



World Organisation Against Torture
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PRESS RELEASE

For the attention of the Press

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The drafting of alternative reports is one of OMCT's main activities and these remain a prime source of information for members of the Human Rights Committee. They enable to provide a picture of the situation, as objectively as possible, and to set a critical view on the government, with the aim of eradicating torture and implement the provisions set in the International Covenant on political and civil rights.

OMCT, together with ASTRA, Children Rights Center and the Humanitarian Law Center presented an alternative report on State violence in Serbia and Montenegro, during the 81st session of the Human Rights Committee in Geneva, during which, the official report on Serbia and Montenegro was studied.

Since the fall of the Milosevic regime in October 2000, the police stopped using force against members of ethnic communities as well as against political opponents, whereas such practices were commonplace while he was in power. However, we are concerned with the frequency with which police officers continue to use excessive force during routine policing such as identity checks, arrests, detention in police stations and investigatory interrogations.

Certain improvements were made with the adoption of the Criminal Procedure Code (2002), its provisions relating to law enforcement conduct in the pre-trial period providing a good basis for the prevention of torture. Additionally, in April 2003 the Serbian Minister of Internal Affairs issued Instructions on Police Ethics and Policing, which was followed by the appointment of the General Inspector of Police as a mechanism of internal control in June 2003. Despite these steps, there were still registered violations of the Criminal Procedure Code. Furthermore, in investigating these violations, disciplinary committees and police inspectors often overlook the complaints of injured parties and base decisions exclusively on the testimony of police officers. Therefore, Parliament must establish a Committee on Law Enforcement Oversight, made up of independent domestic experts, with broad investigatory powers and competence to hold police officers responsible for the laws they break in each concrete case. Furthermore, the republics should amend their

criminal laws to conform their definitions of torture with that in the UN Convention against Torture and adopt new laws on police in accordance with international standards.

The State should enable victims the right to an effective remedy, both in civil and criminal proceedings, and should ensure that authorities conduct prompt, impartial and comprehensive investigations in order to eradicate the culture of impunity. Currently, sentences handed down by courts for police misconduct are not in proportion to the severity of the abuse, and courts continue to award low pecuniary and non-pecuniary damage amounts in civil cases.

Concerning the issue of women's rights, the report highlighted the problem of trafficking in women and children in Serbia, taking in account its role as a country of origin, transit and destination. Concerning the positive changes that the State has made in combating trafficking in human beings, we noted that the reintegration of trafficking victims should be improved and the number of criminal proceedings against traffickers should be increased. Other important issues that the State should address include the drafting and adoption of a Law on witness/victim protection, improved treatment of victims through State institutions, and trainings for prosecutors and judges on trafficking in human beings. In addition, implementation of national and international legislation on this issue should be a priority.

Concerning the implementation of children's rights, it must be noted with concern that a large number of children were deprived of their liberty. Legally, pre-trial detention should be an exceptional measures, but in practice, although alternative measures exist at the law, they are really used as a rule. For the future, it is very important for Serbian and Montenegrin governments to separate child detainees according to their status (pre- or post-trial, under criminal or administrative sanctions) adequately to their age and gender and to ensure sufficient services for children in conflict with the law who have mental health problems. Also, we raised with serious concern the issue of babies that are assumed to be dead without valid records.

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