



# Protecting the Human Rights of Armed Forces Personnel: Old and New Challenges

April 2011, Belgrade

## CONFERENCE REPORT



## *Protecting the Human Rights of Armed Forces Personnel: Old and New Challenges*

13 – 15 April 2011  
The Palace of Serbia, Belgrade

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The Conference was organized by the Protector of Citizens of the Republic of Serbia and the Geneva Centre for the Democratic Control of Armed Forces (DCAF), with the support of the Ministry of Defence of the Republic of Serbia

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## Preface

The Third International Conference of Ombudsman Institutions for Armed Forces in Belgrade continued the series of the conferences established to network the ombudsman and similar (ombuds) institutions entrusted with the protection of the rights of armed forces personnel. It provided an opportunity for a stocktaking exercise and deepened cooperation between various stakeholders by opening new perspectives on the both the old and new challenges of our work.

The guiding principle for our deliberations, laid down at the first Conference held in Berlin, is that armed forces personnel are 'Citizens in Uniform'. This sets straight from the beginning that they are citizens above anything else, with all universally recognized human rights; however some of those rights and liberties may be subjected to limitations when that is prescribed by law and, at the same time, required by the nature of the military service. A soldier is a full-fledged citizen, wearing a uniform and performing a task so demanding that he or she has to accept certain limitations to their own rights; to wear a uniform does not mean to strip away citizenship. We can all agree that it is an essential part of the democratic civilian control of the armed forces, just as we agree that military has no supremacy over the state or society, but rather exists as their function. That truth is not as common as we tend to believe, especially when tested in practical context. The Belgrade Conference kept that principle under the spotlight.

The grounds for the challenging and delicate topics that we decided to tackle in Belgrade were set at the previous conferences in Berlin and Vienna, for which we are thankful to our dear German and Austrian colleagues. That foundation enabled us to engage into a detailed and open exchange on some of the most delicate challenges for the armed personal and the ombudsman institutions across Europe and North America, while respecting the independent nature of our institutions and differences of our legal and institutional systems.

This year we decided to invite even broader group of professionals and experts outside the ombudsman institutions (national and international military unions and associations,

academia, media and non-governmental organizations) and the Conference benefited largely from their participation.

The Belgrade Memorandum that we adopted presents a map of the discussions we had, a document whose goal is not to oblige, but to inspire. As Theodor Winkler, director of the Geneva Center for Democratic Civilian Control of the Armed Forces emphasized: “The starting point for our discussion is that there is no the best model for organizing an ombudsman institution, but that we can identify principles and best practices which must be tailored to the requirements of a specific context and national experiences.” I am grateful to the Geneva Centre for co-organizing the Conference with the Serbian Ombudsman and carrying the torch further on.

For all that, we all have reason to expect that the Belgrade Conference will have a practical impact on our work and consequently improve exercising of the rights of the armed forces personnel, either at home or when deployed abroad. That was our main goal from the beginning.

Protector of Citizens of the Republic of Serbia

Saša Janković

## **I Executive Summary**

From 13-15 April, 2011, the Third International Conference of Ombudsman Institutions for Armed Forces (ICOAF) entitled "Protecting the Human Rights of Armed Forces Personnel: Old and New Challenges" took place in Belgrade, Serbia. The Conference was organized by the Protector of Citizens of the Republic of Serbia in cooperation with the Geneva Centre for the Democratic Control of Armed Forces (DCAF) with the support of the Ministry of Defence of the Republic of Serbia. It gathered 48 participants representing Ombudsman Institutions for Armed Forces from 20 states as well as some 100 attendees including organizers, honorary speakers, representatives of international organizations, diplomatic missions, NGOs, media and academic community (Appendix B). The organizational titles and institutional affiliation of the participants varied greatly and reflected diversity of constitutional arrangements across countries and encompassing a very broad group of stakeholders. For an absorbing two days, the participants had the opportunity to raise, exchange, discuss and clarify the most pressing challenges ahead of Ombudsman Institutions for Armed Forces across Europe and North America. During the Conference, 28 addresses were delivered, structured around three main panel topics: (1) external and internal complaint handling procedures; (2) military unions and associations; (3) and the role of Ombudsman Institutions in multinational operations. Each panel was followed by vivid discussions ending with moderator's short summary of key points raised. The intensive professional exchange continued well beyond the panels, in the hallways, over breaks and during the reception hosted by the Protector of Citizens of the Republic of Serbia and the Minister of Defence. At the end of the second day, the conferees adopted the Belgrade Memorandum (Appendix A). What follows is a summary of the key points raised during the speeches and throughout discussions.

## II Opening of the Conference

The Conference was opened with the welcoming speeches addressed by the Protector of Citizens of the Republic of Serbia Mr. Saša Janković, Director of the Geneva Centre for the Democratic Control of Armed Forces (DCAF) H.E. Ambassador Mr. Theodor H. Winkler, the Minister of Defence of the Republic of Serbia Mr. Dragan Šutanovac and the President of the Republic of Serbia, Mr. Boris Tadić. At the beginning of the opening session, the participants observed one-minute silence in recognition of all soldiers who lost their life while serving worldwide as well as the victims of the recent earthquake and tsunami in Japan. During the opening speeches, references were made both to the previous Conferences held in Berlin in 2009 and Vienna in 2010 as well as to the future ones to be organized in Canada in 2012 and Norway in 2013. Mr. Janković, the Conference host, brought out the expectation that the exchange of information, arguments and experiences from different countries and an overview of the best practices and biggest challenges in their implementation will result in actual improvement of the ombudsman's practice and increased quality of exercising the rights of our armed forces at home and abroad.

Ambassador Winkler reminded the participants of an important role played by DCAF in support of the ICOAF by providing the expertise, conducting comparative policy research and making it available to the general public and finally by responding to specific requests made by national governments.

President Boris Tadić and Minister Dragan Šutanovac spoke about defence reforms in the Republic of Serbia. They stressed the centrality of democratic civilian control of armed forces not only for defence reforms but also for the general democratization process in Serbia. They emphasized that the respect of human rights of armed forces personnel is taken seriously in Serbia. Complaints are in the first instance dealt within the defence system through Inspector General of the Military Security Agency and Military Intelligence Agency and the Inspectorate of Defence. Should servicemen and servicewomen see these mechanisms as insufficient, they can always submit their complaints to the Protector of Citizens as the second instance of control. By stating that it's good that complaints are being made, because that reflects the existence of trust in the system, President Tadić set the overall tone for the remaining discussions held at the Conference.

### III Panel 1: External and Internal complaints handling procedures

Drawing on the diversity of experiences and arrangements, the objective of the panel was to discuss the relationship between external oversight institutions and internal military complaints-handling mechanisms. The panel, moderated by the Parliamentary Commissioner of the Royal Armed Forces of Norway, Captain (Navy, Ret.) Kjell Arne Bratli, focused on how the two mechanisms intertwine to safeguard the rights of armed forces personnel.

The first presenter was Complaints Manager of the Belgian Armed Forces Colonel Jacques de Keyser.<sup>1</sup> At the start of his speech, Mr. Keyser, drawing on the Belgian experience, succinctly laid out the main advantages and disadvantages of both internal and external mechanisms. The internal control is embedded within the Ministry of Defence and has better insiders' views and knowledge of *esprit de corps*. Thereafter it is well accepted by the members of armed forces. On the other hand, as Mr. Keyser argued, its weak point is the existence of pressure arising within the military hierarchy that can create obstacles for autonomous complaints handling. In contrast to this, the external control may have more autonomy but its decisions are more difficult to implement in practice.

The next up on the agenda was Parliamentary Military Commissioner of Bosnia and Herzegovina, Mr. Boško Šiljegović. He outlined activities of his office since its establishment in 2009 specifically focusing on the complaints received and decisions made. In spite of some isolated cases, Mr. Šiljegović remarked that no systematic violation of human rights existed within the armed forces of Bosnia and Herzegovina. Finally, he judged as satisfactory his cooperation with other stakeholders in the security sector including the Ministry of Defense, Joint Staff of the Armed Forces, Ombudsman, Civil Society Organizations and International Organizations.

The third speaker in the panel was the Principal Legal Adviser of the Parliamentary Ombudsman of Finland Mr. Raino Marttunen, who introduced the internal and external complaint handling system in Finland. The Finnish Defence Forces have an internal system

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<sup>1</sup> Belgium has armed-forces specific ombudsman institution titled the Service of the Complaint Manager. It is a division within the Directorate-General for Legal Support and Mediation of the Belgian Ministry of Defence.



of administrative complaint handling which takes priority. The external mechanism is of supplementary nature and is conducted by the Finnish ombudsman institution, established back in 1920 as the second institution of that sort in the world.<sup>2</sup> It has stronger competences than any other similar institution in the world including the power to bring criminal charges and free access to all classified documents while its oversight covers all public authorities without exceptions. Mr. Marttunen then went on to discuss the advantages and disadvantages as well as cooperation between the two handling mechanisms. While the Parliamentary Ombudsman has advantages when it comes to independence, effectiveness and authority, the internal control has quicker processing times and better military expertise. Cooperation between the two mechanisms is very good and encompasses the exchange of expertise, periodic meetings and conferences. Mr. Marttunen also stated the major challenges in external handling of complaints such as the sheer number of complaints (e.g. 4000 complaints annually out of which 50-60 concern defence matters) as well as the way they are written (often sent by email, written in an unclear and illogical fashion) sometimes to more than one address or repeatedly by the same person.

The next panelist was Ombudsman for the Defence Forces of Ireland Ms. Paulynn Marrinan Quinn. She started with the observation that complaints are a good thing because they show trust in the processes and institutions. Ms. Quinn reported that the Ombudsman for the Defence Forces in Ireland is an institution of the second resort to which serving members of the Defence Forces and the Reserve Defence Forces can bring their complaint only if there is no resolution through the internal Defence Force structures. The internal complaint mechanism is of fundamental importance as the primary safety net for the early intervention, protection of soldiers and dispute resolution at the local level. However, Ms. Quinn also acknowledged its shortcomings such as the fear from the higher ranks among soldiers and their perception that officers investigating their case may not always be impartial. Coordination between the two systems is therefore essential and the Ombudsman for the Defence Forces must be notified about any complaint internally received.

The floor was then taken by the Protector of Human Rights and Freedoms of Montenegro Mr. Šučko Baković. He stated that Montenegro doesn't have a special Military Ombudsman but only the general Protector of Human Rights and Freedoms established in 2003 based on

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<sup>2</sup> The first one was the Swedish Ombudsman established in 1809.

the Swedish model. Mr. Baković mentioned legal arrangements and explained the instruments and procedures at the disposal of the Protector of Human Rights. In practice, a very small number of complaints are lodged concerning the fields of military and defence and they are mostly related with pension and disability insurance, property issues, military associations and military advancement. Mr. Baković suggested that the small number of complaints might be the result of low awareness among the members of Armed Forces of their rights. The overall level of human rights protection within the Armed Forces of Montenegro is difficult to tell since this subject has not been researched. In addition to the Protector, there is also an inspection system within the Ministry of Defence as the internal complaint handling mechanism. Baković concluded by observing that the cooperation between internal and external mechanism in Montenegro is still in the rudimentary stage.

The following speaker was the deputy National Ombudsman of the Netherlands Ms. Adriana Stehouwer. Since there is no specialized military ombudsman, complaints are handled internally by the complaint-handling unit of the Ministry of Defence and by the Inspector General of the Armed Forces through mediation.<sup>3</sup> She stressed that it is always better to resolve the problem within the institution itself and restore trust through personal contacts. However, if the complaint mechanisms of the first instance prove to be insufficient citizens can complain to the National Ombudsman, which closely cooperates with internal complaint handling system through close contacts during investigations, trainings, workshops and conferences. Ms. Stehouwer enlisted the instruments available to the National Ombudsman and then concentrated specifically on the merits of mediation (participativeness, informality, resolution without breaking the law, better understanding etc). Finally, Ms. Stehouwer shared a recent example (from 2010) when the National Ombudsman successfully mediated between “old” veterans who participated in peacekeeping missions abroad and the Ministry of Defence.

The next panelist was the Director of the Inspectorate of Defence of the Ministry of Defence of the Republic of Serbia, Lieutenant General Petar Radojčić. He started with a brief overview of the defence reforms in Serbia including the regulation of rights of servicemen. Mr. Radojčić then introduced the Defence Inspectorate complaint handling body mandated

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<sup>3</sup> Currently the Dutch Parliament is discussing the potential establishment of a special ombudsman for veterans.

to deal with working-legal status, housing affairs and economic and social rights of service members. The Inspectorate of Defence is independent from commanding subjects and is accountable to the Minister of Defence (it reports to the President too). So far, the Inspectorate of Defence has not detected any breach of rights. Mr Radojčić also talked about various administrative and other legal procedures that are at the disposal of service members.

The Human Rights Ombudsman of the Republic of Slovenia, Ms. Zdenka Čebašek Travnik was the next speaker on the agenda. After having shortly introduced the audience into the legal framework and competences of the Human Rights Ombudsman, Ms. Čebašek discussed internal and external complaint handling bodies in Slovenia.<sup>4</sup> In contrast to the former, the latter bodies can only issue non-binding opinions, proposals and recommendations on how to remedy the breaching of rights as well as indirectly influence decision and law making bodies. While internal control bodies have more detailed insight into the military hierarchy and issues at hand, the external control has the advantage of greater independence and impartiality and a bigger picture that transcends the defence system itself. Ms. Čebašek stressed that the cooperation between the two systems is unfortunately not yet well developed in Slovenia. Lastly, she observed that there is a dangerous tendency to exclude the armed forces from the general system of protection of the rights. Restriction may in some case be justified, but in many other cases they are motivated by the pursuit of greater management efficiency thus opening space for arbitrariness by the military command and violation of human rights of their subordinates. Ms. Čebašek pleaded that external mechanism should in some situations be better equipped to detect and draw attention to unjustified restrictions of this type.

The last speaker in the first panel was the Service Complaints Commissioner (SCC) for the Armed Forces of the United Kingdom Ms. Susan Atkins. After having discussed the legal background of the SCC she discussed its main competences. The SCC oversees the internal complaints system and can also be a point of contact for individuals who don't feel

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<sup>4</sup> Internal: Defence Inspectorate; Established channels of objection; military police etc. External: Labour courts; Human Rights Ombudsman; Commission of the National Assembly of the Republic of Slovenia for Petitions, Human Rights and Equal Opportunities; The Committee on Defence of the National Assembly of the Republic of Slovenia; The President of the Republic; The Advocate of the Principle of Equality; Inspection services (labour inspection service and the civil-servants system inspection service).

comfortable in making a complaint through their chains of command. Although it has no powers to investigate or decide upon individual cases, the SCC has an indirect influence through its access to Ministers, Service Chiefs, and the Parliament. The internal mechanism can be fast but they often focus on process rather than justice. On the other hand, although the external mechanism may have limited abilities to right certain wrongs, it is independent and expert, it gives confidence to complainants and focuses on both process and justice. Ms. Atkins also avowed that the existing military culture doesn't see complainants in a favourable light, but it rather considers them to be "trouble-makers". She insisted that such an ethos has to change in the future.

During the discussion time, Ms. Mirjana Ljubašćik, the representative of the first generation of female cadets from the Serbian Military Academy, was invited to address the Conference. She pointed out that her environment at home was at first sceptical but then came to fully support her in her ambition to become a pilot. The second discussant was Ms. Jelena Milić from the Center for Euro-Atlantic Studies, an NGO from Belgrade, who talked about the unresolved cases of servicemen's deaths in Leskovac and Belgrade (Topčider) back in October 2004. In spite of the forensic expertise, which found out that the deaths were violent and caused by a third party, and despite the existence of at least declarative political will to resolve the case, it has nonetheless been stuck for a long time in the office of the District Attorney.

Another issue that came up during the discussion time was the disinclination of soldiers to complaint. As Mr. Hans Born from DCAF pointed out, one of the challenges in this respect is the lack of cooperation from the armed forces since soldiers don't necessarily think that complaints are a good thing. Mr. Hellmut Königshaus, who is the German Parliamentary Commissioner for the Armed Forces, followed up on this by remarking that lower level officers often refuse to lodge their complaints because they consider it as mistrust to their superiors. The discussion was closed by a commentary by Mr. Saša Janković who argued in favour of Ombudsman's prerogative not only to act as a second instance body but also as a body that should act and react on its own when it deems necessary and when the rest of the system fails.

#### **IV Panel 2: Military Unions and Associations**

The aim of the second panel was to consider how states could respect the fundamental rights of armed forces personnel, the right of assembly in particular, while at the same time taking into account the specific requirements of military service. The panel consisted of six presentations and was moderated by Ms. Paulyne Marrinan Quinn, the Irish Ombudsman for the Defence Forces.

Colonel (ret.) Bernhard Gertz, Vice President of the European Organisation of Military Associations (EUROMIL) and former chairman of the German Armed Forces Association (DBwV - Deutscher Bundeswehrverband), opened the panel by reminding that military unions and associations can only exist if state grants this freedom either by Constitution or by Law. Soldiers should enjoy the same rights as civilians. However, Military Unions generally don't have the right to strike except in several Scandinavian states where this right has never been used (Sweden, Norway, Finland). Another important issue raised by Mr. Gertz is question of the use of uniforms in practicing right to association. As he emphasized, German soldiers are allowed to wear uniforms when they practice their right to association. Comparable solutions exist in Scandinavian countries, the Netherlands, Belgium, Austria, Czech Republic, Slovenia, Slovakia, Bulgaria, Greece, Cyprus, Hungary, Portugal, Romania and Albania. He also mentioned that the right of association for active serving military is denied in France, Italy and Malta. In addition to that, Military Unions should be independent from political parties or religious organizations. They can discuss all kind of issues relevant to socio-economic interests of their members save the questions related to military obedience and discipline. Mr. Gertz also stressed the importance of the relationship between military unions and ombudsman institutions because both sides can benefit from value added generated through the mutual cooperation. At the end of his speech, Mr. Gertz reminded that the right to military association was introduced by Serbia's constitution from 2006 and by subsequent legal framework and raised the question why there hasn't been any practical development in that direction so far.

The next speaker was Parliamentary Commissioner of the Royal Armed Forces of Norway, Captain (Navy, Ret.) Mr. Kjell Arne Bratli. He deplored the fact that soldiers are often seen as good enough to take and give life but not trusted to be a part of the military unions. Where they exist, military unions are an important part of a democratic system. Mr. Bratli continued with a short historical overview of military unions in Norway dating back the 19<sup>th</sup> century. In Norwegian Armed Forces there are currently 7 trade unions (3 for officers and

non-commissioned officers and 4 for civilian personnel). Its rights are the same as in the case of civilian trade unions including the right to strike (which is not forbidden).<sup>5</sup> Their main goal is to negotiate with the government on the working conditions and salaries of members of the armed forces. Finally Mr. Bratli evaluated the relationship between military unions and the Parliamentary Commissioner as excellent.

Romanian Deputy People's Advocate, Mr. Valer Dorneanu, spoke about the legal framework for Military Unions and Associations in Romania. He stressed that the right to association for the members of armed forces in Romania is restricted because they cannot strike, join political parties, run in the elections, express political opinions on duty, join religious cults that are undermining public order etc. Mr. Dorneanu also talked about the relationships between the military associations/unions and the Romanian Ombudsman.

Next up on the agenda was the Assistant Minister for Human Resources of Ministry of Defence of the Republic of Serbia, Brigadier-General Sladjan Djordjević. He made with a short historical reminder that within the Socialist Yugoslavia only civilians employed within the Yugoslav People's Army had the right to association and to form trade unions. Then between 1993 and 2007 no category of professional members of armed forces had this right. The Constitution of Serbia (2006) as well as the Law on the Military of Serbia (2007) both introduced, for all the members of armed forces, the right to association including the right to establish trade unions. The freedom of association for the military of Serbia is restricted and does not encompass the right to strike. Furthermore, the subject matter of military association cannot be related to the organization of armed forces, military equipment, command and control and multinational operations. Finally, as Mr. Djordjević pointed out, professional members of the Serbian Armed Forces cannot take part in activities of associations dealing with defence reforms, harmonization of law with *acquis communautaire* of the EU, mobilization of the armed forces etc. According to Mr. Djordjević most of the professional members of the Armed Forces are very well informed about their freedom of association while the interest to exercise the right is very high. Further bylaws, which are

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<sup>5</sup> This right is however not exercised in practice. The last strike took place in a form of a small mutiny back in 1791.

about to be adopted, will complete the normative framework and enable the implementation of these rights in practice.<sup>6</sup>

The final presenter was Mr. Poul Christian Sørensen, a consultant at the Hærens Konstabel- og Korporalforening (HKKF).<sup>7</sup> He presented the Danish bargaining system between employers and employees. The system is based on mutual recognition, dialogue, culture of cooperation, flexibility, consensus and negotiations at the level as local as possible. Danish military unions are fully functioning not only in the peacetime but also in the operations. As Mr. Sørensen stated, the Danish military unions have almost all union rights with restrictions only regarding their ability to associate with other trade unions as well as regarding the right to strike (military personnel abstains from the right to strike). Finally, they have a very good cooperation with the Ombudsman through having common seminars and conferences, though it is not formalised.

During the discussion Mr Gerry Rooney, who is the General Secretary of the Permanent Defence Force Other Ranks Representative Association (PDFORRA), after informing the participants about the background and overview of activities of his association<sup>8</sup>, stressed various restrictions of freedom of association that exist in Ireland such as the restriction to associate with other trade unions and restriction to demonstrate (either in uniform or in civilian clothing). Nevertheless, they can engage in collective bargaining on important issues such as pensions, pay and other terms and conditions, under the agreement with Department of the Defence and military authorities. Mr. Rooney stated that PDFORRA has no formal but a very good informal relation with the Irish Ombudsman for the Defence Forces. Next comment was made by Mr. Edward Lugthart who is the Vice President of the MARVER/FNV, one of the largest associations for military personnel in the Netherlands. The association was founded back in 1898 as an underground organization of a group of non-commissioned officers (NCOs) unsatisfied with working conditions. Today it is a part of the largest trade union in the country and has extensive rights including the one to demonstrate in uniform. Finally, Mr. Lugthart expressed his concern that due to the world economic crisis huge number of people will have to leave the Dutch Armed Forces with

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<sup>6</sup> On 21 April 2011, the Government of the Republic of Serbia adopted a Decree allowing professional members of the Serbian Armed Forces to freely form trade unions. Under this Decree, the employer, meaning the commands, units and institutions of the Serbian Army which are related to the Ministry of Defence shall provide appropriate working conditions for trade union organizations.

<sup>7</sup> HKKF is the most influential military union in Denmark. As Mr. Sørensen stated, 95 percents of the soldiers who could be members of the union are in fact members.

<sup>8</sup> PDFORRA has over 8.000 members, according to Mr. Gerry Rooney.

unknown consequences. Mr. Pierre Daigle, the Ombudsman for the Department of National Defence and the Canadian Forces, suggested that there might be disharmony between the principles on which the military ombudsman is based (impartiality, autonomy) on the one hand and the principles on which the military unions are founded (particular socio-economic interest) of the military personnel on the other. Mr. Gertz rejoined that such an observation doesn't fit the European experience because the cooperation between the military ombudsman and military trade unions is very good.

Mr. Saša Janković concluded the second panel and the first day of the conference with a comprehensive summary of the key issues that were raised during the first two panels. He remarked that rights of service members are often restricted either out of fear or out of inertia. Then he went on to illustrate the latter case by sharing with the audience his own experience. When the Law on the Serbian Armed Forces was being drafted back in 2007, the Protector of Citizens requested from the Ministry of Defence an explanation for the omission of a clause the freedom of association. The reply was that the new draft was following the model espoused in the previous law. Protector of Citizens was then asked to draft a paragraph on the freedom of association, which he did do, drawing on the Slovenian model. Mr. Janković concluded with a statement that rights of the military personnel are not a privilege but something that is inherent to all citizens in democratic societies. Therefore, when these rights are being restricted, this has to be done with the utmost care.

### **V Panel 3: The Role of Ombudsman Institutions in the Protection of Rights of Armed Forces Personnel in Multinational Missions**

The third panel focused on overcoming the challenges faced by ombudsman institutions when armed forces personnel are deployed to multinational missions. The panel was moderated by Mr. Hans Born, senior fellow at the Geneva Centre for the Democratic Control of Armed Forces (DCAF).

The first speaker on the panel was Mr. Paul Kiss, Executive Chairman of the Parliamentary Commission for the Federal Armed Forces of Austria. He outlined the specificities of the Austrian Parliamentary Commission consisting of three alternating chairpersons and six other members. The Commission accepts complaints submitted directly or indirectly, in writing or orally by soldiers and their representatives. Furthermore, unless it finds the



complaint ineligible the Commission examines the case and decides upon recommendations on how to settle it. The Commission can also investigate ex officio suspected shortcomings. As Mr. Kiss stated, on average about 1,300 soldiers (out of which around 900 in the Western Balkans only) are deployed annually in up to 18 multinational operations. Parliamentary Commission is inspecting Austrian contingents abroad on a periodic basis. Soldiers can lodge a complaint through their chain of command within the Austrian Contingent while they are in the mission.

The next presenter was Mr. Indrek Teder, Chancellor of Justice of Estonia, who shared his view of the subject matter based on the Estonian experience.<sup>9</sup> He started by laying out the normative framework that provides for the protection of Estonian citizens deployed in international military operations, foremost the Constitution of Estonia and the International Military Operation Act. Ombudsman's role in protecting these rights is very active since it can initiate proceedings to eliminate not only individual but also systematic human rights violations in operations. Moreover, he/she is a constructive critic, independent supervisor, teacher and disseminator of information. Although Mr. Teder has so far not conducted inspections abroad, he nevertheless initiated investigations and made several recommendations. The main challenge, which an Ombudsman faces in protecting the human rights of soldiers deployed abroad, is how to obtain information about the probable human rights violation. Unfortunately, members of armed forces are not willing to complain while they are in the mission. That is why, as Mr. Teder affirmed, Ombudsman needs to bypass the complaint mechanism and investigate independently the potential human rights violations in the missions abroad.

Next up was Mr. Gilles Grollemund, President of the French Military Appeals Commission. He started out by elaborating the legal framework for the protection of the rights of French armed forces deployed abroad. Members of French Armed Forces deployed abroad have equal rights as those serving at home. Nevertheless, they enjoy certain socio-economic benefits. For instance, the salary of the deployed soldiers is much higher than the average military salary.<sup>10</sup> Furthermore, soldiers and their families receive support in cases of injury

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<sup>9</sup> In Estonia, one of the constitutional tasks entrusted to the Chancellor of Justice is that of an Ombudsman.

<sup>10</sup> e.g. Captain married with two children earns € 3223 (ordinary pay and allowances) when he/she serves in France. While deployed in Afghanistan his/her pay is €7087.

or death occurring during the operation abroad. In 1993, the Army Agency for the Assistance of Wounded Personnel (CABAT) was established to provide moral and financial support to soldiers wounded in the course of operations abroad. In case of death, Military Reserve Fund supports deceased soldiers' families with up to four annual pays. Finally, Mr. Grollemund spoke about a specific case of a soldier who accidentally killed a man during an operation "Licorne" (english: Unicorn) in Ivory Coast. The soldier claimed the right to have his legal protection covered by the state but was refused. The Commission confirmed the refusal of legal protection for the same reasons the military authorities declined him the protection in the first place.<sup>11</sup>

The panel then continued with the address by Mr. Hellmut Königshaus, Parliamentary Commissioner for the Armed Forces in the German Bundestag. He presented the legal background of the German model of protection of rights of Armed Forces Personnel in Multinational Missions. Since Germany is a parliamentary democracy, the role of the Parliament in scrutinizing the military and defence policy is very strong (it elects the Federal Government, approves all foreign military deployments etc). Accordingly, the Federal Constitutional Court referred to the Bundeswehr (the German Federal Armed Forces) as to the 'Parliamentary Army'. The Bundestag also elects The Commissioner for the Armed Forces to conduct parliamentary scrutiny of armed forces but also protect to protect the rights of military personnel.<sup>12</sup> The Commissioner has the same rights to exercise scrutiny in Germany and in missions including access to information and unannounced visits and talks with military personnel of all ranks. In that respect, there are no problems for the Commissioner to get assistance from the deployed force in the theatre of operation. He/she can receive complaints covering the full spectrum of issues but cannot order their resolution. Instead, the Commissioner can only request remedial action that however carries significant weight. Finally, Mr. Königshaus highlighted obstacles and challenges faced by the

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<sup>11</sup> Because the homicide was not a result of the organizational fault which would have brought the responsibility of the state, but it was a result of the numerous personal faults. He had smoked cannabis before his shift, his rifle was loaded and ready to fire (contrary to safety rules) and he shot the non threatening person.

<sup>12</sup> German troops are subject to German laws including the provisions of international law that are incorporated into national law and are thus directly applicable. Mandate and the Rules of Engagement are however not directly applicable laws but rather political guidelines. They are binding for the soldiers in the same way as a command is.

Commissioner emanating from the political controversies and “tug-of-war between Government and Opposition”.

The next speaker was Ms. Paulyn Marrinan Quinn, the Ombudsman for the Defence Forces of Ireland. She emphasized that the work of Ombudsman in the operations needs to be linked to the internal complaint mechanism. This means that whenever a complaint is lodged within the operation, the Ombudsman needs to be advised. This link can function properly only if structural impediments are eradicated. In addition to safety net of structures such as military unions and supporting mechanisms, the system needs to be functional abroad. She specifically underlined the key importance of international networking among Ombudsman institutions that has been in place since the Berlin conference in 2009. As the main challenge, Ms. Quinn emphasized the lack of knowledge within the command to properly advise soldiers deployed abroad about the complaint mechanisms that are available to them.

The last speaker on the agenda was Mr. Joseph Perez, Chief of Assistance and Investigations at the U.S. European Command Headquarters. He overviewed the legal framework for the protection for armed forces personnel in deployments abroad encompassing U.S. Bill of Rights, the Uniform Code of Military Justice, U.S. laws, and various other military regulations. Then he went on to address the three main roles of the Inspector General. The first role, that of inspection, ensures that functions and systems are in line with standards and regulations. If allegations are credible, the Inspector General can initiate investigation, which is his second role. Finally, the third role of the Inspector General is that of assistance to service members on matters related to their health, welfare and personal readiness and taking care that they are afforded “due process”. As Mr. Perez pointed out, the third role of the Inspector General, is the most similar to the Ombudsman system. He also underlined that service members are free to make protected communication to the Inspector General. For that purposes, a “hotline” was established to ensure that any service member in the world could safely address his complaint by e-mail or telephone. Mr. Perez concluded by arguing that the main challenges for the protection of service members abroad emanate from the fact that they operate within an international environment with different national laws and military justice systems. Therefore, soldiers serving in operations should try to

understand laws, customs and courtesies of other nations so they can serve in a cohesive manner.

During the discussion, Mr. Miroslav Hadžić, professor of Security Studies at the Faculty of Political Sciences, University of Belgrade addressed the Conference. He reminded that although armed forces deployed in international missions have a mandate to protect human rights of the local population they can also violate them. Professor Hadžić then raised an important question whether ombudsman institutions of countries participating in the mission should also be authorized to protect human rights of the local population potentially infringed upon by the deployed service members. This sparked discussion in which various national views on the subject were elaborated. For instance in Germany, although the Parliamentary Commissioner has no direct mandate to protect the human rights of civilians where German forces are present, they can nevertheless claim damages from the German government. In contrast to that, the Dutch Ombudsman has strong powers to investigate the violation of human rights of civilians by deployed Dutch service members.

## **VI Special addresses**

The third panel was followed by a “special addresses” session chaired by Mr. Saša Janković, protector of Citizens of the Republic of Serbia. The session started with the address of Mr. Željko Grubešić, Adviser to the Joint Committee of Defence and Security of Bosnia and Herzegovina. He shared with the audience the Results of the First Regional Conference on the Protection of Human Rights in the Armed Forces held in Sarajevo, 17-18 February 2011. The next was Mr. Hans Born from DCAF who presented together with Mr. William McDermott the initiative to establish an Ombudsman Institution Website and a Handbook as a follow up to the Vienna Memorandum from 2010. Finally, Mr Pierre Daigle, Ombudsman for the Department of National Defence and the Canadian Forces announced that the Fourth International Conference of Ombudsman Institutions for the Armed Forces is to be convened in Canada in 2012. The Conference then proceeded to the consolidation and adoption of the *Belgrade Memorandum* in the closing ceremony.

## Appendix A: Belgrade Memorandum

### *PROTECTING THE HUMAN RIGHTS OF ARMED FORCES PERSONNEL: OLD AND NEW CHALLENGES*

#### *Belgrade Memorandum*

1. The Belgrade Conference sought to progress the cooperation of the independent institutions represented at the First and Second International Conference of Ombudsman Institutions for Armed Forces. The Belgrade Conference specifically sought to effect and enhance the aspirations expressed in the 'Berlin Declaration' and the 'Vienna Memorandum' which had underlined the importance of the democratic control of armed forces in countries with a democratic constitution through transparency and focused on the many benefits which flow from this.
2. The Conferees at the Belgrade Conference confirmed the agreed objectives of the two previous Conferences and endorsed the relevance and usefulness of the periodic gatherings of the Ombudsman Institutions for Armed Forces.
3. Encouraged and inspired by the First and Second International Conferences of Ombudsman Institutions for Armed Forces, the Conferees duly acknowledge the contribution of these Conferences in not only raising the level of awareness of the need for external democratic civilian oversight of armed forces but also of the criteria necessary to enable the ombudsman institutions to provide a truly independent review of and appeal from the internal military complaint procedures.
4. The Conferees are mindful of the diversity and the range of jurisdictional limits and mandates in the many participating States.
5. They also confirm the relevance of standards of best practice in this area of work in realizing rights for armed forces personnel as '*Citizens in Uniform*'.

6. The Conferees recognise the need to address the challenges in protecting the human rights and fundamental freedoms of armed forces personnel at home and when they are serving in multinational operations.
7. The Conference also addressed the topic of unions and other forms of professional representative associations of armed forces personnel with a view to understanding the extent of their role in protecting the working conditions and terms of employment of members.
8. Respecting the differing Constitutional arrangements across States, the Conference acknowledged the right of armed forces personnel to freedom of association whether this is manifest through unions or representative associations.
9. The Conference shared the experience, wisdom, and expertise of the participants in informing the discussion towards achieving comprehensive oversight and a rights-centred approach to providing remedy and redress for the complaints and grievances of members of armed forces.
10. Starting from the premise that *'Justice delayed is Justice denied'*, the Conferees confronted the risk of over-arching jurisdictions between internal and external oversight bodies tasked with representing and protecting the rights and welfare of members of armed forces.
11. The Conferees advocate an alignment of the roles and responsibilities in order to avoid ambiguity, to ensure that the members are not prejudiced by delays and to provide unfettered access to the ombudsman institution.
12. The Conferees acknowledge the need for coherence and consistency in the systems provided to ensure that the members of armed forces have confidence in the effectiveness of the oversight function of the ombudsman institution in identifying bad practices or highlighting the systemic failure to implement good practices in the treatment of members.
13. With due appreciation of the diverse legislative, regulatory and institutional measures prevailing in the participating States, the Conferees opened up for discussion topics which may assist in securing the essential elements, criteria, and norms necessary for meaningful oversight and effective intervention.

14. The conference discussed the complexities of ombudsman institutions' role in multinational operations and recognized that this issue should be further discussed.

15. It was reiterated that ombudsman institutions, as guardians of fairness, must have adequate powers of investigation with access to all necessary documentary information, witnesses, and military installations in the course of their enquiries.

16. The Conference acknowledged the benefit in inviting States that wish to establish democratic oversight of their armed forces to participate in the dialogue to provide them with the benefit of the experiences from established ombudsman institutions, insight into the challenges to be overcome and an appreciation of the positive outcomes.

17. Participants stressed the importance of education on human rights among members of armed forces.

18. Conferees agreed that large number of complaints submitted to internal and external control and oversight mechanisms indicate vitality and strength of the protection system and wide institutional commitment to respect for human rights, rather than a problem. They also underlined that a member of armed forces who submits a complaint in good faith must not suffer any negative consequences or be subjected to punitive treatment for doing so.

19. In consideration of the shared objectives, through the sharing of information and experience regarding the challenges in exercising democratic oversight of armed forces, the Conferees:

- Support further discussion on the core issues, findings and recommendations of the panels.
- Propose that in relation to international organization and while defining the mission and mandate of the multinational operations, clear mechanisms for the protection of the human rights and fundamental freedoms of armed forces personnel serving in these operations should be understood and promulgated.
- Accept the invitation to hold the next Conference in Ottawa in 2012.

20. The Third International Conference of Ombudsman Institutions for Armed Forces was organized by the Protector of Citizens of the Republic of Serbia and the Geneva Centre for

the Democratic Control of Armed Forces (DCAF) with the support of the Ministry of Defence of the Republic of Serbia in Belgrade, Serbia from 13 to 15 April 2011.

21. In order to foster the fruitful exchange of information and experience, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) circulated a questionnaire to all of the participants in advance of the Conference with a view to including the results of the survey in the Handbook for Ombudsman Institutions and the ombudsman institutions website. Both projects will provide a source of reference and information about the systems and arrangements in the wide range of States represented in the Conference. The participants welcome these valuable projects as elaborated by DCAF.

22. The ethos of the Conference and this Memorandum is guided by the principles of the Universal Declaration of Human Rights.

Belgrade, 15 April 2011



## **Appendix B: List of Participants**

### **HONORARY GUESTS**

1. Mr Boris Tadić, President of the Republic of Serbia
2. Mr Dragan Šutanovac, Minister of Defence of the Republic of Serbia

### **CONFERENCE PARTICIPANTS**

#### **Austria**

3. Mr Anton Gaál, Chairman, the Austrian Parliamentary Commission for the Federal Armed Forces
4. Mr Paul Kiss, Executive Chairman, the Austrian Parliamentary Commission for the Federal Armed Forces
5. Mr Karl Schneemann, Head of the Office, the Austrian Parliamentary Commission for the Federal Armed Forces

#### **Belgium**

6. Colonel Jacques de Keyser, Complaint Manager, Service of the Complaint Manager of the Belgian Armed Forces
7. Lieutenant Colonel Claude Moerman, Deputy Complaint Manager, Service of the Complaint Manager of the Belgian Armed Forces

#### **Bosnia and Herzegovina**

8. Mr Boško Šiljegović, Parliamentary Military Commissioner of Bosnia and Herzegovina, Parliamentary Assembly of Bosnia and Herzegovina
9. Mr Željko Grubešić, Senior Expert Advisor, Joint Committee for Defence and Security of the Parliamentary Assembly of Bosnia and Herzegovina

#### **Canada**

10. Major-General (Ret.) Pierre Daigle, Ombudsman, Ombudsman for the Department of National Defence and the Canadian Forces
11. Ms Nathalie Neault, Director General of Operations, Ombudsman for the Department of National Defence and the Canadian Forces

#### **Estonia**

12. Mr Indrek Teder, Chancellor of Justice, the Chancellor of Justice of the Republic of Estonia
13. Mr Raivo Sults, Adviser, the Chancellor of Justice of the Republic of Estonia

**Finland**

14. Mr Raino Marttunen, Principal Legal Adviser, Parliamentary Ombudsman of Finland

**France**

15. Mr Gilles Grollemund, President, Military Appeals Commission

**Germany**

16. Mr Hellmut Königshaus, Parliamentary Commissioner for the Armed Forces, Deutscher Bundestag  
17. Mr René Hoffmann, Personal Assistant of the Parliamentary Commissioner for the Armed Forces, Deutscher Bundestag

**Ireland**

18. Ms Paulynn Marrinan Quinn, Ombudsman, Ombudsman for the Defence Forces

**Japan**

19. Mr Toshikazu Gokita, Assistant Director of Honours and Discipline Division, Bureau of Personnel and Education, Ministry of Defence of Japan

**Montenegro**

20. Mr Šučko Baković, Protector of Human Rights and Freedoms of Montenegro  
21. Ms Marina Perišić, Adviser, Protector of Human Rights and Freedoms of Montenegro

**Netherlands**

22. Ms Adriana Stehouwer, Deputy National Ombudsman, National Ombudsman of the Netherlands  
23. Lieutenant Colonel Hans Peters, Staff Officer, the Office of Inspector General of Dutch Armed Forces

**Norway**

24. Captain (Navy, Ret.) Kjell Arne Bratli, Ombudsman, Parliamentary Ombudsman for the Royal Norwegian Armed Forces

**Poland**

25. Mr Zbigniew Zaręba, Director of the Department for International Relations, Human Rights Defender

## **Romania**

- 26. Mr Valer Dorneanu, Deputy People's Advocate of Romania
- 27. Mr Eugen Dinu, Counsellor, People's Advocate Institution of Romania

## **Serbia**

- 28. Mr Aleksandar Čotrić, Member of the Defence and Security Committee, National Assembly of the Republic of Serbia
- 29. Dr Tanja Mišćević, State Secretary, Ministry of Defence of the Republic of Serbia
- 30. Mr Igor Jovičić, State Secretary, Ministry of Defence of the Republic of Serbia
- 31. Lieutenant General Petar Radojčić, Director of the Inspectorate of Defence, Ministry of Defence of the Republic of Serbia
- 32. Brigadier General Slađan Đorđević, Assistant Minister for Human Resources, Ministry of Defence of the Republic of Serbia
- 33. Dr Božidar Banović, Inspector General of the Military Security Agency and Military Intelligence Agency, Ministry of Defence of the Republic of Serbia
- 34. Captain Bojan Veličković, Adjutant of the Minister, Ministry of Defence of the Republic of Serbia
- 35. Colonel Vojislav Bogunović, Inspectorate of Defence, Ministry of Defence of the Republic of Serbia
- 36. Colonel Branko Glavaš, Inspectorate of Defence, Ministry of Defence of the Republic of Serbia
- 37. Colonel Jelesije Radivojević, Head of the Centre for Peace Operations of SAF GS Joint Operations Command, Ministry of Defence of the Republic of Serbia
- 38. Ms Marina Dunjić, Strategic Planning Department at the Defence Policy Sector, Ministry of Defence of the Republic of Serbia
- 39. Ms Biljana Stojković, Strategic Planning Department at the Defence Policy Sector, Ministry of Defence of the Republic of Serbia
- 40. Major Tomislav Karamarković, Human Resources Sector, Ministry of Defence of the Republic of Serbia
- 41. Ms Ljudmila Vukadinović, Human Resources Sector, Ministry of Defence of the Republic of Serbia

## **Slovenia**

- 42. Dr Zdenka Čebašek – Travnik, Human Rights Ombudsman of the Republic of Slovenia
- 43. Mr Zoran Klemenčič, Chief Inspector, Defence Inspectorate, Ministry of Defence of the Republic of Slovenia

## **United Kingdom**

- 44. Dr Susan Atkins, Service Complaints Commissioner for the Armed Forces, Office of the Service Complaints Commissioner for Armed Forces
- 45. Mr Darren Beck, Head of Office, Office of the Service Complaints Commissioner for the Armed Forces

## **United States of America**

46. Mr Joseph Perez, Chief of Assistance & Investigations, U.S. European Command Headquarters

## **EUROMIL**

47. Colonel (ret.) Bernhard Gertz, Vice President of the European Organization of Military Associations (EUROMIL)  
48. Mr Poul Christian Sørensen, Consultant at Hærens Konstabel- og Korporalforening (HKKF), Denmark  
49. Mr Gerry Rooney, General Secretary, Permanent Defence Force Other Ranks Representative Association (PDFORRA), Ireland  
50. Mr Edward Lugthart, Vice President, MARVER/FNV, the Netherlands

## **CONFERENCE OBSERVERS**

### **International organizations**

51. H.E. Mr Dimitrios Kypreos, Head of the OSCE Mission to Serbia  
52. Mr Thomas Gnocchi, Head of the Political Section, Delegation of the European Union to the Republic of Serbia  
53. Ms Sanda Babić, Political Officer at the Political Section, Delegation of the European Union to the Republic of Serbia  
54. Ms Iva Savić, Communications and Project Officer, UNDP/SEESAC

### **Diplomatic missions**

55. H.E. Mr Charles Sheehan, Ambassador of Ireland to Greece  
56. H.E. Mr Ljubiša Georgievski, Ambassador, Embassy of the Republic of Macedonia  
57. H.E. Mr Igor Jovović, Ambassador, Embassy of Montenegro  
58. Brigadier General Reinhard Schoberl, Defence, Military, Air and Naval Attaché, Embassy of the Republic of Austria  
59. Brigadier Ivan Tanjić, Defence Attaché, Embassy of Bosnia and Herzegovina  
60. LTC Emil Shipochki, Defence Attaché Embassy of the Republic of Bulgaria  
61. Brigadier Marin Gregorović, Defence Attaché, Embassy of the Republic of Croatia  
62. Lieutenant Colonel Fabrice Duda, Defence Attaché, Embassy of the Republic of France  
63. Lieutenant Colonel Heinz Jochen Ewert, Defence Attaché, Embassy of the Federal Republic of Germany  
64. Mr Soichiro Nakamura, First Secretary and Defense Attaché, Embassy of Japan  
65. Ms Miroslava Nikolić, Embassy of Japan  
66. Colonel Esben Aass, Defence Attaché, Royal Norwegian Embassy  
67. Colonel Jerzy Szymon Szczeńczyk, Defence, Military, Naval and Air Attaché, Embassy of the Republic of Poland  
68. Colonel Bojan Končan, Defence Attaché, Embassy of the Republic of Slovenia  
69. Ms Jelena Gajić, Embassy of Sweden  
70. Mrs Anila Jelesijević, Embassy of Switzerland  
71. Major Eric Rice, Air Attaché, Embassy of the United States of America

## **Nongovernmental Organizations and Media in Serbia**

72. Mr Đorđe Popović, Researcher, Belgrade Center for Security Policy
73. Mr Predrag Petrović, Researcher, Belgrade Center for Security Policy
74. Mr Saša Đorđević, Researcher, Belgrade Center for Security Policy
75. Ms Jelena Radoman, Researcher, Belgrade Center for Security Policy
76. Ms Kristina Harjung, Intern, Belgrade Center for Security Policy
77. Ms Jelena Kajganić, Intern, Belgrade Center for Security Policy
78. Mr Nenad Bosiljčić, Programme Coordinator, Belgrade Fund for Political Excellence
79. Mr Bojan Gavrilović, Programme Coordinator, Belgrade Center for Human Rights
80. Mr Vladimir Todorić, Executive director, New Policy Center
81. Ms Jelena Milić, Director, Center for Euro-Atlantic Studies
82. Mr Dejan Anastasijević, journalist, Vreme
83. Mr Vojkan Kostić, journalist, Beta
84. Mr Aleksandar Radić, military analyst

## **Serbian Academia Representatives**

85. Dr Miroslav Hadžić, professor at the Faculty of Political Sciences, University of Belgrade
86. Mr Filip Ejodus, teaching associate at the Faculty of Political Sciences, University of Belgrade
87. Ms Vanja Rokvić, teaching associate at the Faculty of Security Studies, University of Belgrade
88. Ms Marina Komad, postgraduate at the Faculty for Political Sciences, University of Belgrade
89. Ms Selena Tasić, postgraduate at the Faculty for Political Sciences, University of Belgrade
90. Mr Danko Aleksić, postgraduate at the Faculty for Political Sciences, University of Belgrade
91. Ms Branka Milinčić, postgraduate at the Faculty for Political Sciences, University of Belgrade
92. Ms Olivera Labudović, postgraduate at the Faculty for Political Sciences, University of Belgrade
93. Ms Doris Savčić, postgraduate at the Faculty for Political Sciences, University of Belgrade
94. Ms Lara Veličić, postgraduate at the Faculty for Political Sciences, University of Belgrade
95. Ms Maja Stanković, student at the Faculty of Security Studies, University of Belgrade
96. Mrs Ana Punišić-Jovanović, student at the Faculty of Security Studies, University of Belgrade
97. Ms Višnja Djujić, student at the Faculty of Security Studies, University of Belgrade
98. Ms Katarina Stojčić, postgraduate at the Faculty of Security Studies, University of Belgrade
99. Ms Bojana Vukadinović, postgraduate at the Faculty of Security Studies, University of Belgrade
100. Lieutenant Colonel Aleksandar Gavrilović, Military Academy of the Ministry of Defense
101. Mr Pavle Grujić, Military Academy cadet
102. Ms Tatjana Petrović, Military Academy cadet
103. Mr Vladimir Milovanović, Military Academy cadet

104. Ms Mirjana Ljubašćik, Military Academy cadet
105. Mr Saša Anđelković, Military Academy cadet
106. Mr Saša Stefanović, Military Academy cadet
107. Mr Branislav Krstović, Military Academy cadet
108. Mr Petar Arsović, Military Academy cadet
109. Mr Stefan Đorđević, Military Academy cadet
110. Mr Miloš Ristić, Military Academy cadet
111. Mr Miloš Prodana, Military Academy cadet
112. Mr Bojan Maksimović, Military Academy cadet
113. Ms Jelena Obradović, Military Academy cadet
114. Mr Stefan Miletić, Military Academy cadet
115. Mr Milko Durlević, Military Academy cadet
116. Mr Marko Ristić, Military Academy cadet
117. Mr Nenad Todorović, Military Academy cadet
118. Mr Nenad Miletić, Military Academy cadet
119. Mr Aleksandar Borovčanin, Military Academy cadet
120. Mr Marko Ilić, Military Academy cadet

## **ORGANIZERS**

### **The Protector of Citizens of the Republic of Serbia**

121. Mr Saša Janković, Protector of Citizens of the Republic of Serbia
122. Mr Miloš Janković, Deputy Protector of Citizens of the Republic of Serbia
123. Mr Robert Sepi, Assistant Secretary General, Service of the Protector of Citizens of the Republic of Serbia
124. Mr Marko Jovanović, Adviser, Protector of Citizens of the Republic of Serbia
125. Ms Biljana Pavlović, Senior Adviser, Protector of Citizens of the Republic of Serbia

### **Geneva Centre for the Democratic Control of Armed Forces (DCAF)**

126. Ambassador Theodor H. Winkler, Director, Geneva Center for the Democratic Control of Armed Forces
127. Dr Hans Born, Senior Fellow, Geneva Center for the Democratic Control of Armed Forces
128. Mr William McDermott, Research assistant at the Geneva Center for the Democratic Control of Armed Forces

## **CONFERENCE SECRETARIAT**

### **The Protector of Citizens of the Republic of Serbia**

129. Ms Mina Rolović-Jočić, Chief of Cabinet
130. Ms Daliborka Nikodimović, Senior Adviser at the Cabinet of the Protector of Citizens
131. Ms Radenka Grubačić, Adviser at the Department for Projects and Cooperation
132. Mr Luka Glušac, Junior Adviser
133. Mr Slobodan Macura, Assistant Secretary General
134. Ms Anica Popović, Technical Secretary
135. Ms Jelena Ćirić, Technical Secretary

- 136. Ms Jelena Jelić, Technical Secretary
- 137. Ms Marijana Živković, Technical Secretary
- 138. Ms Ljiljana Lončar, Head of the Reporting Department
- 139. Ms Tatjana Rakić, Adviser at the Reporting Department
- 140. Ms Branka Kaljević, Adviser at the Reporting Department
- 141. Mr Dragan Janjić, Senior Adviser at the Reporting Department
- 142. Ms Daliborka Drinić, Adviser at the Department for Good Governance
- 143. Mr Branko Bura, IT Officer

**Ministry of Defense of the Republic of Serbia**

- 144. Colonel Goran Petrović, Chief of Protocol at the Ministry of Defence
- 145. Major Vesko Mimović, Chief of Protocol Department at the Ministry of Defence
- 146. Captain Milan Nikolić
- 147. Ms Jelena Gazdić-Matijević
- 148. Ms Jovana Milovanović
- 149. Ms Nina Janković
- 150. Ms Aneta Lalić
- 151. Ms Jelena Lukić

## Appendix C: The Conference Agenda

### AGENDA

#### Wednesday, 13 April 2011

All day	Arrival of participants - transfer from the airport to the hotel Check-in at Hotel Moskva (Terazije Str. 20, Belgrade)
15.00 – 18.30	Registration (Conference registration will take place at the hotel)
19.00 – 21.00	<b>Welcome dinner, Hotel Moskva Restaurant, hosted by H.E. Amb. Theodor H. Winkler, Director of the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and Mr Saša Janković, Protector of Citizens of the Republic of Serbia</b>

#### Thursday, 14 April 2011

08.20	Meet in the hotel lobby for transfer to the Palace of Serbia
08.45 – 09.30	Registration of participants
09.30 - 10.30	<b>C o n f e r e n c e   O p e n i n g</b>  <b>Welcome remarks</b> <b>Mr Saša Janković, Protector of Citizens of the Republic of Serbia</b> <b>H.E. Amb. Theodor H. Winkler, Director of the Geneva Centre for the Democratic Control of Armed Forces (DCAF)</b> <b>Mr Dragan Šutanovac, Minister of Defence of the Republic of Serbia</b> <b>Mr Boris Tadić, President of the Republic of Serbia</b>
10.30 – 10.45	Group photo
10.45 - 11.15	Coffee break (During the break, you are kindly requested to make yourself available for potential questions by media. The Conference secretariat shall contact you and bring you to the respective media if such questions occur.)
11.15 – 11.25	<b>Conference Proceedings</b> <b>Mr Saša Janković, Protector of Citizens of the Republic of Serbia</b>
11.25 – 13.25	<b>Panel 1: External and Internal Complaint Handling Processes</b>



*Drawing from existing experiences and challenges, the objective of panel 1 is to focus on the relationship between external oversight institutions (e.g. ombudsman or parliamentary body) and internal military complaints-handling mechanisms. The panel will discuss how these two different arrangements intertwine to safeguard the rights of armed forces personnel.*

*Points for discussion:*

- *What are the comparative advantages and disadvantages of external and internal complaints-handling mechanisms?*
- *What type of relationship exists or should exist between external oversight institutions and internal military complaints-handling mechanisms?*
- *What obstacles and challenges are faced by external oversight institutions and internal military complaints-handling mechanisms, and how can these obstacles be addressed?*

Moderator: Kjell Arne Bratli, Parliamentary Commissioner of the Royal Norwegian Armed Forces, Norway

Presentations:

1. Belgium, Colonel Jacques de Keyser, Complaint manager and Lieutenant Colonel Claude Moerman, Deputy Complaint manager of the Armed Forces
2. Bosnia and Herzegovina, Mr Boško Šiljegović, Parliamentary Military Commissioner
3. Finland, Mr Raino Marttunen, Principal Legal Adviser at the Office of the Parliamentary Ombudsman
4. Ireland, Ms Paulyne Marrinan Quinn, Ombudsman for the Defence Forces
5. Montenegro, Mr Šućko Baković, Protector of Human Rights and Freedoms
6. Netherlands, Ms Adriana Stehouwer, Deputy National Ombudsman
7. Serbia, Lieutenant General Petar Radojčić, Inspector General of the Ministry of Defence
8. Slovenia, Ms Zdenka Čebašek - Travnik, Human Rights Ombudsman
9. United Kingdom, Dr Susan Atkins, Service Complaints Commissioner for the Armed Forces

13.25 – 14.30

**Lunch**

14.30 - 15.00

Discussion and concluding remarks

15.00 – 16.00

**Panel 2: Military Unions and Associations**

*The objective of the second panel is to consider how states can respect the fundamental rights of armed forces personnel (i.e. the right of assembly) while at the same time take into account the specific requirements of military service.*

*Points for discussion:*

- *What is the nature of arrangements for military unions and associations where they do exist?*
- *What are the boundaries for activities of military unions/associations?*
- *What is the relationship between military unions/associations and ombudsman institutions with jurisdiction over the armed forces? How can military unions and associations cooperate with ombudsman institutions with jurisdiction over the armed forces?*

Moderator: Paulyn Marrinan Quinn, Ombudsman for the Defence Forces, Ireland

Presentations:

1. European Organisation of Military Associations (EUROMIL), Colonel (ret.) Bernhard Gertz, Vice President
2. Norway, Captain (Navy, Ret.) Kjell Arne Bratli, Parliamentary Commissioner of the Royal Armed Forces
3. Romania, Mr Valer Dorneanu, Deputy People's Advocate
4. Serbia, Brigadier General Sladjan Djordjević, Assistant Minister for Human Resources of Ministry of Defense

16.00 - 16.30	Coffee break
16.30 – 17.00	Presentations from Panel 2 continued <ol style="list-style-type: none"><li>5. Austria, Mr Paul Kiss, Executive Chairman of the Parliamentary Commission for the Federal Armed Forces</li><li>6. EUROMIL, Mr Poul Christian Sørensen, consultant at the Hærens Konstabel- og Korporalforening (HKKF) / EUROMIL</li></ol>
17.00 – 18.00	Discussion and concluding remarks
18.00	Transfer of participants to the hotel
19.30	Meet in the hotel lobby for transfer to the reception
20.00 -21.30	<b>Reception at the Club of the Serbian Army “Topčider”, hosted by the Minister of Defence of the Republic of Serbia and the Protector of Citizens of the Republic of Serbia</b>

## **Friday, 15 April 2011**

08.00	Meet in the hotel lobby for transfer to the Palace of Serbia
09.00 - 10.30	<b>Panel 3: The Role of Ombudsman Institutions in the Protection of Rights of Armed Forces Personnel in Multinational Missions</b> <i>Panel 3 will focus on overcoming the challenges faced by ombudsman institutions when armed forces personnel are deployed to multinational missions.</i>

*Points for discussion:*

- *What is the legal framework for the protection of the rights of armed forces personnel in deployments abroad?*
- *What is the role of ombudsman institutions in protecting the human rights of armed forces personnel in deployments abroad?*
- *What are the main challenges and obstacles for the effective protection of the rights of armed forces personnel in deployments abroad (e.g. the problems of extraterritoriality and multi-nationality)?*

Moderator: Hans Born, Senior fellow at the Geneva Centre for the Democratic Control of Armed Forces (DCAF), Switzerland

**Presentations:**

1. Austria, Mr Paul Kiss, Executive Chairman of the Parliamentary Commission for the Federal Armed Forces
2. Estonia, Mr Indrek Teder, Chancellor of Justice
3. France, Mr Gilles Grollemund, President of the Military Appeals Commission
4. Germany, Mr Hellmut Königshaus, the Parliamentary Commissioner for the Armed Forces
5. Ireland, Ms Paulyne Marrinan Quinn, Ombudsman for the Defence Forces
6. United States of America, Mr Joseph Perez, Chief of Assistance & Investigations at the U.S. European Command

10.30 - 11.00	Coffee break
11.00 - 12.15	Discussion and concluding remarks
12.15 - 13.10	<b>Special addresses</b> <b>Mr Saša Janković, Protector of Citizens of the Republic of Serbia, Chair</b>
12.15 - 12.25	<i>Results of the First Regional Conference on the Protection of Human Rights in the Armed Forces (Sarajevo, February 2011), Mr Željko Grubešić, Adviser to the Joint Committee of Defence and Security of Bosnia and Herzegovina</i>
12.25 - 12.55	<i>The Initiative to Establish an Ombudsman Institution Website and Handbook (follow up to the Vienna Memorandum 2010), Dr Hans Born, Senior fellow at the Geneva Centre for the Democratic Control of Armed Forces (DCAF)</i>
12.55 - 13.10	<i>Announcement of the Fourth International Conference of Ombudsman Institutions for the Armed Forces, Mr Pierre Daigle, Ombudsman for the Department of National Defence and the Canadian Forces</i>
13.10 - 13.30	Break for the consolidation of the final Declaration
13.30 - 14.00	<b>Closing ceremony</b>

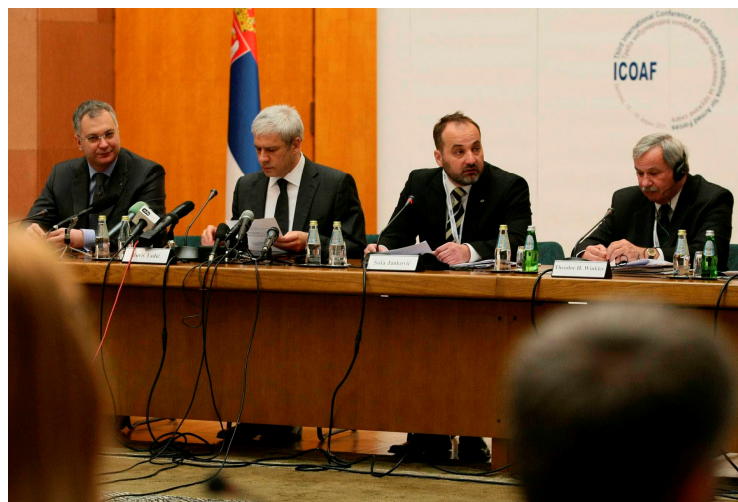
**Conclusions and adoption of the Declaration**  
**Mr Saša Janković, Protector of Citizens of the Republic of Serbia**

14.00 – 15.00	Lunch
15.00 – 16.00	Guided tour of the Palace Serbia (for guest Ombudsman)
16.00	Transfer of participants to the hotel
19.30	Meet in the hotel lobby for transfer to the restaurant
20.00	<b>Dinner at the Little Bay Restaurant, hosted by Mr Saša Janković, Protector of Citizens of the Republic of Serbia</b>

## Appendix D: Selected photos



*photo 1 - Conference participants*



*photo 2 - Opening statements*



*Photos 3 and 4 – Two-day Conference in the Palace of Serbia*





*Photos 5, 6 7 – Hosts and guests at the reception in the Club of the Serbian Army “Topčider”*

