



**Helsinki Committee for Human Rights in Serbia**



**Lawyers' Committee for Human Rights - YUCOM**



**Civic Initiative**

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Belgrade, September 27, 2006

### Open Letter to President of Constitutional Commission

In contemporary world passing or amending constitutions are major tasks that not only mirror states' commitment to democracy, but also their responsibility towards citizens.

The manner in which representatives of Serbia's legislative and executive powers treat the issue of a new constitution, especially over the past several weeks, lay bare the policy they have been pursuing for years and their poor consciousness of democratic principles underlying a state, and blatantly reflect the absence of any responsibility whatsoever towards the citizens of this country.

Instead of regularly informing the public about the outcome of its work on Serbia's new constitution, conducted within several sub-commissions, the Constitutional Commission behaves as if it has been deliberating house rules, rather than a fundamental system of law that affects every individual. The procedure for passing a constitution is unambiguous and clear-cut, and implies public participation and transparency, i.e. the widest possible public debate. However, the Constitutional Commission has taken the liberty of ignoring this procedure. Not even the institutions of Milosevic's regime have demonstrated such arrogance and incompetence when passing the Serbian Constitution in 1990. Today we are faced with the regime that strains to prove its democratic mien to the world but fails to respect a single democratic principle or act in accordance to it.

The announcement that the work on the draft constitution will be over in two weeks to come, and then submitted to the parliament and open to a referendum leaves no possibility whatsoever for expert circles and the general public to have their say and, therefore, flagrantly violates the prescribed procedure and disparages civil society, but also negates democracy itself.

True, the public in Serbia has been informed that two official drafts have been placed on the Constitutional Commission's agenda. But, as it seems, the public is expected to find on its own ways and means to read those drafts and nothing but guess about the Commission's plans. An attitude as such marginalizes the public as a whole, while turning the work on the new constitution into an illegal act.

The Helsinki Committee for Human Rights in Serbia, the Civic Initiatives and the Lawyers' Committee for Human Rights – YUCOM express their concern with such flagrant violation of democratic procedure and demand that passing of a new constitution should be postponed so as to enable all strata to engage in a debate on it.