

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE

President Madam Ann Brasseur

Belgrade, 23 January 2015

Madam President,  
Members of the Parliamentary Assembly,

It came recently to our attention that the Parliamentary Assembly of the Council of Europe put on its agenda election of judges to the European Court of Human Rights in respect of Serbia set for 27 January 2015.

On behalf of NGOs Lawyers' Committee for Human Rights and Belgrade Center for Human Rights, we are writing to express consternation of the civil society in Serbia with candidates proposed for this high post and the non-transparent and discriminatory procedure for their selection.

At the outset, we would like to make members of the Parliamentary Assembly aware of the fact that the candidate Mr Branko Rakic is currently the President of the Supervisory Board of the NGO « Freedom », whose statutory objective is, *inter alia*, « to affirm and implement objectives for which the long-time President of Serbia and Federal Republic of Yugoslavia Slobodan Milosevic used to fight in the country, in the world and before so-called the Hague Tribunal as well as for spreading the truth on his combat and maintaining his deed. In this respect, it [NGO] shall pursue his combat... ». The Management Board of this NGO includes Mrs Mirjana Markovic, widow of late Slobodan Milosevic. These information are available at the NGO website [www.sloboda.org.rs](http://www.sloboda.org.rs). As indicated in his official biography, Mr Rakic used to be the Deputy Minister for Human and Minority Rights and the State Secretary of the Ministry of Justice during Mr Milosevic's regime ill-famous for wide-spread human rights abuses and during the wars in the former Yugoslavia. Mr Rakic also used to be one of Mr Milosevic's friends and even made a public speech at his funeral. In view of the above, we would like to express deep concern about the possibility that a person with such track-records could be considered compatible with holding high judicial office in the European Court of Human Rights. If elected, Mr Rakic will not be able to ensure and reinforce the authority of the Court.

Furthermore, the distributed biography of the candidate Mr Branko Lubarda does not demonstrate that he possesses the requisite knowledge of the International Public Law, including in particular the European Convention or a practical legal experience. Lastly, the third candidate Mrs Spomenka Zaric, according to the facts known to us, has not participated in the competition and exams and has not demonstrated in a fair and non-discriminatory procedure her knowledge of English and French and the Convention, the exercise to which all applicants in the national selection competition were subject. In fact, she has been appointed by political authorities on a discriminatory basis without any procedure and disregarding selection rules despite the fact that she was subject to

disciplinary proceedings on account of inefficient work and large number of non-drafted decisions and judgments.

We believe that members of the Parliamentary Assembly might wish to take into account the above facts when making decision on the candidates proposed for the office of judge in the European Court of Human Rights in respect of Serbia.

We also do hope that it is possible for members of the Parliamentary Assembly to cancel the proposed list of Serbian candidates. The objective of possible revoking/rejection of the present list of candidates is to be implementation of transparent and democratic procedure in Serbia. More precisely, the present list does not reflect such national procedure. Main purpose of adequate national procedure should be the proposal of three qualified, distinguished candidates of equal references, so that the Parliamentary Assembly can make proper election on the basis of such list. Unfortunately, we have to point out that it is not the case in this situation, where it is also obvious that these candidates are not even with equal references nor possess enough moral credibility nor relevant expertise for the position of judge of the ECHR.

*"Dixi et salvam animam meam!"*

Sincerely Yours,

Vesna Petrovic, Belgrade Centre for Human Rights

Milan Antonijevic, Lawyers' Committee for Human Rights

Dragan Popovic, Policy Centar

Sandra Orlovic, Humanitarian Law Center

Dragan Djordjevic, CHRIS Network

Maja Stojanovic, Civic Initiatives

Izabela Kisic, Helsinki Committee for Human Rights in Serbia

Goran Miletic, Civil Rights Defenders

Coalition for Access to Justice

*Center for Advanced Legal Studies*

*Civil Rights Defenders*

*Humanitarian Law Center*

*Youth Initiative for Human Rights*

*Independent Journalists' Association of Vojvodina*

*Independent Journalists' Association of Serbia*

*Sandzak Committee for the Protection of Human Rights and Freedoms*

*Praxis*