhanced regional judicial co-operation in criminal matters are still required.

The Mission helped draft amendments to the Law on Government Authorities and Prosecution of Crimes against International Humanitarian Law aimed at improving the conduct of war crimes proceedings. The Mission also provided support to the establishment of a War Crimes Investigation Service within the Ministry of Interior. However, additional resources and political support remained essential to strengthen its independence and capacity to conduct numerous sensitive investigations.

The Mission monitored domestic war crimes trials to assess compliance with international standards and facilitated regional judicial co-operation in war crimes proceedings. A regional meeting in November 2004 in the northern Serbian town of Palić, hosted by the OSCE Mission to Serbia and Montenegro and chaired by the OSCE Conflict Prevention Center, provided an early opportunity to begin defining mechanisms for improving regional judicial co-operation in war crimes proceedings. The process of regional co-operation begun in Palić continued in 2005 with meetings in Brioni (Croatia) and Mostar (Bosnia and Herzegovina). The Brioni meeting in June was attended at the level of ministers and deputy ministers of the three participating states. Since the Palić process started, important steps were taken and results achieved. To highlight a few examples: regular and unimpeded exchange of evidence, information and expertise in war crimes proceedings among the judiciaries of Bosnia and Herzegovina, Croatia and Serbia became a reality. The regular meetings contributed to developing regional instruments for co-operation in the prosecution of war crimes in addition to the existing legal framework. During 2005 co-operation agreements were signed between prosecutors of Serbia, Montenegro, Croatia and Bosnia and Herzegovina, allowing them to get around cumbersome bureaucratic procedures. However, true unimpeded exchange of evidence, transfer of proceedings and extradition remain to be addressed in 2006.

"Facing the Future" is a project launched together with the European Movement in Serbia aimed at promoting open and frank discussion among university students about the future of their country. However, Serbia's future is clouded by its past, and addressing the role of Serbia in the wars of the 1990's in an open forum is important. Both members of the international community and Serbian intellectuals together with students discussed these issues in a series of panels at the universities in Belgrade, Novi Pazar and Nis. In 2006, panels will be held in Novi Sad, Kragujevac and Subotica. The discussions are being filmed and a 35 minute documentary will be produced in April 2006. Students are also being invited to participate in an essay competition.

The Mission also believes that the public has to be clearly informed about the importance of these war crimes trials and supported the launch of the website of the War Crimes Prosecutor's Office in October 2005. This site will facilitate wide dissemination of information released by the Prosecutor's Office including public statements, indictments and details on the different trials that are ongoing. In addition, the Mission established and conducted a public awareness raising campaign, including training journalists on reporting on war crimes. In October, a group of Serbian journalists visited the War Crimes Court in Sarajevo. They met with officials who explained the challenges and rewards of working with journalists on this sensitive issue. The journalists also visited the most notorious war crimes site at Srebrenica.

Parliamentary and Local Government Support

As a young democracy, the State Union of Serbia and Montenegro is still in the process of developing its parliamentary institutions, both at the republican level and at the municipal level. A functioning democracy needs effective representative institutions which reflect the wishes of the citizens.

The Mission has been supporting a number of projects to create more effective and transparent parliaments at the State Union, republican, provincial and municipal levels.

Democratic control and a clear legal framework for army, police and security agencies are widely recognised as preconditions for strengthening democracy and the rule of law in Serbia and Montenegro. The Mission organised activities aimed at strengthening the democratic principles pertinent to the security sector.

The Mission believes that the general public also needs to have a greater understanding of the work of parliament. The Serbian parliament continues to organise "open days" to the general public, school visits and essay contests. Media also received dedicated training on how to report on parliament.

In Serbia, the Human Resources Adviser to the National Assembly, with the assistance of the Mission, was able to expand his office in an effort to more effectively manage staff. At the municipal level, the OSCE collaborated with the Standing Conference of Towns and Municipalities to train local government officials in the regulations, powers and responsibilities of municipal councillors and their staff. This is crucial to develop effective and transparent municipal administration as the municipalities provide a series of vital services to the general public. 35 final year students were exposed to practical political work as interns in the Vojvodina Regional Assembly and the National Assembly in Belgrade. To foster ethnic diversity in municipal administration, the Mission supported the development of an internship programme for youth from minority communities.

Mission activities in Montenegro focussed on supporting regional parliamentary co-operation through the "Cetinje Parliamentary Forum Secretariat".

In both Serbia and Montenegro, the national assemblies and municipal councils have also been the focus of the Missions' work to promote gender equality. In Serbia, the Mission provided extensive expertise for drafting a Law on Gender Equality.

At the municipal level, more than 50 gender focal points have been established. These have received training throughout the year with further expansion of this programme planned for 2006.

The Mission's Office in Podgorica, in cooperation with the Government Office for Gender Equality, implemented two projects with regard to gender equality – financing publication of the book "Gender Equality in OSCE Documents" and training the employees of Montenegrin Municipalities' "Gender Equality Focal Points."

Fight Against Corruption

The State Union is signatory to the UN Convention on the Fight Against Corruption. However, there is a wide-spread public perception that corruption is still pervasive within different levels of the state. High levels of corruption are detrimental to Serbia and Montenegro's efforts to attract foreign investment and create new employment opportunities for its people.

The OSCE Mission has therefore urged both Serbia and Montenegro to implement this UN Convention and other relevant anti-corruption international instruments by introducing changes in legislation at the republican level.

In September a high-level conference was co-organised by the Mission and the Ministry of Justice of the Republic of Serbia, in partnership with the Stability Pact Anti-corruption Initiative (SPAI). Opened by Serbian Prime Minister Vojislav Kostunica, the conference addressed the need to have international anti-corruption standards implemented in Serbian legislation and practice. The conference was followed by three expert seminars to put the conference's conclusions and recommendations into concrete technical proposals.

The Mission provides assistance and legal expertise to both the Serbian and Montenegrin governments for a broad range of legislation related to good governance and economic transparency. These address public procurement, political parties' financing and the prevention of conflict of interest among high-level officials as well as the establishment of a supreme audit institution. The Mission also trained and assisted the Serbian Public Procurement Office and Commission for Protection of Rights.

The OSCE is the only international organisation participating as an associated member to the Anti-Corruption Council, a body established by the Serbian government to provide advice and inputs in the fight against corruption.

In its efforts to help Serbia reduce bribery and extortion in the public service, the Mission assisted the Government in drafting a comprehensive Anti-Corruption Strategy and supported the establishment of a specialised anti-corruption body.

The Mission advised the expert group drafting the Law on the Supreme Audit Institution. The Mission provided training and study visits, mainly using the Slovenian example, to the expert group and members of the National Assembly Financial Committee. The Law on the Supreme Audit Institution was adopted in November 2005.

Combating Organised Crime and Human Trafficking

Organised crime poses a serious threat to the stability of Serbia and Montenegro and to the whole political and economic reform process. The assassination of Prime Minister Djindjic in 2003 and the assassination in 2005 of the Assistant Head of the Criminal Investigation Directorate, Slavoljub Scekic, in Podgorica, are tragic reminders of the need to reinforce efforts to combat organised crime. A number of high profile murders committed over the past years remain unresolved in both republics. The inherently transnational nature of organised crime poses a severe threat not just to Serbia and Montenegro but also to the region and the whole of Europe.

Despite the considerable progress already made, both the Serbian and Montenegrin authorities are still unable to effectively combat the threat posed by organised crime. This is partly due to insufficient specialist training and resources, poor anti-corruption strategies and a poor legislative framework, but it is also due to the sheer extent of the issue.

In order to support the Serbian and Montenegrin authorities in combating organised crime, the Mission has since 2002 developed a comprehensive approach, which tackles both the legal and the law enforcement aspects of the problem. This centres around four main elements: instituting the appropriate legislation to fight organised crime; building the capacity of police, prosecutors, judges and penal institutions involved in the area of organised crime; assisting and advising the Ministries of Justice and Interior of both Serbia and Montenegro; and monitoring of organised crime trials with a view to assessing their conformity with domestic and international standards and highlighting areas of the judiciary that require assistance.

With the adoption of the new Criminal Code and the Witness Protection Law in Serbia, the principle of "Command Responsibility" and a Witness Protection Programme have been introduced for the first time. Ensuring implementation of the new legislation on witness protection which comes into effect on 1 January 2006 will be a priority.

Strong advances have also been made on developing regional and international relations for prosecutors. A dynamic relationship has been forged with the Italian Anti-Mafia Directorate. This has resulted in an active exchange of information, training and operational material. The Mission also initiated the establishment of an expert group which will develop a National Strategy on the Fight against Organised Crime for the Serbian Ministry of Interior. In Montenegro, such a strategy was adopted by the Government in July 2005, under the title "Programme for Fighting Organised Crime and Corruption", which needs to be followed up by a more detailed Action Plan in 2006.

To combat human trafficking, the Mission has successfully introduced and implemented in practice the concept of National Referral Mechanisms. The

established mechanism, while setting new standards for the whole region, has now been handed over to full local ownership and enables the state to fulfil its international commitments in protecting victims' human rights as key element in successful fight against trafficking in human beings. Therefore there has been considerable progress in improving the sphere of safeguarding human rights of trafficking victims in Serbia and Montenegro.

Another aspect of the Mission's work is in the area of enhancing the professional capacity of the law enforcement, the judiciary, social workers, as well as specialised NGOs. Positive feedback can be credited to the concept of using domestic experts, conducting workshops in the regions, and combining the participants from all the institutions relevant to a successful prosecution. This has encouraged the Mission to plan for the continuation of such training activities also for 2006.

Capacity building has also been provided to members of the Finance Investigation Unit to combat money laundering. Specialist training and resources for law enforcement agencies to effectively upgrade crime scene management and forensics science is also being provided. The Mission also organised training courses in cyber crime, unprecedented in Serbia and Montenegro.

Human Rights

The promotion and protection of Human Rights is central to the Mission's mandate. The Mission provides assistance and expertise to the authorities at all levels, as well as to groups and organisations active in the fields of democratisation and protection of human rights, including the rights of persons belonging to national minorities.

Mission priorities in the field of Human Rights are: establishing and strengthening bodies protecting human rights, such as Ombudsperson institutions; protection of national minorities; refugees/internally displaced persons (IDPs); support to local-governance; gender/equal opportunity programme; anti-trafficking; access to justice/legal aid; human rights monitoring.

The Mission has tried to fill the gaps in knowledge and capability amongst state officials, judges and NGO human rights lawyers regarding Serbia and Montenegro's human rights obligations. Our implementing partner for training seminars, the Belgrade Centre for Human Rights (BCHR), is involved in defining the human rights elements of Serbia's strategy for the Stabilisation and Association Process (SAP). Together with BCHR and the European Commission's office in Belgrade, the Mission shall identify the training needs of state officials in relation to the human rights elements of the SAP.

In Montenegro, the Mission assisted the Ombudsman in a public information campaign to coincide with the presentation of the Ombudsman's first annual report.

In Serbia, the "Office for the Protector of the Citizen" was created by the Assembly in October 2005, in addition to the already functioning Ombudsman for Vojvodina. The Mission has already formulated an Action Plan which will outline the assistance that the international community could provide to the Protector of the Citizen.

The Mission is also helping the Serbian Ministry of Justice in reforming the system of execution of penal sanctions to ensure adherence to international standards. This requires a multi-faceted approach ranging from training of prison staff to normative reform. A new Serbian Law on Execution of Penal Sanctions drafted with help and expertise provided by the Mission was approved, bringing numerous positive changes in terms of human rights of inmates. The Mission translated the new Law into minority languages as part of an information campaign targeted at prisoners from national minorities.

The Mission assisted the Serbian Ministry of Justice in completing a new set of Prison Training Curricula. With the help of the Mission, the Prison Administration Department has developed its own internal capacity to train new recruits while specialized training for senior staff was delivered. . All training activities are carried out at the Prison Training Center opened in Nis in 2004 with the OSCE help.

In Montenegro, the Mission continued to assist the already operational Prison Service Training Centre in providing continuing professional development of

prison staff and basic training for new recruits. The Mission also supported the Ombudsman in providing informative material to prisoners, explaining the human rights institution's role in protecting their rights.

Through its Human Rights Monitoring and Information Management (HRIM) Project, the Mission continued to assist and advise the authorities, individuals and organisations, about key human rights policy issues, incidents with a human rights dimension, and individual cases involving legal or other offences against human rights organisations. HRIM is conceived as a management tool providing the Mission and other interlocutors with accurate and timely internal information about the human rights activities of the Mission. HRIM also serves as a mechanism for assessing how the Mission's human rights mandate is reflected in the Mission's activities.

The Mission is also active in the field of Human Rights Monitoring (HRM). HRM builds on HRIM by collating relevant, accurate and communicable information on the human rights situation in Serbia and Montenegro.

Further, as part of its police education programme, the Mission promotes the reform of the police curricula, to include modules on human rights.

National Minorities

The republics of Serbia and Montenegro have significant minority populations whose cultural and political rights need to be respected. In both republics, significant progress has been made to create a legislative framework for the protection of minority rights which reflects European and international standards.

The OSCE Mission is therefore currently concentrating on assisting both republics in implementing these commitments.

The Mission is promoting awareness of minority issues and tolerance through the training of government officials. The Mission is focussing on those government officials who are primarily tasked with working on minority issues. This capacity building work is done at all levels, from the State Union to the local government level.

The police services of both Serbia and Montenegro have also been assisted in their capacity to address issues of tolerance both through the recruitment of officers from minority communities, and through training on how to deal with hate-crimes.

Of particular concern to the Mission has been the Roma community. As Serbia signed on to the "Decade of Roma Inclusion" in 2004, it committed itself to formulating a strategy to integrate the Roma community more into the mainstream socio-economic life of the country. However, all efforts are based on the premise that Roma become "full citizens" by having the ability to receive identity documents. To address the issue of thousands of Roma not having proper identity documents in Serbia and across the region, the OSCE Mission, together with the Office for Democratic Institutions and Human Rights (ODIHR) and the State Union Ministry of Human and Minority Rights, organised a regional conference in Belgrade to seek concrete solutions to this problem.

In Montenegro, the Office in Podgorica has continued working on the finalization and adoption of the Law on Minorities. Again, the Roma community has been the focus of some of the programmes of the Office.

A project for the development of Roma leadership continued to be implemented with the cooperation of the Roma Network. This project encompasses training of Roma journalists, NGO activists and the establishment of the Roma Scholarship Foundation. This foundation is providing scholarships for Roma secondary school and university students.

Representatives of national minorities have expressed concerns about the fate of programmes broadcast or information published in their respective languages, also in light of the ongoing privatization of print and broadcast media funded by municipalities. The Mission has supported training workshops designed for editorial and management staff of several media outlets in South Serbia, Vojvodina and Sandzak. In the field of education, the Mission, together with the High Commissioner for National Minorities and the Ministry of Education in Serbia, are implementing a project to provide new history textbooks to sixth grade schoolchildren in south Serbia.

Media

The OSCE Mission supports the development of a professional and sustainable media sector as an important pillar of a parliamentary democracy. Therefore it is providing expertise to important legislative reforms and training to media professionals in a number of fields.

There are currently over 750 radio and television stations in Serbia, an extremely high figure considering the overall population of the country. This mainly is the result of tremendous delays in the implementation of the Broadcasting Law, establishment of the competent regulatory authorities and enforcement of the overall legal framework. Whereas self regulation is to prevail in the case of print media, the Mission aims at ensuring that independent broadcasting regulatory authorities successfully and transparently operate both in Serbia and in Montenegro to secure professional and pluralistic broadcast media.

In Montenegro, this process is well underway, with the Mission monitoring the compliance of the licensing process with the applicable legislation, including the provisions related to the protection of copyright. In Serbia, the process began in 2005 following the appointment of the Broadcasting Council members. As the upcoming licensing of private electronic media and distribution of frequencies are crucial matters, the Mission has been providing expert advice to and liaising with all competent authorities and interested parties, including in the drafting process of the Broadcasting Development Strategy for Serbia.

The Mission closely monitored the developments pertaining to the privatization of municipal print and broadcast media outlets and called upon competent authorities to remain fully committed to this process.

The Mission together with the OSCE Representative on Freedom of the Media actively advocated decriminalisation of defamation. The deletion from the new Serbian Criminal Code of imprisonment from the provisions regulating insult and libel represents an important step forward. A next step could be transferring these acts solely to civil legislation.

In Serbia, the Mission assisted in a public information campaign and seminars to explain the provisions and mechanisms of the Law on Free Access to Information to ensure its full implementation. This was carried in full cooperation with the Commissioner for Information and a network of non governmental organizations and experts, which notably contributed to the publication of a practical guidebook and outreach initiatives. The Montenegrin parliament passed the Law on Free Access to Information in November.

The Mission believes that Serbia and Montenegro should have strong independent public service broadcasters in the best European tradition, fulfilling the needs of all citizens in terms of informative, educational and cultural programmes and programmes in languages of national minorities. Both Radio Television Serbia (RTS) and Radio Television Montenegro (RTCG) are undergoing drastic changes. The Mission has been providing both media outlets with expert advice and guidance in their internal systematisation and organisational transformation.

In an effort to raise standards of journalism in Serbia and Montenegro, the Mission has supported a range of training programmes on issues such as reporting on corruption, organised crime, parliament, judiciary and environment. Those programmes included journalists working for news desks in languages of national minorities. In addition, a series of roundtables between journalists and police was organised throughout Serbia in order to identify ways to improve their communication mechanisms. The Mission also provided legal and technical expert assistance with regard to professional standards and ethics in journalism.

Economic and Environmental Dimension Activities

Promoting Economic Development

The economies of Serbia and Montenegro are slowly recovering from the effects of political and social instability and international isolation. The economy remains dominated by large state-owned companies relying on state subsidies. High employment is a major social problem.

However, according to the World Bank, Serbia has been making very good progress on a number of important economic parameters, such as in the fight against corruption and creating a good environment for foreign investments.

The Mission has focused its assistance to the sustainable economic development issues and governments' policies aimed at the development of the Small and Medium sized Enterprise (SME) sector, helping the development of the private sector, ensuring that the business environment is more conducive to growth, exports and employment, and making the economy more attractive for direct foreign investments.

One of the main programmes of the Mission is the support to the establishment of Business Incubator Centres throughout Serbia. A business incubator is a facility providing small businesses with a comprehensive and integrated range of support, including business premises, business support services, and networking opportunities.

A new round of the Young Entrepreneurship Spirit programme was launched by the Mission in co-operation with the World Bank's Southeast Europe Enterprise Development project. The programme which covers seven Serbian municipalities particularly focused on raising public awareness on human trafficking. The seminars help young people gain entrepreneurial skills which help them becoming more successful on the job market.

The Mission will build on these successes in 2006 to promote the development of small and medium enterprises through a number of projects in order to strengthen the private sector.

Protecting the Environment

The OSCE Mission believes that sustainable economic development can only be achieved if it goes hand-in-hand with protecting the environment. Environmental degradation, pollution of the water sources, the air and soil can lead to serious social problems. As part of the Stabilisation and Association Process, the government also needs to adjust its legislation to the environmental standards of the EU.

The Mission promoted the benefits of renewable energy sources in Serbia and Montenegro by organising a conference in conjunction with the Ministry for Science and Environmental Protection and the Economists' Association of Serbia. The conference brought together participants from the government, banking sector, business and media as well as international donors.

At the Milocer Economic Forum in Montenegro, co-hosted with local business associations in September, the Mission presented the issues pertaining to the use of renewable energy and energy efficiency. The importance of proper energy sector development and the improvement of energy efficiency were acknowledged by the Forum as pivotal factors in raising the level of country's economic competitiveness on its way towards Euro-Atlantic integrations.

The first meeting of the high-level Informal Working Group for Energy Security was held in the OSCE premises bringing together representatives from the OSCE and various Serbian ministries dealing with the issue of renewable energy. The main task of the newly established Working Group is to facilitate an exchange of ideas between the relevant Serbian and international institutions on renewable energy security issues. The group may also occasionally take part in the activities of the Serbian Government Working Group tasked with establishing a national strategy for better use of the renewable energy sources and to streamline efforts of different ministries and independent experts.

In Montenegro, the Mission's Office launched two projects, in cooperation with the NGO sector, targeting primary school pupils in Podgorica, designed to promote environmental education and education of rational usage and consumption of energy. In Igalo, Montenegro, the Mission supported a gathering of about 400 students from faculties of Serbia and Montenegro, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia on environmental protection. Held for the second year, this event aims to strengthen ties between students from various faculties in the western Balkans on environmental education and sustainable development.

Mission has contributed to the Environmental Security (ENVSEC) initiative by developing feasibility study for the Postgraduate Course on Environmental Diplomacy for the Western Balkan Countries (WBC) and further development of the Sava Initiative to support a network of local actors from the Sava River.

The Mission launched a year-long programme supported by UNESCO aiming to improve the standards of reporting and increase public awareness of the need

for environmental protection. The programme envisages a series of training courses for journalists, audiovisual production, publication of feature articles and a roundtable for editors. Throughout 2005, the Mission carried out four hands-on workshops for print and broadcast journalists from Serbia and Montenegro and from neighbouring countries. These practical workshops brought together teams of journalists from the former Yugoslavia who are now conducting joined investigations on environmental issues of regional importance.