

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture**  
*(Extracts for follow-up)*

**SERBIA**

(...)

**C. Principal subjects concerns and recommendations**

(...)

6. The Committee notes that the Law on the Execution of Penal Sanctions provides for internal control by respective departments of the Ministry of Justice, that the Police Act passed in 2005 foresees the establishment of the Internal Control Sector and that internal control units have been established in all regional police centres. However, the Committee remains concerned at the lack of an independent and external oversight mechanism for alleged unlawful acts committed by the police. The Committee is also concerned that, in practice, the police do not respect the right of a detainee to access a lawyer of his or her own choice and to access an examination by an independent doctor within 24 hours of detention and the right to contact his or her family. The Committee is also concerned at the absence of adequate protocols for the medical profession on how to report on findings of torture and other cruel and inhuman or degrading treatment or punishment in a systematic and independent manner. (art. 2)

**The State party should ensure that an independent oversight mechanism for alleged unlawful acts committed by all agents of the State is set up. The State party should ensure that the right to access a lawyer of one's own choice and to contact a family member is respected in practice and that all detainees undergo a medical examination within 24 hours of detention, as previously recommended by the Committee in its inquiry procedure under Article 20. The State party should also establish adequate protocols for its medical professions to systematically report on findings of torture and other cruel and inhuman or degrading treatment or punishment.**

(...)

**Refugees**

9. The Committee notes the new Law on Asylum (2008), which establishes the principle of prohibition of non-refoulement, but remains concerned at the rules that interpret the application of the law with respect to the treatment of asylum seekers. (art. 3)

**The State party should urgently adopt the necessary measures, especially of a legal nature, to put in practice the new Law on Asylum to protect the rights of asylum seekers and persons seeking refugee status. The State party should also put in place measures to protect asylum seekers and other foreigners in need of humanitarian protection.**

(...)

#### **Cooperation with the ICTY**

11. The Committee welcomes the steps taken to enhance cooperation and progress made with regard to the International Criminal Tribunal for the Former Yugoslavia (ICTY) as well as the establishment of witness protection programs but it expresses concern over the uncertain future of the cases after the scheduled closure of the ICTY as well as for the safety of those who have or are in the process of providing evidence. (art. 12)

**The State party should ensure that:**

- a) Full cooperation is extended to ICTY, including through apprehending and transferring those persons who have been indicted and remain at large, as well as granting the Tribunal full access to requested documents and potential witnesses;**
- b) All persons, including senior police officials, military personnel, and political officials, suspected of complicity in and perpetrators of war crimes and crimes against humanity, are brought to justice in adequate penal proceedings, including after the scheduled closure of the ICTY tribunal; and**
- c) Witnesses are effectively protected throughout all stages of the proceedings and afterwards.**

#### **Other war crimes investigations**

12. The Committee regrets the lack of explanation by the State party about the outcomes of the investigations into the “Ovcara case” (November 1991), and particularly the role of the Supreme Court in 2006 in quashing the first court’s decision, and is concerned at the lack of information provided about the reasons for ordering a re-trial. (art. 12)

**The State party should provide the Committee with information about the outcomes of the investigation into the “Ovcara case” (November 1991) and the reasons for ordering a re-trial in 2006.**

#### **Human rights defenders**

13. The Committee expresses concern about the hostile environment for human rights defenders, particularly those working on transitional justice and minority rights and the lack of fair trials on cases filed against human rights defenders for alleged political reasons. (art. 16)

**The State party should take concrete steps to give legitimate recognition to human rights defenders and their work, and ensure that when cases are brought against them, such cases are conducted in conformity with international standards relating to fair trial.**

**Torture and disability**

16. The Committee notes the State party's acknowledgement that poor and inadequate treatment takes place in some institutions and remains concerned at the reports of treatment of children and adults with mental or physical disability, especially at the forceful internment and long term restraint used in institutions that amount to torture or cruel, inhuman and degrading treatment or punishment in social protection institutions for persons with mental disability and psychiatric hospitals. The Committee is concerned that no investigation seems to have been initiated with respect to treatment of persons with disability in institutions amounting to torture or inhuman or degrading treatment. (arts. 2, 12, 13 and 16)

**The State party should:**  
(...)

**b) Investigate reports of torture or cruel, inhuman or degrading treatment or punishment of persons with disability in institutions.**  
(...)

28. The Committee requests the State party to provide, within one year, information in response to the Committee's recommendations contained in paragraphs 6, 9, 11, 12, 13 and 16 (b) above.  
(...)

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