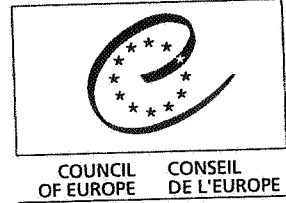


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**COUNCIL OF EUROPE FACT-FINDING MISSION TO
SERBIA AND MONTENEGRO**

16 – 20 February 2003

ROMA RETURNEES TO SERBIA AND MONTENEGRO

WHOSE RESPONSIBILITY?

MISSION REPORT

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**All human beings are born free and equal in dignity and rights.
They are endowed with reason and conscience
and should act towards one another in a spirit of brotherhood
(UN Universal Declaration on Human Rights, Article 1)**

1. Executive Summary

This report is addressed to the Secretary General of the Council of Europe. It is based on a short fact-finding mission to Serbia and Montenegro, and articulates a number of concerns relating to the forced return of Roma returnees to this country (excluding Kosovo). Before any further action is taken, the governments concerned by the issues raised in the report should be given the opportunity to comment, and their views included in a final version of the report.

Hundreds of thousands of people fled Yugoslavia and then Kosovo between 1991 and 1999 and sought asylum in Western Europe. Many of these were Roma and each person brought with them stories of fear and violence. Voluntary return programmes have been on going, but today, now that fighting has finished, forcible return programmes of Roma and other groups are being concluded and one between Germany and Serbia and Montenegro has already begun.

It is not known exactly how many Roma returnees have been sent back already, or exactly how many are expected to be sent back. In the case of Germany, the numbers involved under this agreement and who have returned already appear to be small, perhaps 1000 enforced returns. The mission was informed that up to 50,000 Roma are expected to be returned.

The report is concerned with forced returns. Returns also take place on a voluntary basis, either on a free and informed basis, or induced by incentives. The report is also concerned with the possible way in which voluntary returns are encouraged through an induced fear of forced return. The number of people in this category is not known.

Roma still have a well founded fear of persecution in Kosovo, the situation in South Serbia remains unstable, while there are major tensions in Montenegro on its position in the States Union. The Serbian and Montenegrin economies have suffered a major collapse in the last decade, with very high levels of unemployment and inflation. There appear to be no reception or resettlement programmes in place in Serbia and Montenegro and Roma, who often experience severe racial discrimination, would be likely to return to a life of poverty without dignity and those without identity documents may be denied access to state facilities including education, housing and health care.

The report includes some harrowing individual testimonies of families with children who had become fully integrated in Germany over 12 years and who were forcibly deported at night.

The mission was only in Belgrade for one week, many questions were left unanswered: in particular what happens in the returning countries and whether the allegation made that Roma are being singled out for deportation, without care or compassion, has substance.

The recommendations call for each person or family to be considered on a case by case basis. It calls for no Roma from Kosovo to be returned, and proposes that returns to South Serbia and Montenegro should be delayed for the time being. It makes clear that any programme of returns and resettlement should be carefully planned, phased and resourced at all stages, be transparent, be open to constructive comment by the Council of Europe and mandated actors, involve civil society where possible and be well funded by western European Governments.

Alan Phillips
March 2003

2. Objectives

The first objective of this mission was to investigate the concerns expressed about the situation of Roma returnees, who are being returned from Western Europe to Serbia and Montenegro. The second objective was to see what conclusions and recommendations may be made to the international community and, if appropriate, to the State Union of Serbia and Montenegro. The findings and recommendations of the mission are presented in this report.

The term "Roma returnees" is used in this report to describe the broad category of Roma who migrated to Western Europe for different reasons during the 1990s, and includes rejected asylum-seekers, persons formerly under temporary protection and migrants (both legal and illegal).

3. Introduction

The violent conflicts that took place in the last decade in former Yugoslavia caused tens of thousands of Roma from Serbia, Montenegro and Kosovo to leave and to seek refuge in Western European countries. Many fled between 1991 and 1995, when there was great instability in the region. Following the Dayton Agreement at the end of 1995 the situation became more stable. However in 1999 the violent conflict in Kosovo culminated in up to 100,000 Roma being displaced, representing almost two thirds of the Roma population of the province.

In 2003 it appears to a number of Western European governments that there is no longer a need to offer refuge from conflicts in Yugoslavia, consequently plans are being prepared for returning most of these asylum seekers to Serbia and Montenegro. However concerns have been raised in Germany about the conditions under which the returns of Roma to Serbia and Montenegro are undertaken and about the particular problems that Roma individuals and families face on their return.

A five day mission was held from 16 to 20 February 2003 and this document is the report of the Rapporteur of the mission. The mission involved different sectors of the Council of Europe working as a team with a single mandate; it included 2 Parliamentarians, who themselves are rapporteurs, the former chair of the intergovernmental group on Roma, a representative of a major Roma NGO in Germany, the Secretariat of the Council of Europe and the Former Vice president of Council of Europe Advisory Committee on Framework Convention for the Protection of National Minorities. This range of experience enriched and strengthened the delegation.

A wide range of meetings were held with government officials and ministers, with intergovernmental organizations, with non governmental organizations, including Roma organizations, and many Roma in their homes and settlements in Belgrade. Details of those involved with the mission and the schedule of meetings appear in Appendix I and II..

The mission was restricted to meetings in Belgrade although Roma did come from all parts of the country for a half- day meeting. However it was not possible for the members of the mission to travel more widely, where visit to South Serbia, Montenegro and Kosovo may have been helpful. Another limitation was that no conversations were held with or information obtained from Western European governments or with Roma asylum seekers, who have remained in Western Europe. Consequently there remain unanswered a number of important questions.

4. Refugees and Returning to Serbia and Montenegro

4.1 *Initial Flight*

The break-up of the Federal Socialist Republic of Yugoslavia in 1991 led to years of major population movements between and within the newly independent states. The armed conflicts, inter ethnic tensions and violence, led to over three million people being uprooted from their homes, while others fled the political oppression under Miorsevic's Yugoslavia. The crisis in Kosovo came to a head in 1999, with many hundreds of thousands of people (mainly ethnic Albanians and some Roma) fleeing from the Yugoslav army to Albania, "the former Yugoslave Republic of Macedonia and beyond. After the bombing by NATO and the retreat of the Yugoslav army, ethnic Albanians returned and many ethnic Serbs and Roma fled from Kosovo to Serbia, to Montenegro, and beyond.

Between 1992 and 1995, fighting in the northern part of the region (Bosnia and Herzegovina and Croatia) displaced over two million people. To date, there are still over 1 million persons displaced from this conflict, of which over 700,000 remain in the region alone¹. In 1999, another wave of displacement took place when nearly one million people fled or were forcibly evicted from Kosovo. Over 250 000 people of all ethnic groups remain displaced from that conflict. An estimated 235,000 persons are displaced in Serbia and Montenegro. Another 9,500 remain displaced in other Balkan countries, with 22,200 IDPs in Kosovo. Most recently, in 2000, new displacement took place in southern Serbia (some 20 000 people) and "the former Yugoslav Republic of Macedonia" (over 140 000 people). To date, 12,000 persons from "the former Yugoslav Republic of Macedonia" and 5,000 persons from southern Serbia have not been able to go back to their homes.

As of 1st March 2003, there were 331,000 registered refugees in Serbia, 13,400 in Montenegro and 3,500 in Kosovo. In addition, there were 205,400 IDPs in Serbia, 29,400 IDPs in Montenegro and about 27,200 IDPs in Kosovo. The total number of refugees and IDPs amounts to nearly 579,200 persons, which makes up approximately 6% of the population as a whole. This makes it one of the countries with the largest number of refugees and displaced persons per capita in Europe.

4.2 *Numbers of Roma who may return*

The majority of the Roma refugees and asylum seekers in Western Europe currently live in Germany. It is estimated that 25-30,000 Roma from Serbia and Montenegro and a similar number of Roma who fled from Kosovo are living in Germany² with the status of temporary protection. In the meeting with Federal Minister Rasim Ljajic, he estimated that between 30-50,000 Roma had left Yugoslavia for Germany. He noted that other Western European countries are also host to numbers of Roma from Serbia, Montenegro and Kosovo. For example:, 3,000 in Belgium, 2-3,000 Luxembourg, 12,000 in the Netherlands, 3-7,000 Sweden, and 7-10,000 in Switzerland.

¹ The statistics in this and the following paragraph are supplied by the UNHCR office in Strasbourg.

² Draft Strategy for the integration and empowerment of the Roma : Federal Ministry for national and ethnic communities (13.12.2002), p 53.

However the Government of Serbia and Montenegro does not know the number of its citizens, who went abroad during the 1990s nor the number who were Roma. There was an estimate from the President's Adviser that perhaps 250-300,000 people left Yugoslavia during Milosevic's dictatorship.

It is estimated by the Deputy Commissioner for Refugees that some 1,000 persons have been returned to Yugoslavia under readmission agreements or through "voluntary returns" whereby asylum seekers, who know they must leave, avoid forced deportation. Unofficial sources put in thousands the numbers of Roma that have been returned to Serbia and Montenegro.

4.3 Re-Admission Agreements and voluntary returns

With the apparent stability in Serbia and Montenegro various Western European states have started to explore and some to encourage the return of Roma and others, who fled the conflicts of the 1990s to Yugoslavia. One example is the case of Germany where, in September 2002, the Ministers of Interior of Germany and the Federal Republic of Yugoslavia (as it then was), Otto Schilly and Zoran Zivkovic signed a re-admission agreement that regulates the return of the people who do not have a legal base to remain in Germany. The agreement refers to 50,000 persons from Yugoslavia. According to the assessment of humanitarian organisations and organizations for the protection of the human rights at least one third of those are Roma, although there are no official statistics

Germany and Switzerland concluded re-admission agreements with the Federal Republic of Yugoslavia and Germany has begun implementing its agreement. Similar readmission agreements are under negotiation or are awaiting final agreement. A list, supplied by the Ministry of Foreign Affairs of Serbia and Montenegro is reproduced in Appendix III. By way of example, the agreement between Denmark and the, then, Federal Republic of Yugoslavia is reproduced in Appendix IV.

The Serbian Ministry of the Interior spoke of the good co-operation with the German authorities and welcomed the way they were treated as equal partners. They reported that there were 106,000 applications for returns being processed of whom 90% of returnees were from Kosovo. They reported that the pre-condition for return was that the person should be a citizen of Serbia and Montenegro and have a certificate of residence that the ministry issues. On the basis of this analysis some 95% of those 106,000 met this criteria.

The Deputy Serbian Commissioner for refugees referred to 105,000 people being considered by his government for readmission (of whom about half had been scrutinised and accepted for return). They do not know how many of these are Roma. Although their office has no specific responsibility for returnees, only for refugees and IDPs in Serbia, they had endeavoured to draw information together and encourage co-operation between different governmental actors in Federal and Republic ministries. They reported that the German Government had assured them that returns would take place slowly, that no one would be forcibly returned and that no one originally from Kosovo would be sent to Serbia.

The Deputy Commissioner wondered if the returning countries completely understood the difficult situation in Serbia and suggested that they may not realize that they would be magnifying existing problems by adding Roma returnees.

In the Serbian and Montenegrin Federal government's draft strategy on the Integration and Empowerment of Roma (December 2002) it is proposed that the Government should identify, in further negotiations with the Western European Governments concerned, possibilities to exempt certain groups of the Roma returnees from being returned to Serbia and Montenegro. The Governments concerned should ensure, as appropriate, that the Roma returnees originating from Kosovo are not forcefully deported to Serbia proper or Montenegro. In order to facilitate the re-integration of the returnees, the competent authorities should, in close co-operation with international organisations, national NGOs and the Governments concerned, develop a "Reintegration Programme for Romani Returnees".³

Additionally at his meeting with members of the mission, Federal Minister Rasim Ljajic, stated that towards the end of 2002 he had asked Germany and Bosnia Herzegovina to postpone the return of Roma to Serbia and Montenegro until it was possible to make adequate arrangements for their effective reception and return. He noted that Bosnia Herzegovina had agreed to postpone any returns until after June 2003.

It was apparent that the system of government in Serbia and Montenegro was at a stage of considerable flux at the time of the mission. The new State Union of Serbia and Montenegro had just been formed with a significant change of ministers and ministerial responsibilities taking place. Some of the Ministry competences, including those of the Ministry of the Interior, were changing, while tensions continued over the competences at a Republic and Federal level over foreign affairs, human and minority rights. Strategies, Policies and Legislation were being formed at the Federal level yet funding, programming and the implementation of the rule of law were the responsibilities of the Republics. Consequently any agreements reached on Roma issues internationally, including readmission agreements with Yugoslavia, may not be implemented unless it was clear that the new entities of Serbia and Montenegro have also agreed these.

Voluntary returns

A number of Roma return to Serbia and Montenegro voluntarily and some return voluntarily knowing that otherwise they will be deported. The statistics of those who return in this way are hard to come by.

The International Organisation for Migration (IOM) manage an "Assisted Voluntary Returns Programme (GARP)" returning people from Germany to Serbia and Montenegro. A similar returns programme is being considered for Belgium. GARP statistics show that from August 2000 until June 2002, 5401 people were assisted to return with 40% to Novi Pazar, 19% to North Montenegro and 12% to South Serbia. Some 70% are single people, 20% are Roma with the Roma represent almost two thirds of the returning families. More recent figures are not available.

³ Ibid, n 2

The returnees have their fares paid and receive a lump sum payment on arrival of Euro 230 for each adult, Euro 115 for each child with a ceiling of Euro 690 per family. It was not possible for the delegation to meet those who had come under this programme or to explore the circumstances of their departure.

4.4 Situation of Roma in Serbia and Montenegro

Although the political situation in Serbia and Montenegro is relatively stable, the social and economic situation of the country is extremely depressed; and that the authorities are experiencing real difficulties in meeting the needs of local Roma populations, to which have been added the burden of a substantial refugee (from Bosnia and Herzegovina, and Croatia) and IDP population (from Kosovo). Moreover, the pressures on Serbian and Montenegrin society to integrate these refugees and displaced persons is acute and threatens the social and economic stability of the country. In such circumstances, the forced return of an already vulnerable group, such as the Roma returnees, can only exacerbate their exclusion and undermine their human dignity.

It is evident that the situation of the Roma in Serbia and Montenegro is very difficult. There is already an important local Roma population, facing considerable problems of discrimination. They have experienced discrimination like that suffered by Roma in many other countries in the region, are poorly educated, often unemployed living in poor housing, in illegal settlements, some without identity documents and among the poorest in society. This has been compounded by the many Roma who are internally displaced persons from Kosovo and by the potential returnees from Western Europe.

It was made clear that Serbia and Montenegro should not be considered the first safe country of asylum to which States could return asylum seekers who had transited through Serbia to Western Europe.

In this broader context, the plight of Roma is often overlooked as much attention is devoted to the integration of refugees from Bosnia and Herzegovina, compounded by the presence of many internally displaced ethnic Serbs who have had to flee from Kosovo, the pressures on Serbian society to integrate refugees and displaced persons is acute and threatens the social and economic stability of the country. , while the political and economic crises in Serbia and Montenegro have also dominated the attention of politicians and the public.

Poverty

The economy of Serbia and Montenegro has collapsed, Yugoslavia's GNP per capita in 1990 was \$ 2,696 per capita and in 2000 was \$ 1448. In 2001 consumer price inflation was measured at 40%, the general unemployment rate was 30% with a similar figure given for those being below the poverty line.

The President's Adviser pointed out that these broad figures were often misleading as poverty was often concentrated among special groups, particularly among Roma and IDPs. Some areas are comparatively more prosperous. In Apatin (Vojvodena) the official annual income per person is \$1837 with 218 employees per 1000 inhabitants. In Novi Sad, the figures are

respectively \$896 and 380; in Belgrade \$794 and 302; in Novi Pazar (Sandjak) \$255 and 173; and in Presovo on the Kosovo boarder, \$105 and 68 employees⁴. In Presovo, the unemployment rate is 60%⁵, and the per capita income is less than 1\$ per day, placing it with the least developed countries of the world. Roma will be among the poorest in this region.

Specific data for Roma is hard to come by, it is estimated that less than 20% are in full time employment with most are working in the grey economy often recycling plastic and metal.

Internally Displaced persons in Serbia

Over 26,800 refugees and displaced persons are accommodated in collective centres in Serbia. In Montenegro, the figure is 6,900.⁶

Among the vulnerable and marginalized populations in Serbia, the Roma are some of the worst affected. And among the Roma, the IDPs are the most vulnerable and marginalized. Roma IDPs, in general are further disadvantaged because of lack of sufficient information on their rights and services available to them from governmental, intergovernmental and nongovernmental sectors, both local and international. Of particular concern are the Albanian-speaking Ashkali and Egyptians, who are further excluded because they do not speak Serbian.

Living conditions for displaced Roma in Serbia are extremely poor. Some municipalities appear to be reluctant to accept Roma IDPs. In and around Belgrade and other towns in Serbia many Roma IDPs prefer, if possible, to live in existing illegal settlements of local Roma, where they can benefit from family support, or unrecognised collective centres, without access to electricity, drinking water or to a sewage system. Access to public services is also very problematic. In such illegal settlements, they receive little or no assistance from the State and depend on non-governmental and international relief and goodwill. Occasionally, local authorities (and private companies) evict Roma from illegal settlements⁷. Living conditions for displaced Roma in Serbia and Montenegro are particularly difficult. Local authorities are often reluctant to accept them and they are confronted with a pattern of discrimination in the entire region⁸.

Returning Home and identity Cards

The fact that the majority of Roma live in illegal settlements means that they experience problems if they try to register themselves because they cannot supply a proof of their present place of residence. In addition, they often cannot provide the authorities with citizenship or birth certificates (a common, major problem for all Roma). Therefore, they are prevented from applying for (new) identity cards or passports. Lack of identification papers in effect deprives them of many of the most basic human rights.

⁴ Republic of Serbia Statistical Office

⁵ UNDP

⁶ UNHCR office, Strasbourg

⁷ See Draft Strategy for the integration and empowerment of the Roma

⁸ Opus cit, Population displacement in South-Eastern Europe: trends, problems, solutions, Mrs Ans Zwerver, Parliamentary Assembly, Doc. 9519 revised (11 December 2002)

They also experience difficulties (as many other IDPs) in obtaining payment of their pensions and allowances – for instance, pensions paid to IDPs in Serbia are inaccessible to IDPs in Montenegro without travelling to Serbia.

The problems of personal documents also has a negative effect on access to the education system by Roma IDP children, whose situation in this regard is worse than that of other Roma children. Another problem experienced by IDP children is the language barrier: many of them speak only Albanian⁹.

4.5 Returns issues linked to special geographical areas in Serbia and Montenegro

South Serbia

After the war in Kosovo, a conflict began in South Serbia. The international community has been involved in conflict resolution with a peace agreement that has brought economic investment into this very poor area which has three major ethnic groups, Serbs, Albanians and Roma. However the relations between Serbs and Albanians is still tense and Roma are caught between them and often neglected in the activities of the many international organisations present. Furthermore Roma, like Roma in Kosovo, are seen as “collaborators with the Serbs”. Their level of poverty is such that many Roma families rely on seasonal work in Vojvodena for several months a year.

2002 was relatively peaceful. However in early 2003 two members of this police force were killed. At the moment, it would be unwise to place any returned asylum seeker in South Serbia.

Montenegro

The delegation received a number of reports of how difficult it was for Roma to receive identity cards in Montenegro. In one example there were 53 Roma who needed documentation for work in a company in Niksic (northern Montenegro). There were many delays locally and only when a senior official of the ministry of Interior intervened personally by visiting the local municipality was the problem resolved quickly.

Additionally there is some disquiet in Serbia and Montenegro with the formation of the “new” state being contested by many of its citizens. There exists a political movement in Montenegro in favour of creating a new state in 2006, when there will be a referendum. This movement is resisting the settlement or granting of citizenship to anyone in Montenegro who may not identify themselves as Montenegrins.

⁹ Opus cit Draft Strategy for the Integration and Empowerment for the Roma

4.6 *Returns to Kosovo*

During November 2002, UNHCR Kosovo undertook an intensive review of the situation of Roma, Ashkaelia, Egyptian, Bosniak and Gorani communities with the aim to update the UNHCR's Position Paper on the Continued International Protection Needs of Individuals from Kosovo issued in April 2002, ensuring that its position reflects the most current condition in the post-municipal election period. The review was prompted by indications from the main asylum countries that they perceived the security situation in Kosovo to be stabilised to such an extent that it would be possible to begin large-scale returns of ethnic minorities to Kosovo in spring 2003.

Recognising that some improvements have taken place in the general situation in Kosovo, including relaxation in security measures in some regions, during the period in review, UNHCR's position, based on the assessment at hand, is that the situation of minority groups remains a major concern. Members of non-ethnic Albanian minorities originating from Kosovo continue to face security threats, which place their lives and fundamental freedoms at risk, and continue to compel some to leave Kosovo. The gravity of such threats depends on the minority concerned as well as location. Significantly, security threats can be severe (grenade attacks, arson attacks, physical assault) among the Serbs and Roma, the Egyptians and, in many cases, the Ashkaelia throughout Kosovo. On the other hand, with the exception of Bosniaks in Mitrovica/e, the general security situation of both Bosniak and Gorani communities has stabilised.

UNHCR position in January 2003 was that "members of minority groups in Kosovo especially Kosovo Serbs and Roma, but also Ashkaelia and Egyptians should continue to benefit from international protection in countries of asylum. UNHCR stresses that return of these minorities should take place on a strictly voluntary basis and be based on fully informed individual decisions. Any such voluntary return movements should be properly co-ordinated, and re-integration should be supported through assistance to ensure sustainability. Kosovo Serb, Roma, Ashkaelia and Egyptian individuals or families should not be forced or induced to return to Kosovo." It should only take place in a very gradual manner. The process should allow for careful preparation of the recipient communities including the promotion of tolerance and inter-ethnic dialogue¹⁰.

4.7 *Relocation of those from Kosovo to Serbia and Montenegro*

"In considering the asylum applications from persons originating from Kosovo, asylum countries may be inclined to assess whether an internal relocation alternative is available for them in other parts of FRY. The circumstances faced by internally displaced persons from Kosovo, in Serbia and Montenegro lead UNHCR to maintain its general conclusion that internal displacement in such conditions does not offer an adequate or reasonable alternative to international protection"¹¹.

¹⁰ See UNHCR Position Paper on the Continued Protection Needs of Individuals from Kosovo, Geneva 2003

¹¹ Ibid n 10

The draft strategy for the integration of the Roma states that in light of the persistent situation of insecurity in Kosovo, IDPs who wish to integrate in Serbia, including Roma IDPs, should be allowed to do so. The authorities should take measures that will facilitate this process. Conversely any Roma Returnee from Kosovo should only be returned to Serbia and Montenegro voluntarily.

UNHCR in Serbia and Montenegro made it clear to the delegation that in light of the very difficult situation of Roma IDPs in Serbia, no Roma asylum seekers from Kosovo should be forced to leave a third country to become an IDP in Serbia. If this were to happen this would compound the acute problems for existing IDPs by adding to their numbers and place any new comers in an extremely vulnerable situation. Similar views are held by Rasim Ljajic, the Federal Minister, as well as by the new Serbian Commissioner for Refugees.

5. Findings of Mission

5.1 *Testimonies of returned Roma*

A number of testimonies from those who have returned to Serbia, showed a common pattern of behaviour. Individuals or families were served with letters from the German authorities giving them (7 days) notice to leave the country.

It was reported that, if they failed to leave, the German police, saying that they were the fire brigade, broke into flats of Romany families in the middle of the night, showing them the agreement on the readmission of Yugoslav citizens from Germany, and gave them half an hour to pack the things they wanted to take with them. They were then taken to the airport, where they were flown to Belgrade with Yugoslav Airlines (JAT) charter flights¹². Several witnesses spoke of their flight being full of Roma, though this was contradicted in a later meeting by the Serbian Ministry of the Interior.

Some other witnesses spoke of how they received letters from the authorities giving them 7 days notice to leave Germany. They said they were frightened of forced deportation and hoped that, if they left without being forcefully deported, they might be able to return again. They were invited to sign a document confirming their voluntary departure and were then flown back to Belgrade.

Moreover, children who had spent almost all of their lives in Germany and only spoke fluent German or "kitchen Roma" were deported. One day they would be at school playing with their German friends and the next day they would find themselves destitute in a foreign country, not speaking the language, having nowhere clean, warm and safe to live, without any friends and without any hope of going to school. They, and their parents, were traumatized having been taken from their beds, deported and deposited at Belgrade airport. One father reported having been dragged away by the police, handcuffed and sedated with injections, and then escorted onto a plane.

The delegation heard harrowing stories from families who had arrived destitute without any money, without any home to go to, without any friends or relatives to support them seen in great distress at Belgrade airport. There were no reception arrangements whatsoever for them once they had passed through the immigration formalities. Some of these experiences were captured on film by a film crew and film producer, who happened to be passing through the Airport. It shows clearly the humiliation and anguish of the deported families. The film was viewed in shocked silence by the delegation.

Parents told the delegation that once they had found somewhere to live, often with a distant relative, the children could not go to school as they were offered education in Serbian, a language they did not understand.

¹² Radio 021, Novi Sad, Serbia (3.01.2003)

Additionally, those that do not have identity documents and proof of their residence may be denied access to schooling. It can cost 25 Euro per page to have relevant school certificates officially translated to ensure that a child is accepted at a school and in the appropriate class. One family spoke of their dilemma as they had five children and their mother only earned 2 Euros a day as a domestic cleaner.

Not all cases were similar. One group of children that had been abroad in Germany for a short time, were able to pick up Serbian language again and were once again going to school. One girl spoke of how she enjoyed going to a special school while her brother disliked the bullying he experienced at a mainstream secondary school.

5.2 *Conversations with Roma representatives*

Roma Organisations had not been deeply involved in returns issues to date but had helped individual families in their settlements. They confirmed that there were no reception or resettlement programmes and that they had not been asked to assist. Some stated that they would be prepared to assist in providing good advice and information in a properly planned voluntary programme. A number of specific issues were raised.

Citizenship and Identity Documents

The Roma representatives reported that large numbers of Roma in Serbia are not registered and lack basic personal documents such as identity cards. However the situation can be worse for asylum seekers who return as some lost the documentation they had when they were forced to flee, others destroyed their papers in the belief that this would help their asylum claim, while yet others failed to take all their papers with them, when they were swiftly deported from Western Europe.

Roma organisations stated that there are major bureaucratic problems for all Roma in Serbia and Montenegro who wants to obtain identity documents.

This contrasted with the government, whose ministries were consistent in arguing that it was possible to obtain the necessary documentation and the Ministry of the Interior spoke of it being a simple procedure to regulate missing documentation.

The lack of relevant identity documents can, de facto, deny fundamental rights of citizenship, including the right to vote and the right to take advantage of the social and economic protection offered to citizens.

Family movements

Roma organisations reported of incidents that they knew families being separated to speed up returns. Incidents were reported of one member of a family being too ill to travel and of other members of the family being deported in his absence. The final member was deported later on as soon as he was well enough to travel.

The organisations knew of a number of families who had lived in Western Europe for a decade and were then suddenly uprooted and deported.

5.3 *Meetings with Government*

The Federal and Republic governments made it clear that there are no Serbian Governmental programmes to help resettle Roma returnees from Western Europe. They reported that they had not received any funding to help resettle returning Roma, either to help towards direct assistance to individuals and families or towards broader resettlement and development programmes for returning Roma and their host communities. Although such support had been implied by western Governments, it had not materialized.

The statement of the Foreign Ministry that the Roma were "marginalised, often in very difficult economic circumstances and without the minimum needs for a decent life" was not disputed by any other Ministry.

Nevertheless the Foreign ministry reported that it had no option but to accept resettlement agreements as they were obliged to accept their own citizens. They were "under pressure from Western European Governments and the issue was permanently on the agenda". In a separate meeting, an adviser to the Yugoslav President stated that "the international community was merciless on this issue".

The Federal Minister for National and Ethnic Communities stated that "this was a big issue for us". He spoke openly about how the Country had no capabilities to implement the programme of returns and how his ministry wanted to delay returns until they were able to cope. He had spoken specifically to the German and Bosnian Governments on this in the last months of 2002. The Bosnian government had then agreed to delay the return of some 6,000 Roma until after June 2003.

The Federal Minister also stated that it was essential for there to be external financial assistance to Serbia and Montenegro to implement effective resettlement programmes for returning Roma and that this should be complemented by funding for the new wider Roma strategy for which his ministry would provide some limited funding.

The Mayor of Belgrade reported that she had not been informed about the possibility of additional Roma coming to Belgrade as returnees, which could create acute logistical problems for her authority. She and her official were proud of a new plan that was being developed to provide 5000 more units of accommodation to relieve the "shanty town settlements", this was an important but modest beginning to tackle the existing problems. No account whatsoever had been made for the additional question of returning refugees.

Most of the Roma settlements are deemed to be illegal, in the City of Belgrade where there are 102 illegal settlements. The Ministry for Urban Planning and Construction and the city authority reported that they were striving to find solutions towards the legalization of these settlements. However this was often resisted by the majority population and from time to time commercial enterprises wanted to take over the land on which there were settlements.

Private Possessions

It was reported that those who were deported rapidly, usually have the few possessions they can bring with them instantly, they have no time to sell any personal effects and often return with the clothes they stand up in and the money in their pockets. Specific evidence was given of a returning family arriving at Belgrade airport totally destitute with only 5 Euros, there were no reception arrangements and they had no where to go. In another case it was alleged that a family was deported from their home in Germany with 4000 Euro, but 3,400 Euro was confiscated from them by the German police.

Reports were given of how valuable items were impounded by customs officers in Belgrade when their call for import taxes to be paid by returnees could not be met. Descriptions were given of the immense difficulty in withdrawing money from European bank accounts in Serbia due to the historically bureaucratic systems.

Settlement

The representatives stated that the position of returning Roma is even more acute than most Roma as they often lack the local contacts and recent experience to find the few opportunities for earning income that there are. One family reported that the father of the family had left his low paid job to seek asylum abroad and on his return he was not allowed to seek the assistance from the bureau for employment as he had left his previous employment voluntarily.

Personal security

Many reported on the climate of intolerance that Roma traditionally face in Serbia and Montenegro. There are tensions and often mutual antipathy between Roma and the authorities, including the police. However once Roma asylum seekers were returned there were no reports that they face specific and additional threats.

Health

Reports were received of members of Roma families being deported while still receiving medical care. In one case an individual child needed medication after an operation, however the family neither had access to nor the money to afford continuing medication.

Reports were received that returnees, who do not have identity cards find it very difficult to receive health care treatment including hospital care.

Accommodation owned and rented

Many of the returnees had nowhere to go in light of the extremely bad housing conditions of large segments of the Roma population. There were reports of a family coming from a warm and safe apartment in Germany and the only place they could find was a small room in a shack, where there was hardly space for them to lie down and sleep on the floor.

5.4 *Evidence from other sources*

There was a broad consensus on a wide range of issues among the intergovernmental and non governmental organisations that the delegation met, who were well informed on many Roma issues. They noted that there had been very little public information or discussion on the return of people from Western Europe to Serbia. This appeared to be a somewhat secretive operation with little planning other than that of the border police and with no organised settlement programme. This had added dangers as a programme needs to be sensitively managed to avoid xenophobia and possibly violence towards the returnees. They would clearly make demands in already very difficult circumstances of great poverty and there was no capacity to integrate these extra numbers. It was clearly stated that Serbia was no place for Roma to return at present.

The European Roma Rights Centre added another dimension to this debate highlighting issues in Germany suggesting that "Germany has failed to provide security of residence to Romani asylum seekers, and years after the conflicts in the countries of former Yugoslavia, Roma from these areas are still regulated under a status called "tolerated" (geduldet), in practice a mere stop on deportation. The permit of toleration (duldung) has often been issued for periods as short as three months."

It also argued that, "authorities should recognise that persons who have fled or otherwise left their country of origin and spent periods of more than six months in a country of exile are already forming ties to that country; efforts to remove them may violate Article 8 of the European Convention of Human Rights, protecting private and family life. Rights should accrue incrementally to all persons factually in a given country, and within five years of factual residence in a country, the possibility of citizenship and/or permanent residence status should come clearly into view."

It was common ground that Roma are among the poorest of the poor, in a collapsed economy, and should feature in the forthcoming governmental Poverty Reduction Strategy that the World Bank was assisting.

The level of poverty among Roma is recognised by the work of Oxfam, Save the Children Fund, NOVIB and Cord Aid, development agencies that work worldwide among the poorest of the poor. The delegation heard of their important work direct work to support and empower Roma communities and of their initiatives to promote an understanding of Roma issues and the poverty and discrimination that they face¹³.

¹³ eg See Denied a Future-the right to education of Roma/Gypsy and Traveller children in Europe (SCF, London)

Precise data on Roma was hard to come by and that which did exist was often questionable. One example was the last published census in 1991 showing that there were a little over 100,000 Roma in the country, which all local commentators knew to be manifestly untrue. Some clarity will be given by an important, forthcoming, field study on the Roma showing that there are over 240,000 Roma in 593 settlements alone¹⁴. Other recent data on IDPs from the International Committee of the Red Cross suggests that of the 230,000 IDPs, some 20% (46,000) are Roma.

About 15,000 Roma IDPs already live in Belgrade usually in a degrading environment shared with local Roma, in pre-existing illegal settlements, in properties with no facilities such as electricity, running water or sewerage, and where they suffer severe discrimination from the local community. Although there are regular attempts to close down some of the 102 illegal settlements around Belgrade, sometimes to use the land for commercial development, there is strong resistance to re-housing the Roma. In general the situation of IDPs was reported as being acute with some 75% living below the poverty line, while that of the Roma IDPs is likely to be worse still.

Many organisations had been consulted about the broader Federal Ministry strategy for Roma, which was welcomed. However there was concern that there was a chasm between the principles and policies set out in the Strategy and the current programmes and practice.

Doubt was expressed on whether the Federal and republic ministries would be able to supply the necessary resources and establish the necessary structures.

Organisations spoke of the need to treat individuals and families with dignity and to safeguard their human rights. The lack of identity cards for many returning Roma was considered a very serious issue, leading to a denial of basic human rights. The lack of identity cards meant that individuals were denied the right to vote, to seek employment or for families to receive housing, social assistance, education or free medical care. In some cases the authorities used their discretion in other cases this discretion was not exercised.

It was stated that in practice these cards were difficult to obtain, particularly if you were not located in a well mapped legally established property, while those from Kosovo had to travel South Serbia to negotiate for their identity cards (the reason being that most Kosovo records are now kept in Southern Serbia)

There was a consensus that Roma should not be returned to Kosovo, even under a voluntary return programme, and that Roma originally from Kosovo should not be sent to Serbia or Montenegro to add to the number of destitute IDPs. Recognising the current instability in South Serbia, warnings were also given of the dangers that Roma returned to South Serbia could once again become IDPs.

¹⁴ Romany Settlements, living conditions and possibilities of integration of the Roma in Serbia, Dr. Bozidar Jaksic and Goran Basic (Ethnicity Research Centre, Belgrade), project funded by Oxfam

6. Conclusions

During this short mission only a number of questions could be answered and as is often the case in answering these questions new important issues emerged. It was only possible to consider part of the picture and reports of what happened in Germany could not be verified nor could additional information and advice be obtained from the German government that might have painted a broader canvass. Furthermore the evidence received was focused on the German readmission agreement that is being implemented unlike others that have been drawn up, are about to be implemented and will face similar problems.

Nevertheless there were sufficiently disturbing reports from a wide range of apparently reliable sources that should encourage the German authorities and other governments to look closely at how returns programmes should be run domestically and whether all returnees are being treated as equal in dignity and rights and whether the right to respect for private and family life is being upheld.

The most disturbing issue was the way in which well established, happy families, living contentedly with their German neighbours and friends for over a decade, speaking fluent German with well educated children, should be suddenly deported or asked to leave.

It is important to look at this from the perspective of a girl or a boy finding themselves and their families destitute in a strange country whose language and culture they do not know. It was and is a traumatic experience for them. It would be difficult to argue that this was in the best interests of the child and compatible with the United Nations Convention on the Rights of the Child.

The allegations that Roma were being singled out for deportation, that there were planes almost full of Roma could neither be confirmed or denied without further review. Western European countries, Germany in particular, were generous in offering refuge when people were fleeing the ravages of the war between 1991 and 1995 and later on when people were fleeing from Kosovo in 1999. It is understandable that when a conflict has ended, a State that has offered temporary refuge may revoke that status and return those persons if they no longer have a well-founded fear of persecution.

The numbers of Roma returnees who may return from Western Europe could be in excess of 50,000 people and at the upper end, if illegal immigrant were also are included, the number might be in excess of 100,000 people. This is however somewhat speculative and further work is needed to determine more precisely how many Roma asylum seekers in Western Europe may return and what resources are necessary to support them.

Such returns need to be managed with dignity and should ensure that all human rights are protected. They should be supported by a well-funded, resettlement programme, designed to promote the successful reintegration of returnees into their war torn society. The international financial community and development agencies have a particular role to play. It has been argued that the European Union and the NATO countries have a particular responsibility to fund a substantial resettlement programme for refugees and IDPs, as they waged war on a despotic dictatorship that was leading Yugoslavia, in order to protect the Albanian minority in

Kosovo from persecution. Furthermore investment in Serbian and Montenegro, especially its strategy for Roma and a programme of resettlement of Roma, can be justified as legitimate aid to the poorest sectors in society. It should create economic progress and stability that will encourage Roma to play a constructive role in their country and not need to migrate or seek asylum again.

Whatever agreements are negotiated internationally a key component of any successful reintegration programme will be the capacity of local municipalities to cope with additional destitute people. It will place great pressure for housing, social welfare and education in municipalities that at present are unable to cope. It is very apparent that some municipalities have very high levels of unemployment low incomes of those who are employed and are currently overwhelmed by "illegal settlements" and vulnerable IDPs from all ethnic groups.

Returns programmes need to be well timed. In our meetings, a number of experienced organisations have suggested that Western European governments do not understand important aspects of the situation in Serbia and Montenegro today. They suggest that this must be the case if they are now planning the return of Roma who fled and sought asylum in Western Europe. It is widely agreed that in light of the persecution of Roma in Kosovo, Roma must not be returned to Kosovo. It was also widely agreed that these asylum seekers must not be sent to Serbia or Montenegro, where they have no home, they would experience great poverty and hardship and where the State Union of Serbia and Montenegro has no power to facilitate the return of Roma to Kosovo.

The potential for conflict in South Serbia makes it unwise at present to return anyone to that region, while it is clear that with the current political and administrative uncertainties in Montenegro that it would also be very unwise to return Roma to Montenegro, without full identity documentation to protect their rights as citizens.

It was apparent that throughout Serbia and Montenegro that identity Documents for Roma was a major issue. Although the governmental authorities assured us that in principle the procedures were simple in practice Roma found it very difficult to obtain these documents.

It was also clear that without these documents individuals and families can be denied their basic rights as citizens.

7. Recommendations

1. Roma returnees (from Western Europe) who fled from Kosovo should not be returned to Kosovo unless they wish to return and they are advised and assisted by UNMIK and UNHCR that it is safe for them personally to return to their homes. Additionally, governments should consider adhering fully to the UNHCR position on the continued protection needs of individuals from Kosovo.
2. Roma returnees (from Western Europe), who fled from Kosovo should not be forcibly returned to Serbia and Montenegro and become internally displaced persons.
3. Each return must be considered on a case by case basis. Roma returnees should not be returned to Serbia and Montenegro if
 - they have a well founded fear of persecution,
 - they have been in their host country for more than 5 years,
 - no effective reception and settlement programme is in place,
 - the human rights and dignity of the returnees is not respected,
 - the recipient community suffers harm.
4. Western European governments share a moral responsibility for returning Roma returnees and should make substantial financial contributions to programmes for Roma reception and resettlement in Serbia and Montenegro.
5. Any programme of return and any bilateral return agreement should
 - be carefully planned, phased and resourced; and undertaken with the full agreement and co-operation of all relevant national and local authorities.
 - be transparent at every stage,
 - ensure that there is adequate compensation for loss of property.
 - respect human rights norms, including the ECHR
 - respect family life and the best interests of the child.
 - recognize that all human beings are born equal in dignity and rights,
 - If possible, involve Roma civil society at all stages.
6. Before any person is returned to Serbia or Montenegro, the relevant (central and local) government authorities (representing the returning State and Serbia and Montenegro) must work together to ensure that the returnee has full identity documentation.
7. The authorities should look for creative solutions for those who have already returned in order to streamline and facilitate procedures for the regularization of the situation of non-registered Roma and Roma without ID cards, particularly those residing in illegal settlements; and to urgently provide full linguistic and educational support for the children of Roma returnees who do not speak Serbian.
8. In the current situation, persons from third countries, who transited Serbia and Montenegro and sought asylum elsewhere, should not be returned to Serbia and Montenegro as their first safe country of asylum.

9. Donor agencies, including the Council of Europe Development Bank should recognize the particular needs of Serbia and Montenegro and fund the wider government draft strategy for the Integration and empowerment of Roma.

10. It is recommended that this report is open to the advice and opinion of the governments concerned and the various bodies of the Council of Europe and be open to contributions from other governmental and intergovernmental bodies.

APPENDIX I

SOME PERSONAL TESTIMONIES

A. Testimony of the Jasarevic Family to the Delegation (February 2003)

In 1992, the Jasarevic family, (husband, wife and two children) left Leskovac in Yugoslavia to seek asylum in Germany. They were granted asylum and allowed to live in Dusseldorf for three years. After three years this status was changed to "Duldung" status that required renewal every two or three months and about this time their third child, a boy, was born in Germany.

The father of the family, Mr. Jasarevic, developed a mental illness described as depression but which was also caused by an accidental head injury that he had suffered earlier. He spent some time in a psychiatric hospital receiving treatment. Although two doctors at the St. Alexis Hospital certified that the father should not travel, and despite an appeal to remain by the family on humanitarian grounds, the German authorities insisted that they must leave in the future. By this stage all the children spoke fluent German, attended school, had many German school friends and were fully integrated into German society.

On 28 August 2002, at about 3-00 a.m. in the morning, with the help of keys from the Concierge, 8 police entered the flat and awoke the family. The father and the teenage son were handcuffed and bound throughout their journey from the flat to the airport and until they arrived at Belgrade airport. To sedate the mentally ill father he received injections in his ear and in his hand.

When they arrived at Belgrade airport, they only had the clothes they stood up in, they had been unable to take any of their belongings or to withdraw their savings. As they were being deported from Germany, they were assured that they would be helped by the Red Cross and the IOM in Belgrade and that a camp would be provided for them to stay in. On their arrival in Belgrade there were no reception arrangements whatsoever, except for the formalities of the border police. When the family then complained to the civil police about their treatment, the police asked them why they had sought asylum abroad.

At the airport they saw some 7 to 10 families, all Roma, who had been taken from their homes in the same way on the same night.

**Testimony of Mr S.R to European Roma Rights Centre, Belgrade
(February 2003)**

Mr S.R., a 17-year-old Romani youth from the town of Smederevo, near Belgrade, arrived in Germany in 1993, when he was 7 years old, together with his family. All of the family's children attended school in Germany. Early in the morning on an unspecified date in January 2003, a social worker accompanied by police officers in plain clothes arrived to the flat where Mr S.R.'s family lived. The officers told the family that they would be sent back to Serbia and that they had to pack their belongings within the next 30 minutes. After the family packed, they were taken to an airport and put on a plane for Belgrade. According to Mr S.R., there were only Romani persons on the flight. The family now lives in Smederevo, in a very old house, together with their grandparents. The family arrived without money, and none of the family members is employed. Two youngest sisters of Mr S.R. were born in Germany and do not have any personal documents. None of the young people of the family have to date continued their education in Serbia, as they do not speak Serbian. Mr S.R. told the ERRC that he is aware of two other Romani families deported from Germany who arrived to Smederevo after him.

**Testimony of Mr G.L. to European Roma Rights Centre, Belgrade
(January 2003)**

Mr G.J., a 28-year-old Romani man from Belgrade, arrived in Germany in December 1993, and applied for asylum there. He lived in the town of Bielefeld on the social support given by German authorities. His cheques ceased coming after Mr G.J. refused to accept an inadequately paid job offered by the social aid office. He received instructions to leave Germany in June 2002, which Mr G.J. declined to do. In the meanwhile, he met a woman whom he decided to marry. On an unspecified date in late summer 2002, Mr G.J. went to the relevant office in the town of Brakel, where he lived then, to inquire on the procedure for the wedding, however the officials called the police who detained Mr G.J. for approximately three hours. After that, he was transferred to an institution, which Mr G.J. described as a detention centre for asylum seekers in the town of Buren. After six weeks in this centre, Mr G.J. was issued documents stating that he had to leave Germany by October 6, 2002, and he was promptly taken to the airport in Düsseldorf. Mr G.J. and a number of other Romani persons were made to wait in a hall for 30 minutes and then they boarded a plane under police guard. According to Mr G.J., the plane was full of Romani passengers. Since his arrival to Belgrade, Mr G.J. lives together with his parents and other family members in an extremely overcrowded house. Mr G.J. has not been able to secure gainful employment, and no other member of his family has a job.

**Testimony of Mr B.H. to European Roma Rights Centre, Novi Pazar
(February, 2003)**

Mr B.H. from Novi Pazar, in the Sandžak region of southwestern Serbia, arrived in Germany in 1991. On an unspecified date in December 2002, police officers accompanied by a social worker arrived at his flat and expelled him and his wife, after giving them 15 minutes to pack. Mr B.H. told the ERRC that in the village of Blaževo near Novi Pazar, where he lives now, there are 200 Romani persons who have been deported from Western Europe since September 2002, and that there are new arrivals every week. Some 40% of this community are children younger than 15. Most of them do not speak Serbian, as they were born and raised in Western Europe. Mr B.H. also noted that most Roma were deported in the winter months, when even lowly paid manual jobs in agriculture jobs are unavailable. Some of the Roma in the community are without one or more personal documents and therefore are ineligible for state-provided social assistance.

APPENIDX II

PROGRAMME OF MEETINGS

Sunday 16 February

10:00 Meeting with Ms Tatjana PERIC- European Roma Right Centre
Vuka Karadzica 12.

12:00 Lunch

13:00 Round table with Roma NGOs at the Council of Europe Belgrade Office¹⁵
Vuka Karadzica 12.

Monday 17 February

09:30 Meeting with Mrs. Sladjana PRICA, Ministry of Foreign Affairs
Kneza Milosa 24

11:00 Meeting with Mr Rasim LJAJIC, Minister of National and Ethnical Communities
Bulevar Lenjina 2

12.30 Visit to Roma returnees

14:30 Meeting with Mrs. HRUSTANOVIC, Mayor of Belgrade
Dragoslava Jovanovica 2

16:00 Joint meeting with UNHCR, OSCE, OHCHR
Council of Europe Office, Vuka Karadzica 12

Evening: meeting with Roma returnees

Tuesday 18 February

09:30 Meeting with Petar LADJEVIC
Palace of Federation East Wing

11:30 Meeting with Mr LALOSEVIC and Mr. MILETIC, Fund for Humanitarian Law
Avalska 9 (part of delegation)

12:45 Meeting with Mr. GRBIC Serbian Ministry of Interior/Division of Borderland
Police/Airport Department.
Bulevar Avnoja 104 (part of delegation)

¹⁵ A list of participants at this roundtable meeting appears at the end of Appendix II.

14:00 Projection of a documentary film on returnees
"Dom Kulture Studenski Grad", Bulevar Avnoja 179.
Visit to Roma returnees in the Roma settlements in Belgrade

Wednesday 19 February

09:30 Meeting with Mr. Keserovic, Deputy Commissioner for Refugees
Carice Milice 2

11:00 Meeting with Mrs. Sonja LICHT, Open Society.
Zmaj Jovina 34 (part of delegation)

11:00 Meeting with Mr Ivan Lukovic, IOM
Baje Sekulica 52 (part of delegation)

14:00 Meeting with Mrs. Sonja BISERKO, Helsinki Committee for Human Rights
Zmaj Jovina 7

16:00 Meeting with Mr. Geoff LOANE, Head of International Red Cross Delegation
Juzni Bulevar 144.

Thursday 20 February

09:45 Visit of camps with UNHCR

14:00 Meeting with Mrs. Aleksandra Jovic, OXFAM
Dubljanska38.

15:30 Meeting with Mrs. Marina Petrovic and Mrs. Vesna Kostic from the World Bank
Bulevar Kralja Aleksandra 86

Participants at the roundtable meeting
Sunday 16 February

NAME	ORGANIZATION
1. Mr Uka ALIJA	Assotiation of Roma people from Boka Kotorska, Herceg Novi, Montenegro
2. Mr Stevan NIKOLIC	Roma Cultural Centre , Subotica
3. Ms Tamara JOVANOVIC ; Mr Aleksandar JOVANOVIC	Multiradio, Novi Sad
4. Mr Antun CONKA; Mr Srdjan SAJN	Federation of Vojvodina's Roma NGOs
5. Mr Ivan PETROVIC	KUD "Rumunka", Backi Monostir
6. Mr Zivojin MITROVIC	Humanitarian Organization "Roma heart", Partia of Roma Union, Belgrade
7. Mr Djordje JOVANOVIC	Assotiacion of Roma Students; Novi Sad
8. Mr Dragoljub ACKOVIC	"Rrominterpress", Belgrade
9. Mr Osman BALIC	YUROM Centre, Nis
10. Mr Dejan MARKOVIC	Roma Centre "Phralipe", Belgrade
11. Mr Peter ANTIC	Minority Rights Center, Belgrade
12. Mr Slavoljub DJORDJEVIC	Roma Information Center, Kragujevac
13. Mr Zeljko JOVANOVIC	OSCE local mediator, CRS, Valjevo
14. Ms Danijela ANTONIJEVIC	Roma Women Center »Heart", Belgrade
15. Mr Salim DEMIROVIC	OSCE local mediator, Bujanovac
16. Mr Veselj BEGANJ	Roma NVO " Pocetak", Niksic, Montenegro
17. Mr Kenan RASITOVIC	Youth Centre for Roma Education, Bujanovac
18. Mr Nedzbedin-BIDO SALJA	NVO "Roma", Podgorica, Montenegro

APPENDIX III

LIST OF RE-ADMISSION AGREEMENTS

Ministry of Foreign Affairs – Serbia and Montenegro – Belgrade

Benelux countries:

Agreement has been signed at 19 July 2002, but except Luxembourg, no other party of the agreement has been ratified it yet. Nevertheless FRY as a gesture of good will, agreed to apply it on individual cases, even before its enforcement. Federal Ministry of Interior works on individual requests coming from Benelux countries, gradually and according to its capacity to ensure conditions for admission.

France

Two countries discussed on this issue, during 1996 and 1997 but without any follow up since then.

Spain

Without any initiative

Portugal

Without any initiative

Great Britain

Embassy of this country proposed a standard document of EU for readmission procedure between two countries. Yugoslav authorities drafted an agreement but did not get any answer.

Ireland

Interest has not been shown

Sweden

Agreement has been signed in September 2002 and ratified by Yugoslavia. It will be enforced after notification/written confirmation issued by Yugoslav authorities.

Finland

Interest has not been shown

Denmark

Agreement has been signed in May 2002, ratified by both sides. Notification issued by Yugoslav authorities is expected very soon.

Norway

Agreement has been drafted and in principle accepted in 1997 but not signed.

Lithuania

Negotiations have not been completed. Draft of the agreement has been prepared but not the protocol on its implementation.

Latvia

Negotiations has not been completed

Estonia

Interest has not been shown yet

Iceland

Interest has not been shown yet

Germany

Yugoslav and German Ministers of Interior signed agreement and Protocol on its implementation at 16 September 2002; both of them have been ratified.

Switzerland

Previously signed and ratified agreement on readmission from 13 of July 1997 has been suspended. In 2001 Federal government of Yugoslavia decided to reactivate an agreement and two countries exchanged their experts in order to define its application. Both sides are implementing this agreement, from 2002.

Austria

Negotiations have been finalized and agreement is expected to be signed by Yugoslav Minister in charge very soon.

Czech Republic

Drafts of potential agreement has been exchanged by both sides, but Czech Republic still did not initiative further talks or negotiations.

Slovakia

Agreement has been signed at 30 August 2001 and is enforced at 27 February 2002.

Poland

There has been proposed a meeting of experts but without any final result.

APPENDIX IV

RE-ADMISSION AGREEMENT WITH DENMARK

A G R E E M E N T

BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE FEDERAL GOVERNMENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA ON THE RETURN AND READMISSION OF PERSONS WHO DO NOT OR NO LONGER FULFIL THE CONDITIONS FOR ENTRY OR RESIDENCE IN THE TERRITORY OF THE OTHER STATE

The Government of the Kingdom of Denmark and the Federal Government of the Federal Republic of Yugoslavia (hereinafter referred to as the "Contracting Parties"),

proceeding from the desire to further improve and advance the relations between these two States,

in order to regulate the return and readmission of persons, who do not or no longer fulfil the conditions for entry or residence in the territory of the other State,

in the aspiration to also in that way contribute to the prevention and eradication of illegal migration,

have agreed as follows:

I

Article 1.

Definition of Concepts

(1) THE PERSON WHO IS TO BE RETURNED AND READMITTED IS:

1. A person for whom it is established that he/she is a citizen of one of the Contracting Parties, and who does not or no longer fulfil the conditions for entry or residence in the territory of the other Contracting Party;

2. A citizen of a third country or a stateless person, who does not or no longer fulfil the conditions for entry or residence in the territory of the Requesting Party and has previously stayed on the territory of the Requested Party;

(2) THE REQUESTING PARTY is the State upon whose territory the persons who do not or no longer fulfil the conditions for entry or residence, are staying, and which also requests their readmission or transit, under the provided conditions of this Agreement;

(3) THE REQUESTED PARTY is the State onto whose territory a person shall be readmitted or through whose territory the transit of a person will be permitted under the provided conditions of this Agreement;

(4) THE REQUEST is the demand by which the Requesting Party appeals to the Requested Party to readmit a person to its territory or to permit the transit of a person through its territory;

(5) THE REPLY TO THE REQUEST is the notice by which the Requested Party replies to the Request of Readmission or transit:

(6) THE COMPETENT AUTHORITIES are the authorities of the Contracting Parties through which the procedure of readmission or transit, is effected.

(7) A VISA is a valid permission issued by the competent authorities of the Contracting Parties, for one or more entries, granting a person entrance and stay within a specified period of no more than three months.

(8) A RESIDENCE PERMIT is a valid permission issued by the competent authorities of the Contracting Parties granting a person entrance and residence in the country in compliance with the national legislation of the Contracting Parties.

II RETURN AND READMISSION OF THE CITIZENS OF THE CONTRACTING PARTIES

Article 2. Obligation of Readmission

(1) The Requested Party shall be obligated to readmit, on the request of the Requesting Party, persons who are staying on the territory of the Requesting Party, and who do not or no longer fulfil the conditions for entry or residence, provided that it is established that these persons are citizens of the Requested Party.

(2) The documents necessary for proving identity and citizenship are defined in the Protocol for the implementation of this Agreement.

(3) The return and readmission shall in all instances be conducted in accordance with the regulations of this Agreement and the Protocol for the implementation of this Agreement, fully respecting the human rights and dignity of the persons returned and readmitted.

Article 3.
Exceptions from the Obligation of Readmission

(1) The obligation of readmission in Article 2 of this Agreement does not exist when the person obligated to leave the State of the Requesting Party does not wish to return to the territory of the Requested Party and holds more citizenships, or has been issued with a residence permit on the territory of a third country.

(2) The obligation of readmission does not exist with regard to persons who are refugees from Croatia and Bosnia-Herzegovina, and who before the signing of this Agreement have entered Denmark, and who possessed a passport of the type SFR Yugoslavia issued for humanitarian reasons.

Article 4.
Establishment of Identity and Citizenship

(1) The identity and citizenship of a person to be readmitted is established by the competent authority of the Requested Party, in accordance with the Requested Party's national legislation.

(2) The Requesting Party shall, with the aim of establishing the identity and citizenship of a person as mentioned in paragraph (1) of this Article, send a Request for Readmission and available personal documents to the Requested Party.

(3) A person whose identity and citizenship is unknown but who is assumed to be a citizen of one of the Contracting Parties can be presented at the Diplomatic/Consular Mission of that Contracting Party for obtaining assistance with collecting of initial data relevant for the possible submitting of a Request of Readmission.

Article 5.
Procedure Regarding the Request for Readmission

(1) The competent authority of the Requested Party shall forward their reply to the Request for Readmission to the competent authority of the Requesting Party within 21 days.

(2) Upon the receipt of an affirmative reply to the Request for Readmission, the competent authority of the Requesting Party shall upon presentation of the reply to the Diplomatic/Consular Mission of the Requested Party, obtain a travel document for the person to be returned. The travel document shall be issued immediately and no later than within three working days.

(3) If the competent authority of the Requested Party is unable to forward the reply to the Request within the period provided for in paragraph (1) of this Article, it shall immediately inform the competent authority of the Requesting Party thereof, shall provide the necessary explanation and inform of the expected time of the reply. Once these reasons cease to be valid, the competent authority of the Requested Party shall immediately, and no later than within 10 days, forward its reply to the Request.

(4) A negative reply to the Request for Readmission must be explained.

(5) No Request shall be necessary if a person to be returned wishes to return to the country of his or her own free will. The said person shall be issued with a travel document for Yugoslav citizens or a travel document/passport for Danish citizens, in accordance with the national legislation no later than within 30 days.

Article 6.

Return and Readmission Procedures

(1) The return and readmission shall be effected within 30 days from the day of the issuing of the travel document.

(2) The competent authority of the Requesting Party shall inform the competent authority of the Requested Party of the time, place and procedure of the return of the person, no later than 7 days before the date of the planned return.

(3) The persons to be returned or readmitted shall be transported by air. Exceptionally justified in medical cases, the transport can be carried out by land.

(4) The competent authority of the Requesting Party shall inform the competent authority of the Requested Party of the time, place and procedure of the return of a person who needs special help or care because of illness or on account of age.

(5) The competent authority of the Requesting Party shall inform the competent authority of the Requested Party of the time, place and procedure of the return of a person for whom police escort is necessary.

(6) The return and readmission of persons obligated to leave the State of the Requesting Party shall be effected in an orderly and gradual manner.

III

THE READMISSION OF CITIZENS OF THIRD COUNTRIES OR STATELESS PERSONS

Article 7.

Return and Readmission Obligations and Procedures

(1) The Requested Party shall, on the request of the Requesting Party admit on its territory citizens of a third country or stateless persons, who do not or no longer fulfil the conditions for entry or residence in the territory of the Requesting Party, and have previously resided on the territory of the Requested Party and have directly, without staying in a third country, entered the territory of the Requesting Party.

(2) In cases when citizens of the Contracting Parties who are obligated to leave the state of the Requesting Party, in accordance with Article 2, are married to a citizen of a third country or to a stateless person, the spouse/children shall be granted entrance to the state of

the Requested Party and issued with a visa in accordance with its national legislation. In those exceptional cases where a visa is not issued the reasons for this shall be explained. The visa application shall include a copy of the affirmative reply to the Request in accordance with Article 2 and excerpts from the Register of Marriages and regarding the children excerpts from the Register of Births. Permission to stay shall be granted in accordance with national legislation.

(3) The Requested Party shall, on the request of the Requesting Party, readmit citizens of a third country, who do not or no longer fulfil the conditions for entry or residence, in force on the territory of the Requesting Party, if such a person possesses a valid visa, except a transit visa, or a valid residence permit issued by the Requested Party. In cases where both Contracting Parties have issued a visa or a residence permit to a citizen of a third country, the readmission obligation lies with that Party which has issued the visa or the residence permit containing the latest date of expiration.

(4) Information of identity, citizenship and facts that enable the establishing of entry or residence of a person that is obligated to return to the territory of the Requested Party is consolidated by the Protocol for the implementation of this Agreement.

(5) The Requested Party shall reply to the Request for Return within 21 days from the date of its submission.

(6) The Requested Party shall readmit a citizen of a third country or a stateless person within 30 days from the date of receipt of an affirmative reply on the Request for Return. This deadline can, on the request of the Requesting Party, be prolonged for legal reasons, but only until these reasons have ceased to be valid.

(7) The competent authority of the Requesting Party shall inform the competent authority of the Requested Party of the time, place and procedure of the return of a person, no later than 7 days before the planned date of return.

(8) The competent authority of the Requesting Party shall inform the competent authority of the Requested Party of the time, place and procedure of the return of a person, for whom police escort is necessary.

(9) The competent authority of the Requesting Party shall inform the competent authority of the Requested Party of the time, place and procedure of the return of a person needing special help or care due to illness or on account of age.

(10) A negative reply to a Request for return shall be explained.

Article 8.

Exceptions from the Obligation of Readmission

(1) Obligation of readmission on the basis of this Agreement, does not apply to citizens of third countries or stateless persons in the following cases:

1. the obligation does not apply for citizens of third countries that border with the State of the Requesting Party;

2. the obligation does not apply for citizens of third countries or stateless persons who after having left the territory of the Requested Party or after entry to the territory of the Requesting Party have obtained a visa or a residence permit in the Requesting Party;

3. the obligation does not apply for citizens of third countries or stateless persons to whom the Requesting Party has granted refugee status on the basis of the Convention of 28 July 1951 on the Status of Refugees amended by the Protocol of 31 January 1967 on the Status of Refugees, or the status of stateless persons on the basis of the Convention of 28 September 1954 on the Legal Status of Stateless Persons, if they have a residence permit on the territory of the Requesting Party.

Article 9.

Readmission to Requesting Party

(1) The Requesting Party shall within 30 days, under the same conditions, to its territory readmit citizens of third countries or stateless persons with regard to whom it is later established that they at the time of the emission did not fulfil the conditions for return and readmission provided for in Article 7 (paragraph (1) and (2)) and in Article 8 of this Agreement.

IV

TRANSIT OF CITIZENS OF THIRD COUNTRIES OR STATELESS PERSONS

Article 10.

Procedure of Transit

(1) The Requested Party shall on the request of the Requesting Party admit citizens of third countries or stateless persons for the purpose of transit through its own territory, if the Requesting Party produces incontestable proof that it has ensured their admission to the country of destination or to the territory of the following country through which transit shall be conducted.

(2) A Request for Transit is presented by the Requesting Party, which is obligated to provide all valid documents which are necessary for travelling: a valid travel document, other necessary permits, valid travel tickets to the country of destination or the countries which are to be transited through, and a statement of readmission of the person by the country of destination.

(3) The Requesting Party is obligated to send the Request for the admission of citizens of a third country or stateless persons not less than 8 working days before the transit. The Requested Party shall send a reply to the Request within 5 working days.

(4) The transportation of persons in transit under police escort shall be carried out in accordance with the regulations of the Requested Party.

(5) A negative reply to a Request for Transit shall be explained.

(6) The procedure of transit will be conducted in accordance with the Protocol for the implementation of this Agreement.

V

Article 11. Protection of personal data

(1) Personal data exchanged for the purpose of implementing this Agreement shall be protected in accordance with the regulations of the national legislation of the Contracting Parties.

(2) In so far as the implementation of the Agreement requires the exchange of personal data between the Contracting Parties, only data of the following nature can be exchanged:

1. personal data of the person to be returned or readmitted (name, surname, previous names, nicknames, pseudonyms, date and place of birth, sex, citizenship and possible former citizenships), names of his/her relatives;
2. passport, identity card, other documents or travel documents and laissez-passer (number, period of validity, date of issue, name of issuing authority, place of issue);
3. other data that can be used to identify the person who is to be returned or readmitted:
4. place of residence and travel plan;
5. residence permit or visas issued by one of the Contracting Parties;
6. other facts required by one of the Contracting Parties, which it needs for establishing that the conditions for readmission according to this Agreement have been met.

VI

GENERAL AND FINAL PROVISIONS

Article 12. The Right to Bring back Personal Belongings

(1) The Requesting Party shall allow the person returning to bring acquired personal belongings to the country of destination in accordance with the national legislation of the Requesting Party. The Requested Party is not obligated to bear the expenses of the transportation of these belongings.

Article 13.
The Implementation of the Agreement

(1) The Federal Ministry of Internal Affairs of the Federal Republic of Yugoslavia and the Ministry for Refugees, Immigration and Integration of the Kingdom of Denmark shall draw up a Protocol for the implementation of the Agreement, in which the following is defined:

1. the competent authorities;
2. border crossing points;
3. procedure for the return and readmission of citizens of the Contracting Parties;
4. procedure for the return and readmission of citizens of third countries;
5. transit procedure of citizens of third countries;
6. expenses;
7. implementation and validity period.

Article 14.
Commission of Experts

(1) The Contracting Parties shall collaborate on the discussion of questions regarding the implementation of this Agreement and the Protocol for its implementation. A Commission of Experts made up of representatives of the competent authorities of the Contracting Parties will be established for this purpose.

(2) The Commission shall meet as required, on the request of one of the Contracting Parties, but no less than once a year, alternating in the countries of the Contracting Parties.

(3) Questions of dispute that are not resolved within the framework of the Commission of Experts shall be resolved through diplomatic channels.

Article 15.
Expenses

(1) All expenses arising from the return and readmission of a person are covered by the Requesting Party, including expenses of police escort.

Article 16.
International Obligations which are not violated by this Agreement

(1) The provisions of this Agreement shall not affect the Contracting Parties' other international treaty obligations.

(2) The provisions of this Agreement shall not affect the application of the Convention of 28 July 1951 on the Status of Refugees amended by the Protocol of New York of 31 January 1967 on the Status of Refugees, or the Convention of 28 September 1954 on the Status of Stateless Persons.

(3) The provisions of this Agreement shall not affect the compliance with international agreements, which the Contracting Parties have signed for the protection of Human Rights.

(4) This Agreement shall not be applied in the cases where legal aid is provided for cases concerning extradition and transit of convicted persons between the Contracting Parties.

VII APPLICATION AND SUSPENSION OF THE IMPLEMENTATION OF THE AGREEMENT

Article 17. The Validity of the Agreement

(1) This Agreement shall be in force for an indefinite period of time.

(2) This Agreement shall enter into force 30 days from the date on which the Contracting Parties have exchanged notifications by which the Contracting Parties inform each other that the necessary procedures for the entry into force of the Agreement have been fulfilled in accordance with the national legislation of the Contracting Parties.

Article 18. Suspension of Implementation and Termination of the Agreement

(1) Each Contracting Party may temporarily suspend the application of this Agreement in whole or in part for reasons of security, protection of public order or protection of health. The temporary suspension shall not apply to own citizens, except in the case of force majeure. The suspension of the implementation of the Agreement or the cessation of this measure shall come into force the day after the date, when notification of the introduction of the mentioned measure or the cessation of the mentioned measure, was received by the other Contracting Party.

(2) Each Contracting Party may terminate this Agreement in writing, and by diplomatic channels. In that case, the Agreement shall cease to be valid on the ninetieth (90) day after the date, when the notification of its termination has been received.

Done in Copenhagen on the 29 May 2002 in three originals, one each in Serbian, Danish and English. In case of difference of interpretation the English version shall prevail.

P R O T O C O L

ON THE IMPLEMENTATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE FEDERAL GOVERNMENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA ON THE RETURN AND READMISSION OF PERSONS WHO DO NOT FULFIL OR NO LONGER FULFIL THE CONDITIONS FOR ENTRY OR RESIDENCE IN THE TERRITORY OF THE OTHER STATE

Based upon Article 13 of the Agreement between the Government of the Kingdom of Denmark and the Federal Government of the Federal Republic of Yugoslavia on the Return and Readmission of persons who do not fulfil or no longer fulfil the conditions for entry or residence in the territory of the other state (hereinafter referred to as: the Agreement), concluded in Copenhagen, on the 29 May 2002, the Ministry for Refugees, Immigration and Integration of the Kingdom of Denmark and the Federal Ministry of Internal Affairs of the Federal Republic of Yugoslavia (Contracting Parties), have agreed on the following:

Article 1.

Competent authorities

1. The Competent authority for the implementation of the Agreement on the Yugoslav side is the Federal Ministry of Internal Affairs – Department for Border Police, Foreigners and Travel Documents.

Address: The Federal Ministry of Internal Affairs
Department for Border Police, Foreigners and Travel Documents.
Ulica Mihajla Pupina no. 2
11070 Beograd
FR Yugoslavia

Telephone: 0038111/3118-984
0038111/3117-252 (duty officer)

Telefax: 0038111/3118-984
0038111/3117-251 (duty officer)

2. The competent authority for the implementation of the Agreement on the Danish side is the National Commissioner of the Danish Police E-Department.

Address: The National Commissioner of the Danish Police, E-Department
Anker Heegaards Gade 5, 3.
1780 Copenhagen V
Denmark

Telephone: 9945 33 91 09 10 - 6248
9945 33 14 88 88 - 6203

Telefax: 9945 33 43 00 39
9945 33 43 00 40

Article 2.

Border crossing points

1. Border crossing points defined for the implementation of the Agreement are:

a) in the Federal Republic of Yugoslavia:

- the international border crossing points for air transportation: the airport 'Belgrade' and the airport in Podgorica;
- international road border crossing points Horgos and Batrovci.

b) in the Kingdom of Denmark:

- the international border crossing point for air transportation: the 'Copenhagen Airport' in Kastrup.
- the international border crossing points at sea: the port of Copenhagen, and the harbour in Rødby (Rødby Færge- og Trafikhavn).

Article 3.

Procedure for the return and readmission of citizens of the Contracting Parties

1. A Request for the readmission of a person in accordance with Article 2 of the Agreement shall contain data according to Annex 1 of this protocol.

2. With the Request for the readmission of a person, according to Article 4, paragraph (2) of the Agreement, the following documents shall be enclosed:

a) For the establishment of the identity and citizenship of the Federal Republic of Yugoslavia

- Travel document according to the national legislation,
- Identity card

- Seaman's book
- Maritime book
- Driving license or
- Other documents issued by the competent authorities of the Federal Republic of Yugoslavia with the obligatory enclosed photograph.

b) For the establishment of the identity and citizenship of the Kingdom of Denmark:

- Travel document according to the national legislation,
- Identity card
- Seaman's book
- Maritime book
- Driving license or
- Other documents issued by the competent authorities of the Kingdom of Denmark with the obligatory enclosed photograph.

3. Documents as mentioned in Article 2, paragraph (2) in this Protocol can be utilized in the procedure of establishing the identity and citizenship of a person concerning whom a Request is presented even in case that their period of validity has expired.

4. The Reply to the request for readmitting a person shall consist of data in accordance with Annex 2 of this Protocol.

5. The competent authority of the Requesting Party shall deliver an affirmative Reply to the Request for readmission of a person to the Diplomatic/Consular Mission of the Requested Party, in order to issue a travel document.

6. The competent authority of the Requesting Party shall, on the basis of an affirmative Reply to the Request for readmission of a person, and after the issuing of a travel document, to the competent authority of the Requested Party send a notification of the return of the person according to Annex 3 of this Protocol, within the period established in Article 6, paragraph (2) of the Agreement.

7. Persons obligated to return, who possess a valid (blue) Yugoslav passport, issued on the basis of the Law on travel documents for Yugoslav citizens from 1996, can be returned to the Federal Republic of Yugoslavia without any formalities regarding readmission. In all other cases the procedure, which has been taken into account in this Protocol, shall be used, and travel documents shall be issued after an affirmative Reply.

8. When police escort is required, the person to be returned shall be escorted by the competent authorities of the Requesting Party only to the border crossing points of the Requested Party.

Article 4.
Procedure for the return and readmission of citizens of third countries or stateless persons

1. The Request for the readmission of citizens of third countries or stateless persons shall contain data according to Annex 4 of this Protocol.
2. Data and documents of identity and citizenship of the person to be returned, proof of residence of that person on the territory of the Requested Party, as well as data and evidence of the direct entry from the territory of the Requested Party to the territory of the Requesting Party shall be enclosed with the Request for Readmission of citizens of third countries or stateless persons.
3. The following can be considered as proof that a citizen of a third country or a stateless person has resided on the territory of the Requested Party, from where he has directly entered the territory of the Requesting Party:
 - stamps of entry or exit or other possible marks on the travel documents;
 - document of residence issued by the competent authority of the Requested Party, also including one whose period of validity has expired by no more than thirty (30) days;
 - visa issued by the competent authority of the Requested Party, including one whose period of validity has expired by no more than thirty (30) days;
 - a document issued by the competent authorities of the Requested Party to the citizen of a third country or the stateless person, such as a driving license, a license to carry weapons etc.;
 - travel tickets made out in the name of the citizen of a third country or the stateless person, by which it is possible to confirm that the person directly entered the territory of the Requesting Party;
 - other proof indicating the stay of the citizen of a third country or the stateless person on the territory of the Requested Party.
4. Reply to the Request for Readmission of citizens of third countries or stateless persons shall contain data in accordance with Annex 5 of this Protocol.
5. The competent authority of the Requesting Party shall after the receiving of an affirmative reply to the Request for Readmission of citizens of third countries or stateless persons according to Article 7, paragraph (7) of the Agreement, send a notification of return of citizens of third countries or stateless persons to the competent authority of the Requested Party according to Annex 6 of this Protocol.

Article 5.
Transit procedure of citizens of third countries or stateless persons

1. The Request for admission of citizens of third countries or stateless persons for transit shall contain data in accordance with Annex 7 of this Protocol.

2. The Request shall be sent by fax, and the Requested Party shall reply without delay.
3. The Reply to the Request for admission of citizens of third countries or stateless persons for transit shall contain data in accordance with annex 8 of this Protocol.
4. The transportation of citizens of third countries or stateless persons shall be conducted over the border crossing points defined in Article 2 of this Protocol.

Article 6.

Expenses

1. All expenses arising from the return, readmission and transit are defined in Article 15 of the Agreement.
2. The Requesting Party shall compensate the Requested Party all of the arisen expenses by means of bank transfer, within thirty (30) days from the date of the delivering of the invoice.

Article 7.

Implementation and validity period

1. This Protocol is applied in accordance with Article 17 and 18 of the Agreement, and its application ceases simultaneously with the cessation of the validity of the Agreement.

Done in Copenhagen on the 29 May 2002 in three originals, one each in Serbian, Danish and English. In case of difference of interpretation the English version shall prevail.

**FOR
THE GOVERNMENT
OF THE KINGDOM OF
DENMARK**

**FOR
THE FEDERAL MINISTRY OF
INTERNAL AFFAIRS OF
THE FEDERAL REPUBLIC
OF YUGOSLAVIA**

Bertel Haarder

Zoran Zivkovic

(space reserved for photograph)

.....
.....
(name and address of the competent authority)

Telephone: Fax:
No.:
Date:

.....
.....
(name and address of the competent requested authority)

SUBJECT: REQUEST FOR READMISSION

.....
(surname and name of the person to be returned)

I

It is hereby requested that the person, who is validly assumed to fall within the readmission obligation in accordance with Article 2 of the Agreement, be readmitted to the territory of

For that purpose the following information is forwarded:

1. Personal data

- surname and name
- date of birth.....
- place, municipality and country of birth
- last place of residence in the state of the Requested Party

2. Other data available (for example: the name of the father and mother, earlier surname, pseudonym, nickname etc.):

.....
.....

3. Available documents (original or copy) are enclosed for proof of identity and citizenship:

.....
.....

II

It is requested that the following children under 18 who are assumed to fall within the readmission obligation in accordance with Article 2 of the Agreement, be readmitted to the territory oftogether with one of the parents for whom this request has been submitted*.

Surname and name	Relationship	Date, month, year and place of birth
------------------	--------------	--------------------------------------

- | | | |
|---------|--|--|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |

Following excerpts from the Register of Births are enclosed:

- | |
|---------|
| 1. |
| 2. |
| 3. |
| 4. |
| 5. |

L.S.

.....
(Signature of the representative of
the competent authority)

* For children born in the territory of the Requesting Party and for children born on the territory of a third State, it is necessary to submit an excerpt from the Register of Births on an international form.

.....
.....
(name and address of the competent authority)

Telephone: Fax:
No.:
Date:

.....
.....
(name and address of the competent authority of the Requesting Party)

SUBJECT: REPLY TO THE REQUEST FOR READMISSION

Re: Your request no. of

In regard to your Request for Readmission of
(surname and name)

born in
(date, month and year of birth) (place, municipality and country of birth)

the procedure has been completed and it has been established that there exists a readmission obligation concerning the mentioned person, in accordance with Article 2 of the Agreement. The said person shall therefore be issued a travel document for the purpose of his/her return to

In case of a negative reply an explanation shall be given

.....
.....
.....
(Information confirming the non-existence of readmission obligation in accordance with Article 2 of the Agreement shall be stated)

L.S.

.....
(Signature of the representative of the competent authority)

.....

 (name and address of the competent authority)

Telephone: Fax:
 No.:
 Date:

.....

 (name and address of the competent authority,
 who shall readmit the person returning)

SUBJECT: NOTIFICATION ON THE RETURN

I

Please be notified that on the on the international border crossing point
 (date, month and year)

the below described person will be returned to

from airport....., flight number, departing at, arriving at
 (time)
 airport.....at.....
 (time)

serial number	surname and name	date and place of birth	number and date of the Reply to the Request
---------------	------------------	----------------------------	--

.....			
.....			
.....			
.....			

II

Data concerning persons needing special help or care due to illness or age:

serial number	surname and name	reason
---------------	------------------	--------

.....		
.....		
.....		
.....		

L.S.

.....
 (Signature of the representative of the competent authority)

.....
.....
(name and address of the competent authority)

Telephone: Fax:
No.:
Date:

.....
.....
(name and address of the competent requested authority)

SUBJECT: REQUEST FOR READMISSION OF CITIZENS OF THIRD COUNTRIES OR STATELESS PERSONS

.....
(surname and name of the person to be returned)

It is hereby requested that the person, who is validly assumed to fall within the readmission obligation in accordance with Article 7 of the Agreement, be readmitted to the territory of

For that purpose the following information is forwarded:

1. Personal data

- surname and name
- name of father or mother
- date of birth
- place and country of birth

2. Other available documents are enclosed: passport, evidence of residence on the territory of the Requested Party, i.e. evidence of the direct entry from the territory of the Requested Party etc.:

.....
.....

L.S.

.....
(Signature of the representative of the competent authority)

Annex 5 (Protocol)

.....
.....
(name and address of the competent authority)

Telephone: Fax:
No.:
Date:

.....
.....
(name and address of the competent authority
of the Requesting Party)

**SUBJECT: REPLY TO THE REQUEST FOR READMISSION
FOR CITIZENS OF THIRD COUNTRIES OR STATELESS PERSONS**

Re: Your request no of

In regard to your Request for Readmission of
(surname and name)

born in
(date, month and year of birth) (place and country of birth)

the procedure has been completed and it has been established that there exists a readmission obligation concerning the
mentioned person, in accordance with Article 7 of the Agreement.

In case of a negative reply an explanation shall be given

.....
.....
(Information confirming the non-existence of readmission obligation in accordance with Article 7 of the Agreement shall be stated)

L.S.

.....
(Signature of the representative of
the competent authority)

Annex 6 (Protocol)

.....

 (name and address of the competent authority)

Telephone: Fax:
 No.:
 Date:

.....

 (name and address of the competent authority, who
 shall readmit citizens of third countries or stateless persons)

SUBJECT: NOTIFICATION ON THE RETURN OF CITIZENS OF THIRD COUNTRIES OR STATELESS PERSONS

I

Please be notified that on the on the international border crossing point.....
 (date, month and year)

the below described person will be returned to.....

from airport....., flight number, departing at, arriving at
 (time)
 airport.....at.....
 (time)

serial number	surname and name	date and place of birth	number and date of the Reply to the Request
---------------	------------------	-------------------------	---

.....

II

Data concerning persons needing special help or care due to illness or age:

serial number	surname and name	reason
---------------	------------------	--------

.....

L.S.

.....
 (Signature of the representative of the competent authority)

.....

 (name and address of the competent authority)

Telephone: Fax:
 No.:
 Date:

.....

 (name and address of the competent requested authority)

**SUBJECT: REQUEST FOR ADMISSION OF CITIZENS
 OF THIRD COUNTRIES OR STATELESS PERSONS IN TRANSIT**

.....
 (surname and name of the person to be returned)

I
 It is hereby requested that in accordance with Article 10 of the Agreement that the person with the following data be admitted
 for transit over the territory of

- I**
- surname and name
 - name of father or mother
 - date of birth
 - place and country of birth
 - citizenship
 - category and number of the travel document
 - arrival on the border crossing point
 - on the date and time

II
 Evidence that will be received in the state he/she enters from the territory
 of the Requested Party is stated:

.....

III
 Data concerning persons needing special help or care due to illness or age:

serial number	surname and name	reason
.....		
.....		

.....

L.S

.....
 (Signature of the representative of
 the competent authority)

.....
.....
(name and address of the competent authority)

Telephone: Fax:
No.:
Date:

.....
.....
(name and address of the competent authority of the Requesting Party)

**SUBJECT: REPLY TO THE REQUEST FOR ADMISSION OF CITIZENS OF THIRD
COUNTRIES OR STATELESS PERSONS IN TRANSIT**

Re: Your request no. of

In regard to your Request for admission for transit of
(surname and name)

born in
(date, month and year of birth) (place and country of birth)

the procedure has been completed and it has been established that the mentioned person shall be admitted for
transit, in accordance with Article 10 of the Agreement.

In case of a negative reply an explanation shall be given

.....
.....
.....

L.S.

.....
(Signature of the representative of
the competent authority)

APPENDIX V

COUNCIL OF EUROPE DELEGATION

Rapporteur

Alan Phillips (United Kingdom)

Former Vice-President of the Advisory Committee of the Framework Convention on the Protection of National Minorities

Nenad Vladisavljev (Yugoslavia)

Assistant to the Rapporteur

Specialist Group on Roma, Gypsies and Travellers

Rudko Kawczynski (Germany)

Roma National Congress

Josephine Verspaget (Netherlands)

Former Chairperson of the Specialist Group on Roma, Gypsies and Travellers

Parliamentary Assembly

Boris Cilevičs (Latvia)

Committee on Migration, Refugees and Demography

Ans Zwerver (Netherlands)

Committee on Migration, Refugees and Demography

Secretariat

Simon Tonelli

DG III - Social Cohesion, Migration and Roma/Gypsies Department

Council of Europe