

## PRESS RELEASE

### **ASTRA, Children Rights Center, Humanitarian Law Center and OMCT call for an immediate implementation of the recommendations adopted by the Human Rights Committee on Serbia and Montenegro.**

For the attention of the Press

Belgrade and Geneva, August 9<sup>th</sup>, 2004

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

On 30 July 2004 after having considered the initial report of the state union of Serbia and Montenegro on the application of the most comprehensive instrument for the protection of human rights – the International Covenant on Civil and Political Rights in Serbia and Montenegro – the UN Human Rights Committee defined their concluding observations which are annexed.

The Coalition appeals to Serbia and Montenegro government authorities to implement in a consistent manner the Constitutional Charter and the Charter on Human and Minority Rights, as well as the Criminal Procedure Code and the Law on Protection of Rights and Freedoms of Ethnic Minorities. In that sense it is necessary to enable the function of the Court of Serbia and Montenegro, transfer the jurisdiction of military courts to regular courts, abolish capital punishment from the constitutions of the republics, and operationalize principled regulations on minority rights. At the same time, the Coalition invites the authorities of Serbia and Montenegro to promptly pass laws which directly refer to the protection and realization of human rights: the Ombudsman Law in Serbia, republic-oriented Police Laws, and Civil Control of Police Laws in both republics, the Law against Discrimination, Law on Free Access to Information of Public Importance.

The Committee expressed its concern regarding the practice of impunity of perpetrators of human rights violations, either in cases that occurred before the year 2000 or in cases that happened subsequently. In accordance with this, the Coalition urges Serbia and Montenegro to identify and adequately punish those accountable for human rights violations, in conformity with the Committee's conclusions in the context of the Articles 6 and 7 of the Covenant. At the same time the Coalition proposes to the courts to re-examine their former practice and to take new positions when it comes to punishing those accountable for human rights violations, as well as when dealing with victims' compensation for damage. On the other hand, state prosecutors should of their own initiative initiate proceedings as required by law. At the same time the prosecutions should properly qualify incidents, especially when it comes to ethnically or racially motivated violence, in order for court proceedings to fully reflect the nature of human rights violations.

Considering that the cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) is one of the most significant international obligations resulting from the United Nations membership, the Coalition is calling upon the authorities of Serbia and Montenegro to undertake a full cooperation with the Tribunal. Cooperation does not only involve extradition of those accused but also free access to documents and potential witnesses, so that both the Law on Cooperation with the ICTY and the Statute of the Tribunal have to be respected. Keeping in mind the ICTY Completion Strategy it is necessary to create conditions for the trials of persons accused of war crimes to be continued before domestic courts. In order for the trials to be conducted in accordance with the principles of a fair trial, several problems have to be addressed. One of the basic problems is witness protection and it can be overcome by adopting the Law on the Protection Program for Participants in Criminal Proceedings and by regulating the mechanisms for its implementation. Another problem is the impossibility of using evidence in the possession of the ICTY before domestic courts. In that sense it is necessary to either amend the Criminal Procedure Code or pass a separate law, which would precisely regulate this field. Finally, the problem of cooperation between the states in the region, namely in providing international assistance relating to criminal law, can be overcome by the conclusion of bilateral agreements and a consequent implementation of international conventions.

According to the Committee's conclusions regarding mass graves in Serbia, the Coalition calls upon the government authorities of the Republic of Serbia to expedite investigations and issue indictments against all perpetrators of these crimes.

The Coalition finally welcomes the fact that the Committee took into consideration some children's rights issues in its concluding observations, particularly concerning acts of ill-treatment by law enforcement officials, trafficking in human beings and Roma discrimination. Nevertheless, the Coalition regrets that the Committee did not include in its concluding observations the specific and worrying issue of children in conflict with the law. The Coalition calls the government Serbia and Montenegro to take all necessary measures to ensure the respect of children's rights, particularly those deprived of their liberty, in the framework of an adequate juvenile justice system in accordance with the Beijing Rules and the Riyadh Guidelines.

The Coalition welcomes the Human Rights Committee's Concluding observation regarding trafficking in women and girls and urges the government of Serbia and Montenegro to take all necessary measures to combat it.

The Coalition also notes with satisfaction the Committee's concern over the lack of effective witness protection mechanisms and the apparent lack of awareness about trafficking in women and children on the part of law enforcement officials, prosecutors and judges. The coalition also welcomes the fact that the Committee regrets the lack of adequate involvement by the authorities in the initiatives (shelters and SOS hotlines) managed by NGOs.

The Coalition urges Serbia and Montenegro to work out detailed action plans for the implementation of the proposals of the Committee and to actively work on their implementation.

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