

Report from the conference on the implementation of activities proscribed by the Action plan for chapter 23

A conference on the implementation of activities proscribed by the Action plan for chapter 23 was held in the Small plenary chamber in the Republic of Serbia's National Assembly building on November 1st 2016.

The conference was organized in four segments: Opening and keynote address; Questions pertaining to the judiciary within the context of the implementation of activities within Chapter 23 and the necessary changes to the constitution; Fulfilling the obligations from AP 23 in the field of fight against corruption in the media and announced changes to Anti-corruption Agency Act as well as international standards and recommendations; National strategies for the processing of war crimes with regards to Chapter 23 and the preparation of the prosecutor's Draft of the national strategy for the processing of war crimes.

The Opening and keynote address section was moderated by Milan Antonijevic, director of the Lawyers Committee for Human Rights. The speakers in this segment, pertaining to the general subject of the conference, were Cedomir Backovic – assistant to the minister of justice of the Republic of Serbia, H.E. Axel Dittmann Ambassador of the Federal Republic of Germany in Serbia, prof. dr. Tanja Miscevic – head of Serbia's negotiation team with the EU and Oscar Benedict – deputy to the Ambassador of the EU Delegation in Serbia).

After the moderator's opening statement **H.E. Axel Dittmann**, Ambassador of the Federal Republic of Germany in Serbia, pointed out the significance of the opening of Chapter 23, the importance of the segment of the Action plan which pertains to the rooting out of political influence on the judiciary system and the necessity of unimpeded rule of law. Following H.E. Axel Dittmann, **Cedomir Backovic**, assistant to the minister of justice of the Republic of Serbia addressed the conference and spoke further on the significance of civil society's work and influence on the process of the opening and implementation of Chapter 23. **Prof. Dr. Tanja Miscevic**, leader of Serbia's EU negotiation team, further added on the subject by speaking on the importance of timely fulfillment of obligations once the chapters are opened. Annual reports to the EC, adherence to deadlines and quality oversight of the implementation of measures are the three key elements in the successful fulfilling of obligations from Chapter 23, says Prof. Dr. Tanja Miscevic. **Oscar Benedict**, deputy to the Ambassador of the EU Delegation, agreed with Prof. Dr. Tanja Miscevic's remarks and also added that it is important that both civil society and professional organizations be involved in the defining of further steps in the process of reforms as well as in their monitoring during implementation.

The second part of the conference addressed the question of **the judiciary within the context of implementation of activities within Chapter 23 and the necessary changes to the constitution**. The moderator for this part of the conference was Milan Antonijevic. The speakers were Dragana Boljevic, president of the Judges Society of Serbia, Dr. Goran Ilic, president of the Public Prosecutors and Deputy Public Prosecutors Association of Serbia and Vida Petrovic-Skero, former president of Serbia's Supreme Court. **Dragana Boljevic**, president of the Judges Society of Serbia, pointed out that the Judges Society of Serbia has, during its work on the Action plan, had numerous constructive complaints

about the plan itself, especially its short and difficult to achieve deadlines. The problem of political influence on the High Judiciary Council she says that the Venetian Commission has already given a partial answer with its suggestion that the representative of the legislative power shouldn't also be a member of the High Judiciary Council which begs the question who should preside over it. Continuing further on the same subject **Dr. Goran Ilic**, president of the Public Prosecutors and Deputy Public Prosecutors Association of Serbia also raised the issue of possible risks of passing this legislation simply to comply with the deadlines proscribed by the Action plan and not to build a stable and functional system. He is of the opinion that the deadlines should be adhered to but also that they are too short and that if they are formulated in such a way during the process of making changes to the constitution that will inevitably result in a decrease of the quality of the changes. **Vida Petrovic-Skero**, former head of Serbia's Supreme Court, concurred with Dr. Goran Ilic's remarks and she listed examples of unclear, incomplete, vague and contradictory articles of the constitution in an attempt to illustrate the scope of the issue, the poor management of the problem and the inevitable issues we are yet to encounter, raising the question whether the Constitution is being changed in order to comply with the criteria listed in Chapter 23 or to create a strong and functional document which secures the rule of law.

Third part of the conference was devoted to the subject of **fulfilling of obligations from AP 23 in the field of fight against corruption, fight against corruption in the media and the announced changes to the Anti-Corruption Agency Act and international standards and recommendations**. After a detailed introduction from the moderator Natasa Dragojevic, coordinator of the National Convent on the EU, the subject was further discussed by prof. Dr. Miroslav Milicevic, president of the Anti-corruption Agency, Milica Bozanic, assistant to the director of the Anti-Corruption Agency in the field of international cooperation, and Nemanja Nenadic, program director of Transparency Serbia.

The panel was opened by **prof. Dr. Miroslav Milicevic**, president of the Anti-Corruption Agency, who elaborated on the work and the development of the Anti-Corruption Agency, its duties and further realistically portrayed its practical implementation by outlining its flaws and issues which need to be overcome in the future. Going into detail on this subject he listed real and unavoidable problems that the Anti-Corruption Agency encountered and for which need to be resolved in a constructive manner so that these institutions may continue to fulfill their duties. Milica Bozanic, assistant to the director of the Anti-Corruption Agency in the field of international cooperation, shared the agency's experiences while also providing information on positive as well as negative changes that occurred and she underlined the transition period problem, the short obsolescence periods which has been shown as inefficient and bad in practice as well as the poor status of employees working in that agency. On top of all those problems **Nemanja Nenadic**, program director for Transparency Serbia, points out the problem of strategic European integration documents themselves, in which certain questions of great significance in the fight against corruption can't be found in the action plan which pertains to Chapter 23 at all, like the lack of implementation of anti-corruption mechanisms found in Serbian legal statutes and the problems encompassed by the action plan improperly or which could have been more adequate.

The final fourth segment of the conference discussed the **issues pertaining to the national strategy for the processing of war criminals in the context of Chapter 23 and implementation of the Prosecutor's Draft for the strategy for processing war crimes**. This segment was moderated by Gojko Pantovic, jurist from the Belgrade Center for Human Rights. Svetislav Rabrenovic War Crimes Prosecution Office, Ivan Jovanovic, expert in the field of international law and Ivana Zanic from the Humanitarian Law Center presented their views on this subject as panelists for this segment. An introduction on the national strategy for the

processing of war crimes was made by **Svetislav Rabrenovic**. He informed the audience in detail about the five recommendations of the European Commission regarding war crimes and he singled out the first recommendation, i.e. the activity that stems from it and pertains to the passing of a national strategy for the processing of war crimes. He further went on to, while discussing the same recommendation, point out its other peculiarities and elaborates on the bigger picture surrounding it and the difficulties it entails. This problem was further discussed by **Ivan Jovanovic**, an expert in the field of international law, who discussed the vagueness of the standards and parameters pertaining to this Strategy. The speaker further elaborated on elements that could help enhance the Strategy as well as the more obvious measures which could be undertaken by the Republic of Serbia in order to more easily make progress and send a positive message to the international community when it comes to dealing with these issues. The last speaker for this segment was Ivana Zanic from the Humanitarian Law Center who spoke on the problem of lax fulfillment of obligations proscribed by the strategy and insufficient inclusion and some cases outright exclusion of the general public from this process.

The conclusions after the conference on the implementation of activities proscribed by the Action plan for Chapter 23 are as follows:

- Greater assistance and influence by the civil society is needed in order to fulfill the duties entailed by Chapter 23.
- It is necessary to present reports on the implementation of duties from Chapter 23 within proscribed deadlines.
- Concerning the judiciary reform within the context of implementation of activities within Chapter 23 and necessary changes to the Constitution we need to bear in mind that the changes to the Constitution cannot be conducted under brief deadlines and that more work and resources need to be invested in this endeavor and the plans for its changes need to be constantly updated and refined.
- Regarding the duties proscribed by the AP 23 in the field of fight against corruption in the media and the announced changes to the Anti-Corruption Agency Act there needs to be cooperation between organizations working in this field in order to achieve positive results.
- Concerning the National strategy for the processing of war crimes within the context of Chapter 23 and implementation of the Prosecutor Office's Draft of the strategy for the processing of war crimes it is necessary to devise new ways of confrontation and collaboration in this field.