



## Resolution 1370 (2004)<sup>1</sup>

# Contested credentials of the parliamentary delegation of Serbia and Montenegro

### Parliamentary Assembly

1. The Parliamentary Assembly of the Council of Europe refers to Rule 8.2.a of its Rules of Procedures which allows the credentials of a national delegation to be challenged because of a serious violation of the basic principles of the Council of Europe mentioned in Article 3 of, and the preamble to, the Statute of the Council of Europe.<sup>2</sup>
2. The Assembly aligns itself with the views expressed by its President in his statement on the recent elections in Serbia and considers Mr Slobodan Milošević, Mr Vojislav Seselj and Mr Nebojsa Pavković, all of whom, though they stand accused of serious violations of international humanitarian law before the International Criminal Tribunal for the former Yugoslavia, were nevertheless the chief candidates of their respective political parties, to bear political and moral responsibility for the horrific inter-ethnic conflicts in the former Yugoslavia. The Assembly strongly regrets that these political parties have not distanced themselves from the terrible war crimes committed during the inter-ethnic conflicts.
3. Referring to its [Resolution 1344 \(2003\)](#) on the threat posed to democracy by extremist parties and movements in Europe, the Assembly considers it necessary to deal with the problem of extremist parties and individual members of these parties when they are appointed as members of national delegations to the Assembly.
4. The Assembly notes with regret that, in their current wording, Rules 8 and 9 do not allow for challenging the credentials of individual members of a national delegation on substantial grounds, such as a serious violation of the basic principles of the Council of Europe by one or more members of a delegation.
5. The Assembly resolves to adapt its Rules of Procedure as quickly as possible in order to allow the credentials of individual members to be contested on substantial grounds, so that democratic forces in a given delegation do not suffer from restrictions on credentials.
6. The Assembly considers it inappropriate not to ratify the credentials of the whole delegation of Serbia and Montenegro because of individual members of this delegation. Such a decision would penalise the democratic forces in Serbia and Montenegro represented in its national delegation and play into the hands of those politicians who do not respect the basic principles of the Council of Europe.

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1. Assembly debate on 27 April 2004 (11th Sitting) (see [Doc. 10155](#), report of the Political Affairs Committee, rapporteur: Mr Jakic). Text adopted by the Assembly on 27 April 2004 (11th Sitting).

2. Article 3 of the Statute of the Council of Europe reads: "Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council as specified in Chapter I." The preamble refers to basic principles in the following paragraphs: "Convinced that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation; Reaffirming their devotion to the spiritual and moral values which are the common heritage of their peoples and the true source of individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy; Believing that, for the maintenance and further realisation of these ideals and in the interests of economic and social progress, there is a need of a closer unity between all like-minded countries of Europe;".



7. Consequently, the Assembly cannot but ratify the credentials of the parliamentary delegation of Serbia and Montenegro