Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1237 (2001)[1]

Federal Republic of Yugoslavia – recent developments

Parliamentary Assembly

1. The Assembly recalls its Resolution 1230 (2000) and its Recommendation 1481 (2000) on the situation in the Federal Republic of Yugoslavia, adopted on 9 November 2000.

2. The Council of Europe has a key role to play in the democratic transition process launched in the Federal Republic of Yugoslavia. The Assembly declares its readiness to establish ongoing dialogue with the federal parliament in this connection.

3. It recalls that the President of the Chamber of Citizens of the Parliament of the Federal Republic of Yugoslavia, Mr Micunovic, in a letter dated 7 November 2000, requested Special Guest status with the Parliamentary Assembly on behalf of the federal parliament. It notes that the Bureau replied favourably to this request on 22 January 2001.

4. Furthermore, in a letter dated 9 November 2000, the Minister of Foreign Affairs of the Federal Republic of Yugoslavia, Mr Svilanovic, gave notice of his country's application for membership of the Council of Europe. In its Resolution (2000) 15 on the Federal Republic of Yugoslavia, the Committee of Ministers invited the Assembly to give an opinion on that request and drew the Assembly's attention to a number of considerations, including the requisites for accession.

5. The Assembly notes with satisfaction the Federal Republic of Yugoslavia's stated intention to become party to the Framework Convention for the Protection of National Minorities and the invitation extended to it by the Committee of Ministers to become party to the European Cultural Convention, as well as to the other conventions previously signed and ratified by the Socialist Federal Republic of Yugoslavia.

6. The Assembly believes that the Federal Republic of Yugoslavia's application for membership of the Council of Europe must be accompanied by specific programmes of co-operation and assistance designed to facilitate democratic transition and also the legislative reforms that will enable the country to fulfil the requirements for accession.

7. The Assembly welcomes the Secretary General's appointment of a Special Envoy for the Federal Republic of Yugoslavia and the forthcoming opening of the Council of Europe Mission in the Federal Republic of Yugoslavia, comprising two offices, one in Belgrade and the other in Podgorica (Montenegro). Furthermore, it notes the opening of a mission of the Organisation for Security and Co-operation in Europe (OSCE) in Belgrade.

8. The Federal Republic of Yugoslavia joined the OSCE on 10 November 2000 and signed the Helsinki Final Act and the Paris Charter for a new Europe on 27 November 2000. It also joined the International Monetary Fund on 20 December 2000.

9. The Assembly supports the rapid involvement of the Federal Republic of Yugoslavia in the activities of the European Bank for Reconstruction and Development and its participation in the Regional Funding Conference for Southeast Europe.

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1. Assembly debate on 23 January 2001 (3rd Sitting) (see Doc. 8928, report of the Political Affairs Committee, rapporteur: Mr Frey, and Doc. 8942, opinion of the Committee on Migration, Refugees and Demography, rapporteur: Mr Iwiński). Text adopted by the Assembly on 23 January 2001 (3rd Sitting).

10. The Assembly notes with satisfaction that the Federal Republic of Yugoslavia took part in the Zagreb Summit on 24 November 2000 between the European Union and the countries participating in the stabilisation and association process and that "the prospect of a stabilisation and association agreement between the European Union and the Federal Republic of Yugoslavia is now established".

11. It recalls the very serious humanitarian problems and economic difficulties faced by the country and their potential consequences for the country's stability and institutions.

12. The Assembly takes note of the forthcoming opening of an office of the International Criminal Tribunal for the former Yugoslavia (ICTY) in the Federal Republic of Yugoslavia and the proposal of the Federal Republic of Yugoslavia's authorities to set up a commission to examine war crimes ("truth commission"). However, it considers that such a commission must be created in collaboration with the peoples having been victim to those war crimes and may in no circumstances substitute itself for the ICTY.

13. The Assembly demands that all the individuals indicted by the ICTY, including Slobodan Milošević, be brought before this tribunal in The Hague. Any government holding evidence on this subject should pass it on to the tribunal immediately.

14. As far as the Republic of Serbia is concerned, the Assembly expresses its satisfaction with the smooth running of the parliamentary elections there on 23 December 2000 and the victory of the democratic forces. This victory leads to political changes which still need to be put into effect.

15. It encourages the newly elected parliament and the new Serbian Government to actively contribute to democratic change in Serbia and consequently in the Federal Republic of Yugoslavia.

16. It calls upon all individuals and institutions concerned to support the work of reconciliation, especially between Serbs and Albanians from Kosovo.

17. The Assembly is deeply concerned over the situation in certain municipalities in southern Serbia, close to Kosovo,and particularly in the Ground Safety Zone as defined in the military-technical agreement referred to in Annex 2 of United Nations Security Council Resolution 1244 (1999) of 10 June 2000.

18. It firmly condemns the acts of violence perpetrated by armed Albanian groups in southern Serbia and demands an immediate and complete halt to violence in the Presevo-Medvedja-Bujanovac region.

19. The Assembly asks that these Albanian extremist groups be disbanded, that all non-residents engaging in extremist activity immediately withdraw from this region, particularly the Ground Safety Zone, and that this question be settled peacefully.

20. It notes with satisfaction the dialogue between the Kosovo Stabilization Force (KFOR) and the Yugoslav and Serbian authorities, inter alia via the Joint Implementation Commission.

21. The Assembly calls on KFOR and the United Nations Interim Administration Mission in Kosovo (UNMIK) to continue to make all necessary efforts to address the problem.

22. The Assembly praises the work carried out by Mr Bernard Kouchner as head of UNMIK and expresses its willingness to continue co-operating with his successor, Mr Hans Haekkerup. The Assembly reiterates that Resolution 1244 (1999) of the United Nations Security Council on the situation in Kosovo must be fully implemented and that the Serb minority in Kosovo must be fully protected.

23. The Assembly encourages the establishing of diplomatic relations between the Federal Republic of Yugoslavia and the neighbouring countries, including Bosnia and Herzegovina. All issues still arising in relations between the Federal Republic of Yugoslavia and the neighbouring countries must be resolved.

24. The Assembly calls on the authorities of the Federal Republic of Yugoslavia, as regards:

24.1. democratic reforms:

a. to pursue their efforts to establish a democratic political system founded on the rule of law and the protection of human rights, including the rights of members of all national minorities;

b. to initiate revision of its legislation, at the level of the federation and of the republics, in conjunction with the Council of Europe, with a view to guaranteeing respect for human rights and, in this framework, abolishing the death penalty in the Republics of Serbia and Montenegro, and also to revise the federal code of criminal procedure; reforms of the judicial system, of the police, of the security services and of education, protection of minorities and the combating of corruption are priorities.

c. to prosecute those responsible for political assassinations, kidnappings, torture, illegal detention and acts of violence against political opponents;

d. to grant amnesty to those Yugoslav citizens who deserted or who, in the absence of legislation on conscientious objectors, refused to serve during the war of 1999, and to amend the provisions concerning conscientious objection contained in the Armed Forces Act;

e. to amend electoral legislation with a view to the forthcoming elections of the federal parliament in order to make the process more transparent and allow, inter alia, greater participation of minorities in political life;

f. to repeal the 1998 Universities Act and to take the necessary measures enabling all persons dismissed for political reasons under the Milošević regime, in particular university professors and assistants, judges and radio/television journalists, to regain their posts or receive adequate compensation for the loss of their posts;

g. to remove the final obstacles to the development of independent media;

24.2. war crimes and co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY):

a. to co-operate fully with the ICTY in the interests of justice and of the country;

b. to disseminate information on the tribunal in the local languages throughout the country, in conjunction with the ICTY, in order to familiarise the population with its sphere of jurisdiction and mode of operation;

c. to inform the population of the crimes committed by the Milošević regime against the other peoples of the region;

d. to pursue the debate initiated on the setting up of a “truth commission” on the understanding that it may in no circumstances substitute itself for the ICTY; n

24.3. reconciliation:

a. to release the Albanian political prisoners still in detention and to take all possible steps to locate those who have disappeared and enable them to return;

b. to acknowledge and to support the work of reconciliation begun in the years before 1999, in particular by the Humanitarian Law Centre which upheld an office in Kosovo for the defence of Albanians from Kosovo, or the Helsinki Committee on Human Rights in Serbia, which established a Serbian-Albanian dialogue by holding conferences in 1996 and 1998;

24.4. the situation in southern Serbia:to strive for a peaceful settlement to the situation in southern Serbia, founded on democratic principles, and to comply with the provisions of Resolution 1244 (1999) as well as the military-technical agreement;

24.5. regional co-operation:

a. to take the necessary measures in conjunction with the international community, the countries of the region and the competent organisations to resolve the problems of refugees and displaced persons in the Federal Republic of Yugoslavia;

b. to pursue the dialogue initiated with the other countries formerly belonging to the Socialist Federal Republic of Yugoslavia with a view to settling the question of the succession of the Socialist Federal Republic of Yugoslavia;

c. to define, mark and recognise, as soon as possible, the border between the “former Yugoslav Republic of Macedonia” and the Federal Republic of Yugoslavia as a border between two sovereign states;

d. to protect all cultural heritage and historical monuments on its territory which are connected with the historical roots and national and religious identities of the neighbouring countries.