

**REPORT ON THE IMPLEMENTATION OF THE PROSECUTION  
STRATEGY FOR THE INVESTIGATION AND PROSECUTION OF WAR CRIMES  
- the 3rd and 4th quarters of 2021 –**

The obligation to compile the reports, i.e. the quarterly analyses of the Office of the War Crimes Prosecutor (OWCP) regarding the monitoring of the implementation of activities foreseen by the Prosecution Strategy is envisaged in the revised Action Plan for Chapter 23 (Activity 1.4.3.5). At the same time, the Prosecution Strategy envisages that the supervision over the implementation of the strategy is to be enacted through quarterly reports submitted to the Republic Public Prosecutor's Office. Considering the existing reporting model and in connection with the stated obligations set out in the mentioned strategic documents, a report was prepared for the 3rd and 4th quarters of 2021 by individual objectives:

**Goal: Combating the impunity of war crimes by increasing the efficiency of the investigation and prosecution of all serious, mass and systematically committed war crimes listed in war crimes records**

**Increasing the efficiency of the work of the OWCP**

During the 3rd and 4th quarters of 2021, the OWCP has issued and recorded orders to conduct an investigation related to war crimes against civilians under Article 142 (1) of the FRY Criminal Code, and acts and war crimes against prisoners of war from Article 144 of the FRY Criminal Code, as well as include events carried out on the territory of AP K-M, the Republic of Croatia and in Bosnia and Herzegovina.

The Prosecution is currently investigating 69 persons. Of that, during 2021, investigations were initiated and recorded against 23 persons in 14 cases, of which orders in 4 cases were recorded in cases in which criminal prosecution was taken over by the competent authorities of Bosnia and Herzegovina. The orders issued in the previous period by the OWCP also covered high-ranking perpetrators, and the investigation in certain cases was preceded by intensive cooperation with the Office of the International Residual Mechanism for Criminal Tribunals (Mechanism), as well as detailed analyses and processing of those cases. In order to speed up the proceedings, especially in complex cases, including those related to high-ranking perpetrators, it is planned that the acting deputies will bring concrete plans for the next quarter, with precise deadlines. Furthermore, by the end of the next quarter, new indictments are to be filed after the end of the investigation in category II cases.

According to the OWCP indictment from the previous period, the Court of Appeals in Belgrade, War Crimes Department, passed a verdict on the *Bogdanovci* case, which confirmed the first instance decision in which the accused was sentenced to 15 years in prison.

According to the OWCP indictments filed in the previous period before the War Crimes Chamber of the Higher Court in Belgrade, proceedings are being conducted against 32 people, in 16 cases, including category II cases.

During the 4th quarter, the Prosecution filed 3 indictments. In the proceedings on the indictment filed on 13 October 2021, a proposal was made to transfer criminal prosecution to

the state authorities of Bosnia and Herzegovina, in accordance with the provisions of the Law on International Legal Assistance in Criminal Matters and the Agreement on Legal Assistance in Criminal and Civil Matters between Serbia and Bosnia and Herzegovina.

In the case of a recognition of a foreign court decision before the Higher Court in Belgrade, War Crimes Department, in order to improve efficiency in proceedings, OWCP initiated the continuation of the procedure by submitting a proposal to conduct an expertise of the accused person.

The acting deputies are actively working on analyzing the verdicts of the chambers of the International Criminal Tribunal for the ex-Yugoslavia (ICTY) and the Mechanism, with the aim of finding and extracting evidence as well as taking further steps within the authority of the OWCP.

The OWCP has continued to participate in the sessions of the Working Group for Gathering Facts and Evidence in shedding light on crimes against members of the Serbian people and other national communities in the Autonomous Province of Kosovo and Metohija.

In the *Lovas* case, the OWCP submitted to the Republic Public Prosecutor an initiative to submit a request for protection of legality against the decision of the Court of Appeals in Belgrade, War Crimes Chamber, Kž1Po2 No. 2/20 dated 20 November 2020, due to violation of the provisions of the procedure that preceded the adoption of the final judgment.

Regarding the request for protection of legality submitted by the Republic Public Prosecutor's Office, the Supreme Court of Cassation determined that the Court of Appeals in Belgrade, War Crimes Chamber, while holding a hearing before the second instance court, was obliged to apply the provisions on audio recording and and compiling a transcript, an integral part of the minutes of the main trial, something that the War Crimes Chamber of Belgrade has failed to do. In that way, the second instance court did not act in accordance with the obligations prescribed in the stated procedural provisions, thus violating the law.

The decision of the OWCP which was accepted by the Republic Public Prosecutor's Office was confirmed by the verdict of the Supreme Court of Cassation, which determined that the Appellate court in Belgrade, War Crimes Chamber, had failed to record the trial before a second instance court and to compile a transcript, thus violating the law.

In the previous period, the OWCP has actively participated in the development of the new National Strategy for War Crimes Prosecution 2021-2026 (the Strategy) and the accompanying Action Plan. During April, a working group was formed to prepare an analysis of the results achieved in the implementation of the Strategy and the drafting of a new National Strategy.

A public debate was held on the occasion of the proposed text of the Strategy for the 2021-2026 period, with the accompanying Action Plan. All comments received during the public hearing were processed by the working group and published on the website of the Ministry of Justice of the Republic of Serbia.

On the occasion of the proposal of the National Strategy, a Round Table was held on 7 September 2021, organized by the Ministry of Justice with the technical support of the UNDP (United Nations Development Program). The Round Table was attended by representatives of institutions that had participated in the drafting of the Strategy with the accompanying Action Plan, as well as representatives of the Ministry of European Integration, the OSCE Mission to Serbia, the British Embassy in Serbia, the EU Delegation in Serbia, as well as representatives of civil society organizations designated by the National Convention on the European Union. The report on the conducted public hearing was published on the Ministry of Justice website.

The National Strategy for War Crimes Prosecution, together with the accompanying Action Plan for the implementation of activities, was adopted at the session of the Government of the Republic of Serbia on 14 October 2021, after which the implementation of these strategic documents began.

As a special goal of the first mentioned Strategy, it is envisaged to improve the efficiency in the procedure, among other things, through the ongoing revision of the Prosecutor's Strategy, which will envisage additional mechanisms for achieving this goal.

### **Goal: Strengthening the institutional and professional capacity of the OWCP**

No new deputy prosecutors were nominated during the reporting period. Considering that in the previous quarter, two deputy public prosecutors - one from the Appellate Public Prosecutor's Office in Novi Sad and one from the First Basic Public Prosecutor's Office in Belgrade, were referred to the OWCP based on the decision of the Republic Public Prosecutor's Office. At present, 12 persons are carrying out the function of deputy war crimes prosecutor, as provided by the Decision of the State Council of Prosecutors A No. 69/21 dated 2 April 2021 (Official Gazette of the RS, No. 32/2021).

During the 3rd and 4th quarters of 2021, case officers (deputy prosecutors and prosecutorial assistants), registrars and typists attended several days of intensive training for using the SAPO program organized by the Republic Public Prosecutor's Office.

Bearing in mind that the need for the use of information and communication technologies has increased in the previous period, and the fact that one person is employed in the OWCP as an IT support technician, as well as taking into consideration that there is a plan to start with the use of the SAPO program in 2022, the OWCP sent a proposal to the Ministry of Justice of the Republic of Serbia to change the staffing plan by increasing the number of IT specialists.

#### **• Establishment of OWCP and WCIS joint teams**

During the 3rd and 4th quarters, the cooperation between the joint teams of the Prosecutor's Office and the War Crimes Investigation Service (WCIS) has continued. Meetings and consultations were regularly held in accordance with the established dynamics at the level of the main representatives, as well as at the level of case officers for the needs of specific cases.

Cooperation with WCIS will be further strengthened in the coming period, as a number of measures and activities in this direction are envisaged in the new National Strategy for War Crimes Prosecution.

At the initiative of the OWCP, a Round Table was held in December with OWCP and WCIS representatives and the Protection Unit, including the Deputy Prosecutor who is also the OWCP spokesperson.

The topic improving communication with the media, as this issue is extremely important and at the same time a measure to improve the transparency of state bodies dealing with war crimes cases, provided for in the revised Action Plan for Chapter 23 and the National War Crimes Strategy. During the month of January, a training session or lecture will be organized, attended by the employees of these institutions, as well as media representatives. The Prosecutor's Office has initiated the organization of professional training to that purpose

within the Judicial Academy.

- **Professional training**

In the previous quarter, several deputies and assistant prosecutors had successfully completed the “Forensic Analysis of Written Statements” training organized by the European Forensic Agency, which is of special importance in the aim improving the skills of deputy prosecutors and prosecutorial assistants, as well as other employees in terms of useful investigative techniques.

An OWCP representative participated in the conference held on Zlatibor from 9-11 September 2021, and on that occasion presented a paper entitled “Crime victims and criminal proceedings for war crimes.” The conference was organized by the Serbian Association for Criminal Law Theory and Practice, the Institute for Criminological and Sociological Research and the Judicial Academy.

Several employees attended the “Ethics and Integrity” online training session during the 3rd and 4th quarters. The training was organized by the Agency for the Prevention of Corruption with the aim of improving the professional standards of employees working in government authorities.

Undoubtedly, there is a need for more active training, given that in the previous period, for objective reasons and primarily due to the epidemiological situation, a smaller number of trainings was organized compared to previous years. On the other hand, there is a need for continuous professional development in the field of war crimes, and consequently, the Prosecutor’s Office sent an initiative in the 4th quarter to the Judicial Academy to organize more training sessions of various contents, since the Prosecutor’s Office is obliged to do so according to the strategic documents which it applies in its work. The first trainings are expected to begin in mid-January 2021.

In accordance with the existing dynamics from the revised Action Plan for Chapter 23, and especially having in mind the fact that related activities have found a place in the draft of the new National Strategy for War Crimes Prosecution, training on improving relations with the media as a continuation of the seminar “Effective communication and public relations in the judiciary” will continue during the next quarter, with the participation of representatives of the WCIS and the Protection Unit.

On December 10, 2021, an OWCP representative took part in a seminar organized by the Judicial Academy and the OSCE Mission to the Republic of Serbia with the topic “Presentation of the base of public prosecutorial practice,” which will be publicly available on the website of the Republic Public Prosecutor’s Office.

- **Application of new technologies and work methods**

The OWCP Deputy War Crimes Prosecutors and Assistant Prosecutors took part in a several-day intensive training session related to the use of the SAPO application intended for case officers.

Bearing in mind that there is a need to improve the infrastructural capacity of the Prosecutor’s Office through the modernization of ICT equipment needed for the efficient operation and functioning of the system, as well as for later implementation of the SAPO program, the preparation of a new National War Crimes Strategy showed the need for new ICT

equipment and in accordance with that, an assessment of the needs for the work of the Prosecutor's Office will be made in the next quarter.

- **Investigation plan**

In accordance with the provisions of the Criminal Procedure Code, the acting deputy prosecutors in cooperation with WCIS authorized persons define the steps for each individual case in the investigation, taking into account all relevant actions and measures to be taken to conduct the investigation as efficiently as possible, while the dynamics and sequence of actions are described in more detail and proposed by the Prosecutor's Strategy.

- **Affirmation of the application of the institute of plea bargain**

No plea bargains were concluded during the reporting period.

Given the importance of this institution and its multiple advantages, the need for additional affirmation was recognized. After the start of the implementation of the National Strategy for War Crimes Prosecution for the period from 2021-2026, activities will be carried out aimed at increasing the number of concluded plea bargain agreements regarding criminal offenses and agreements on testimony of accused persons. It is envisaged that they will be implemented continuously via the revision of the Prosecution Strategy, with mechanisms further developed in order to accelerate the implementation of these institutions.

- **Ensuring full confidentiality of the investigation process**

As in the previous period, in accordance with the applicable regulations and obligations provided for in the revised Action Plan for Chapter 23, there is consistent compliance with the obligations of confidentiality and confidentiality of data by all OWCP employees and the supervision of the implementation of laws and bylaws in this area.

Measures to protect data from unauthorized access, disclosure and any other misuse has been continued, in accordance with the Law on Personal Data Protection and other relevant regulations.

### **Financial investigations and confiscation of proceeds of crime**

In each investigative case, the OWCP continued to investigate whether the accused persons possess property considered to be proceeds of crime. In this reporting period as well, there were no legal conditions for initiating financial investigations or initiating proceedings for permanent or temporary confiscation of criminal assets in the cases within the OWCP jurisdiction.

In the next period, OWCP activities are planned regarding the submission of the initiative to WCIS in order to undertake intensified activities on collecting data on the financial condition of the accused persons.

At the initiative of the Prosecutor's Office, the proposal of the Action Plan for the Implementation of the National War Crimes Strategy (2020-2026) includes a measure related to continuous cooperation between the OWCP, WCIS and the Police Financial Investigation Units (FIUs) in the gathering of data for the disclosure of property that is in obvious

disproportion with the illegal income of the accused, indicated by circumstances and collected data.

In order to start the realization of the activities as soon as possible, on 24 December 2021 a meeting was held at the initiative of the War Crimes Prosecutor between the representatives of the FIUs and the OWCP.

The OWCP initiated the organization of round tables with representatives of other relevant institutions in order to exchange experiences (with other public prosecutor's offices and courts) and with the participation of international institutions, on financial investigations, and will propose that FIUs representative share their previous experiences with other participants.

### **Goal: Improving the mechanism for victim and witness protection and support**

#### **• Victim and witness protection**

The Deputy War Crimes Prosecutors held regular meetings with representatives of the Protection Unit in order to perform the tasks within their competence as efficiently as possible.

In each specific case, the individual assessment of witnesses was continued and, if necessary, the initiation of procedural and extra-procedural protection measures was activated.

The Deputy Prosecutor for War Crimes participated in a conference held on Zlatibor in the period from 9-11 September on the topic "The Injured Party and Criminal Protection Instruments."

#### **• Support for witnesses and victims**

In order to improve the efficiency of the trial, the Prosecutor's Office took a proactive role during the 3rd and 4th quarters through the Information and Support Service for Victims and Witnesses acting within its legal powers and, if necessary, communicating with the Service for Assistance and Support to Victims and Witnesses of the relevant court.

The work of the Service is harmonized with the National Strategy for Exercising the Rights of Victims and Witnesses of Criminal Offenses in the Republic of Serbia for the period 2020-2025 and the accompanying Action Plan for the period 2020-2025, as well as with the Directive 2012/29/EU of the European Parliament and the Council of 25 October 2012 which has established the minimum standards on the rights, support and protection of victims of crime.

Having in mind the obvious lack of office space in the OWCP and the fact that it is of great importance to enable witnesses and victims to work unhindered with the employees of the Service, and if necessary work with a psychologist, the National Strategy for War Crimes Prosecution (2021-2026) planned to equip special rooms for the needs of the Service for Information and Support to Victims and Witnesses. During the 4th quarter, the Prosecution began work on adapting an office space for witnesses and victims.

The application of international standards and national legislation when it comes to victims' rights was the topic of the Seminar on Victims' Rights for Public Prosecutors and Judges, organized on 15 October 2021 by the OSCE Mission to Serbia and the Judicial Academy. On behalf of the OWCP, several Deputy Prosecutors and Assistant Prosecutors took an active part in this seminar, which further confirmed the need for acting deputies to pay

special attention to the consistent application of Article 313 of the Criminal Code informing the injured party of setting a property-legal claim, and that the right of the injured party to obtain compensation for damage already in criminal proceedings should be set as a priority. The application of the “Guidelines for the Improvement of Judicial Practice in Proceedings for Compensation to Victims of Serious Crimes in Criminal Proceedings,” which was passed by the Supreme Court of Cassation in the previous period, will also contribute to this issue.

#### • **Defense of the accused persons**

There were no changes compared to the previous quarter. In each case in which the Deputy War Crimes Prosecutors were in charge, they continued to act in accordance with the applicable regulations, respecting the presumption of innocence, the right to a fair trial and the right to a trial within a reasonable time.

During the 3rd and 4th quarters of 2021, there were no request submitted for initiating misdemeanor proceedings due to the existence of grounds for suspicion that a misdemeanor under Article 73 of the Law on Public Information and Media was carried out (“Presumption of innocence - in order to protect human dignity, as well as independence, reputation and impartiality of the court or other competent body, no one in the media may identify themselves as a perpetrator of criminal offenses, or declare themselves guilty or responsible before the validity of the court decision”).

In accordance with the Rulebook on Administration in Public Prosecutor’s Offices, the spokesperson shall take into account the interests of proper conduct of proceedings and justified protection of the person to whom the data relates, by oral or written statements or other appropriate means and adhere to the regulations in their statements concerning the accused, not violating their rights in any way.

#### **Goal (d): Achieving progress in uncovering the fate of missing persons**

##### • **War crimes trials and the issue of missing persons**

Communication and cooperation in specific cases with the Commission on Missing Persons is continuous through the exchange of information and with organizations working on collecting documents on persecution and suffering, as well as the destroyed property of Serbs in the former Federal Republic of Croatia and all citizens in the RSK in the pre-war, war and post-war period.

In the 3rd and 4th quarters of 2021, cooperation between the OWCP and the Commission on Missing Persons of the Government of the Republic of Serbia continued in accordance with the Memorandum of Cooperation.

The OWCP attended the 10th session of the Commission on Missing Persons in July, and during the reporting period, several meetings and round tables were held with representatives of associations that are actively involved in clarifying the fate of missing persons and finding abducted and missing persons. During the 3rd and 4th quarters, the War Crimes Prosecutor participated in several round tables organized by the Association of Families of the Kidnapped and Missing in the Autonomous Province of Kosovo and Metohija, and for the last time in December in the Round Table entitled “Families’ Right to Truth and Justice.”

In accordance with point 1.4.2 of the Action Plan for the Implementation of the

National Strategy for War Crimes Prosecution, a regular monthly meeting was held at the OWCP in December 2021 between the OWCP representatives, the Commission on Missing Persons, the WCIS representatives and the Protection Unit. At the meeting, consultations were held on the handling of specific cases and ways to further improve the work on progress were discussed.

**Goal: Improving regional and wider international cooperation in the field of the investigation and prosecution of war crimes**

**Cooperation with the International Residual Mechanism for Criminal Tribunals**

In the reporting period, continuity was maintained in cooperation through obtaining materials from the database of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals (Mechanism) for the needs of specific cases.

Cooperation with the Mechanism's Office was maintained through the active participation of Chief Prosecutor Serge Brammertz and other representatives of the Mechanism in the two-day Regional Conference of Prosecutors held on 20 and 21 September 2021 organized by the OWCP with the support of the United Nations Development Program (UNDP) and the Government of the United Kingdom. The conference was organized with the aim of promoting regional and wider international cooperation, and in addition to representatives of the Mechanism, representatives of the State's Attorney Office of the Republic of Croatia, the Prosecutor's Office of Bosnia and Herzegovina, prosecutors from the Federation of B-H, Republika Srpska and the Brčko District and representatives of the Special State Prosecutor's Office of Montenegro also attended.

During the 4th quarter, on 2 December 2021, another meeting was held via videoconference at the level of the Chief Prosecutors and their associates. The meeting was dedicated to summarizing the results in cooperation on specific Category II cases, as well as discussing current issues that are relevant for the six-month report submitted to the United Nations Security Council by the Chief Prosecutor.

The Prosecutors discussed the results achieved by the OWCP in the previous period, as well as ways to improve regional and wider international cooperation.

Cooperation continued through the exchange of letters of rogatory for assistance and through joint work on specific cases, which included assistance in ongoing investigative proceedings against high-ranking perpetrators.

In two criminal cases, the requests of the OWCP submitted to the Chief Prosecutor of the Mechanism for amending, i.e. revoking protective measures against certain witnesses and submitting their statements and transcripts in integral form, as well as regarding their testimony, were adopted.

For the purpose of the cases they are dealing with, the OWCP case officers search the database through the Electronic Disclosure System, which provides direct access to a significant portion of the ICTY/IRMCT's evidence fund. In order to enable easier access to the documentation of the Mechanism and improve the handling of downloaded data, starting from December, the Prosecutor's Office is conducting additional training of acting deputies that will contribute to a more efficient use of that database.

The new National Strategy for War Crimes Prosecution states that the OWCP should

take a proactive approach in resolving the problem of initiating and conducting proceedings for contempt of court and war crimes tribunals before the Mechanism, taking into account the consistent respect for the principle of legality.

Therefore, it should be mentioned that starting from October 2021, the Prosecutor's Office has been actively involved in the procedure of providing assistance to the Mechanism, related to these procedures.

In order to strengthen its support, the Mechanism notified the OWCP in late November regarding the launching of an online forum through which Deputy Prosecutors and Assistant Prosecutors would have access to expert legal advice on common topics in international criminal law, focusing on Mechanism and ICTY jurisprudence.

In the 4th quarter, the OWCP sent an initiative to the Mechanism for the implementation of several different activities envisaged by the National War Crimes Prosecution Strategy and the revised Chapter 23 for the Action Plan and the Prosecutorial Strategy. The initiative primarily refers to providing OWCP wider access to the data base of the Mechanism and providing support in the professional development of the OWCP employees, which would greatly contribute to the work of this Prosecutor's Office.

**a) cooperation with the Prosecutor's Office of B-H and the State's Attorney Office of the Republic of Croatia**

Cooperation with the Prosecutor's Office of B-H continued through regional meetings and the exchange of requests for assistance, as well as the prompt handling of requests for investigation of accused persons and witnesses by the deputy prosecutor for war crimes. During the 3rd quarter, the OWCP sent 35 requests for assistance to the Prosecutor's Office of B-H, of which 16 requests were granted, while 19 requests have not yet been answered. The Prosecutor's Office of B-H sent to the OWCP 14 requests, 1 request was granted, 6 cases are pending, while 7 requests were not granted due to formal deficiencies.

During the 4th quarter, the Prosecutor's Office of Bosnia and Herzegovina sent 29 requests for assistance to the OWCP, of which 6 requests were granted, 22 cases are pending, while 1 request was not granted due to formal deficiencies, as it was not submitted as prescribed by the Protocol on Cooperation.

Of the 29 requests submitted, in 18 cases it was the case of a letter of rogatory for a hearing. In one case, the OWCP failed to comply with the request, 1 was granted, and 16 requests are currently pending.

During the 4th quarter, the OWCP requested legal assistance from the Prosecutor's Office of Bosnia and Herzegovina in 38 cases, of which 19 requests were granted, while 19 were unanswered.

When it comes to cooperation with the State's Attorney Office of the Republic of Croatia, during the 3rd quarter it sent 4 requests for assistance to the OWCP, of which 1 request was granted, 2 requests are pending, while 1 request was not granted. In the same period, the OWCP sent 18 requests for assistance to the State's Attorney Office, of which 8 requests were granted, while 10 requests were unanswered.

In the 4th quarter, 12 requests were received from the State's Attorney Office of the Republic of Croatia, of which 11 requests are pending, and one request was not granted. Of the received requests, 5 requests are letters of rogatory for the investigation of accused persons, i.e. the examination of witnesses. One request was not granted, while 4 requests are pending.

In the same quarter, 17 requests for assistance were sent by the OWCP to the State's Attorney Office, of which 5 requests were granted, while 12 have not yet been answered.

In the 3rd quarter, the Special State Prosecutor's Office of the Republic of Montenegro submitted a request for assistance in 1 case, which request was granted. Also, the Special State Prosecutor's Office of the Republic of Montenegro granted 1 OWCP request.

Regional cooperation continued through the implementation of the Palić Process - holding a Regional Meeting of Prosecutors in September 2021, which was discussed earlier. Afterwards, OWCP representatives held a bilateral meeting with the representatives of the Prosecutor's Offices of Bosnia and Herzegovina when issues related to cooperation in specific cases were discussed.

During the 4th quarter, several working meetings were held with the Prosecutor's Office of Bosnia and Herzegovina. On 15 October 2021, the War Crimes Prosecutor held a meeting with the Prosecutor of the Prosecutor's Office of B-H, when it was assumed that the two Prosecutor's Offices would jointly consider all possibilities and exchange all necessary information to ensure the injured parties that their cases would be resolved in a professional manner, regardless of the country in which the proceedings are conducted.

On 23 November 2021, a bilateral meeting of OWCP representatives with the representatives of the Prosecutor's Office of B-H was held in Sarajevo. The meeting was dedicated to issues related to the takeover and transfer of criminal prosecution between the Prosecutors' offices, related to specific cases whose realization is expected in the coming period.

During the reporting period, the OWCP in the case in which it filed an indictment against one person for the criminal offense of war crime against prisoners of war under Article 144 of the FRY CC, proposed that the case be referred to the Prosecutor's Office of Bosnia and Herzegovina for further proceedings, in accordance with the Law on International Legal Assistance in Criminal Matters.

Although the focus of the OWCP is to maintain cooperation at a high level in order to give concrete results, there is always room for improvement. Therefore, the new National Strategy for War Crimes Prosecution and the accompanying Action Plan largely affirm the improvement of this cooperation through several modes, including the revision of existing agreements, memoranda and protocols on cooperation with the Republic of Croatia and Bosnia and Herzegovina and the Republic of Montenegro, as well as via the improvement of the joint work of the Victim Assistance and Support Services in the regional courts and prosecutor's offices.

In the reporting period, the OWCP returned to the jurisdiction of the Higher Court in Belgrade, the War Crimes Chamber, letters of rogatory for examination of witnesses and examination of accused persons against whom proceedings are being conducted in the Republic of Croatia and Bosnia and Herzegovina, after which the Higher Court of Serbia submitted to the Constitutional Court a proposal for resolving conflicts of jurisdiction.

In a number of these proceedings, the Constitutional Court of Serbia has taken the position that the OWCP is competent to act on the submitted requests of the regional prosecutor's offices (Bosnia and Herzegovina and the Republic of Croatia).

In order to act efficiently, immediately after receiving the decisions of the Higher Court in Belgrade, War Crimes Chamber, the OWCP began to provide international legal assistance on the submitted requests, the examination of witnesses and hearings of accused persons.

During the reporting period, the OWCP was visited by the Special Adviser and Under-

Secretary-General of the UN Secretary General on the Prevention of Genocide, Alice Wairimu Nderitu, who attended a meeting with the OWCP and supported its hitherto work, especially stressing the significance of regional cooperation and cooperation with the Mechanism in The Hague.

**b) cooperation with the European Union Rule of Law Mission to the Autonomous Province of Kosovo and Metohija - EULEX and the Provisional Institutions of Self-Government in Priština**

As in the previous period, the Deputy War Crimes Prosecutors applied for assistance to EULEX in Priština, in accordance with the Mutual Legal Assistance procedures provided for in the IBM Technical Implementation Protocol and in the cases they are dealing with.

During the 3rd quarter, the OWCP sent 6 requests for assistance to the EULEX Special Prosecution Office in Priština, which were not answered.

In the period from 1 October 2021 until 27 December 2021, the EULEX Special Prosecution Office in Priština submitted no requests for assistance. During the same period, the OWCP sent 7 requests for assistance to the EULEX Special Prosecution Office in Priština, none of which have been granted so far.

From the above data, it is evident that there is a need to improve this cooperation, which is to take place in accordance with the Conclusion of the Government of the Republic of Serbia 05 number 018-1862/2013-1 dating from 7 March 2013, which adopted the text of the Procedure for Mutual Legal Assistance, recognized as an important issue in the new National Strategy for War Crimes Prosecution. Through the revision of the Prosecution Strategy, special attention will be paid to this issue and finding ways to address it.

**Goal: Raising awareness and improving society's attitude towards the importance of prosecuting war crimes**

**• Transparency of the work of the OWCP**

The new OWCP website has been active since the end of the previous quarter. In accordance with applicable regulations and internal acts which regulate the issue of admissibility of publishing information during criminal proceedings, the Prosecutor's Office publishes indictments on its website after the preparatory hearing, which is held without the presence of the public, in accordance with the Rulebook on the anonymization of indictments. The OWCP issues short announcements on the outcome of first-instance and second-instance criminal proceedings on the filed indictments as soon as it is possible, and these data are also entered in the Cases section of the website.

During the reporting period, and the last time in December 2021, the Information Booklet on the work of the OWCP was updated by entering new data in order to inform all interested parties of access to information of public importance, which includes basic data on the work of the OWCP, as well as others of importance for the content, scope and manner of exercising rights.

The Information Booklet on the work of the OWCP of the Republic of Serbia is compiled on the basis of Article 39 of the Law on Free Access to Information of Public Importance and the Instructions for Publishing Information on the Work of Government

Authorities (Official Gazette of the RS, No. 68/10), and it is accessible to all interested persons on the website <http://www.tuzilastvorz.org.rs> in electronic form, with the proviso that upon request, the interested person may inspect it and download a printed copy at the premises of the OWCP.

Since the new Law on Access to Information of Public Importance (Official Gazette of the RS, No. 105/2021) entered into force, the provisions of the Information Booklet on the work of the OWCP, as well as the availability of data and information on the work of the OWCP to interested persons and those published on the Internet pages, will be harmonized with this Law, the implementation of which is expected within 3 months from the entry into force.

During the 3rd and 4th quarters, the OWCP, through an authorized person, continued to respond in a timely manner to inquiries from interested parties, taking into account the interests of proper conduct of proceedings and protection of the persons whose data is provided.

The OWCP spokesperson continued to communicate regularly with representatives of the media, civil society organizations and victims' associations. As in the previous period, due to the still current situation with the epidemiological situation, the information to the media and interested parties mostly went via written announcements.

In accordance with the obligation envisaged in the revised Action Plan for Chapter 23, preparations have begun for the preparation and publication of an updated report on the activities of the OWCP in relation to criminal charges in cases of war crimes, in line with the performance indicators.

In accordance with the current reporting methodology, the report will include updated statistics on criminal charges filed and investigations conducted in this OWCP, as well as the most important data related to court proceedings and court decisions on indictments, with special reference to cases in which the accused persons are of a high/higher rank.

After that, the OWCP will organize a press conference at which the OWCP Annual Report will be presented.

During the fourth quarter, the OWCP began revising the Prosecution Strategy. The revision will include an analysis of the results achieved so far in the implementation of the existing strategy, an elaboration of existing objectives and adoption of new measures. Along with the revised strategy, a detailed Action Plan will be adopted, which will include new activities as well as precise deadlines for their implementation, which in turn will require the adoption of a new model of public reporting on the implementation of the Prosecution Strategy.