

**National implementation of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two (1954 and 1999) Protocols Format for reporting**



United Nations  
Educational, Scientific and  
Cultural Organization

Organisation  
des Nations Unies  
pour l'éducation,  
la science et la culture

Organización  
de las Naciones Unidas  
para la Educación,  
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Организация  
Объединенных Наций по  
вопросам образования,  
науки и культуры

منظمة الأمم المتحدة  
للتربية والعلم والثقافة

联合国教育、  
科学及文化组织

The High Contracting Parties of the above-mentioned Hague Convention, according to the terms of its Article 26 (2), are invited to forward to the Director - General, at least once every four years, a report on the Convention's national implementation. If they are also parties to the Convention's Second Protocol, as per Article 37 (2) of this agreement, they are also invited to report on the aforementioned Protocol's implementation, every four years, to the Committee for the Protection of Cultural Property in the Event of Armed Conflict.

To facilitate the work of the relevant national authorities, paragraph 101 of the Guidelines for the Implementation of the 1999 Second Protocol encourages the Parties to the Hague Convention to submit these two reports jointly. As a consequence, please find hereafter a list of issues in the form of a questionnaire, to be taken into account when preparing your national reports. Answering a question by ticking the box "no" means that the State concerned has never implemented the provision in question. Answering a question by ticking the box "yes" means that the provision in question has been implemented regardless of the time period covered by the report. If the information has already been provided in a previous report, it is not necessary to repeat it. A short reference to the previous report is sufficient. Additional information on the implementation of the above-mentioned agreements that you consider appropriate and relevant is highly appreciated.

Information should be as precise and specific as possible, and it would be appreciated if the reports follow the order presented in the questionnaire. State Parties are also encouraged to submit the reports in an electronic format.

**2013-2016**  
**Report on the international implementation**  
**of the 1954 Hague Convention and its two (1954 and 1999) Protocols**

**Member state: Republic of Serbia**

**Submission prepared by:**

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High Contracting Party:

**I. The 1954 Hague Convention**

**1. Article 3 – Safeguarding of cultural property**

This Article provides for the obligation of the High Contracting Parties to adopt relevant peacetime safeguarding measures against the foreseeable effects of an armed conflict.

Have you undertaken such measures?

**YES:**

NO:

**Protection of cultural property in the event of extraordinary circumstances: fire, floods, volcanic eruptions, cyclones, earthquakes and terrorism, etc. especially in case of imminent danger and war is regulated by international conventions and recommendations, as well as national laws and by-laws. Holders and creators of cultural property are obliged to comply with these regulations.**

**The National Museum in Belgrade has internal safeguarding protocols. Recently, Action plan for capacity building for disaster risk reduction was adopted and our plan is to revise our safeguarding measures against effects of an armed conflict.**

**2. Article 7 – Military Measures (in peace time)**

This Article provides for the obligations of the High Contracting Parties to introduce into their military regulations or instructions provisions that may ensure observance of the Convention, as well as to plan or establish within their armed forces services or specialists whose purpose will be to secure respect for cultural property.

(i) Have you introduced such provisions into your military regulations and instructions?

**YES:**

NO:

(ii) Have you created such services or appointed specialists in your country?

**YES:**

NO:

**3. Chapter V – The distinctive emblem**

Do you mark cultural property with the distinctive emblem of the Convention?

YES:

**NO:**

**For a long-term vision, it is vital to define long-term objectives in the culture**

department within the defense strategy, doctrine and development of Serbian Armed Forces and civilian institutions that deal with those activities. In that respect, emblem of the Convention will be timely prepared and put on protrusive places.

At this moment, cultural properties are not marked with an emblem but it is stated as one of the priorities.

#### **4. Article 25 – Dissemination of the Convention**

Knowledge of the laws of armed conflict is of capital importance for the civilian and military personnel required to apply them. Have you disseminated the provisions of the Convention within armed forces as well as among target groups and the general public?

**YES:**

**NO:**

**Ministry of Culture and Media shared all relevant information with target groups.**

**National Institute for the Protection of Cultural Monuments was regularly informing military authorities about the necessity of protection of cultural properties and the Hague Convention.**

**Issues related to IHL are studied at the Military Academy at the undergraduate level, Command Staff Course (secondary level studies) and General Staff Course (tertiary level studies).**

**The objective is to: acquire basic knowledge of law, Law of Defence, International Law of Armed Conflict (ILAC) and the basics of IHL; provide an introduction to the evolution of this law; the relation between the norms applying to this area and national legislation and their harmonization; understanding the sanctions and their evolution concerning violation of the legal norms applying to the area of defence, security and humanitarian law.**

**A course in Law of defence and IHL is part of the undergraduate curriculum at the Military Academy, covering the following topics:**

- **International relations and Law of Defence**
- **Armed Conflict and Law of Defence**
- **Basics of Republic of Serbia's Law of Defence**
- **IHL**
- **Responsibility**
  - **Command responsibility**
  - **Criminal responsibility**

**Within the course in command and control taught within Command Staff Course the following topics are studied: IHL regulations concerning command; peaceful resolution of conflict, responsibility for the violation of IHL, and application of IHL in command. The focus is on the following:**

- **Evolution of international law, international humanitarian law, and customary law**
- **Subjects and objects of international law**
- **International contracts**
- **War as the sovereign right of the state through history and today**
- **Sides in a conflict, the battlefield and theatre of operations**
- **Relations between sides in a conflict**
- **Neutrality**
- **International arbitration and International Law and Justice**
- **The UN and peacekeeping**
- **War reprisals**
- **Responsibility for war crimes: crime against peace, war crimes, crime of genocide**
- **Limitations to and bans on war relating to persons, facilities, outlawed manners and means of war**
- **Rules of maritime and air warfare**
- **Peaceful resolution of disputes and responsibility for violations of ILAC**

**The topic Legislative System and IHL is part of a course in Strategy, taught at General Staff Course. The fundamental issues are:**

- **Overview of societal norms and legislation**
- **Legislation and the legal system of the state**
- **The dependence of a state's legislation on international regulations and approaches**
- **Overview of IHL**
- **Enforcement of IHL and the problems in international and civil armed conflict**

**In the course of military exercises and military training of soldiers special attention is devoted to the enforcement of IHL and ILAC with a focus on the protection of facilities and assets designated as heritage.**

**The instruction is delivered by IHL experts who teach part-time at the Academy.**

## **5. Article 26(1) – Official translations**

To date, the Secretariat has received 32 official translations of the Convention and of the Regulations for its execution (Arabic, Azerbaijani, Bulgarian, Burmese, Cambodian, Chinese, Czech, Danish, Dutch, Estonian, Finnish, German, Hebrew, Hungarian, Greek, Italian, Japanese, Kyrgyz, Latvian, Lithuanian, Montenegrin, Nepali, Norwegian, Persian, Polish, Romanian, Serbo-Croatian, Slovak, Slovenian, Swedish, Thai, and Turkish).

Have you officially translated the Convention and the Regulations for its execution?

**YES:**

**NO:**

**The official translation of the Convention and the Regulations is published in “Sources of International Humanitarian Law (Guide for professional soldiers, lawyers and activists of the Red Cross)” in 2002, publisher: The International Committee of the Red Cross, edited by professor Miodrag Starčević, pages from 507 to 547, as well as in the Official Gazette of the FNRJ – addition no. 4/56, Official Gazette of the SRJ - International Treaties no. 7/02 - other regulations.**

**The implementation of the Hague Convention (1954) at the national level has been discussed during the meetings of the National Commission on IHL.**

## **6. Article 28 – Sanctions**

This Article provides for the obligations of the High Contracting Parties to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the Convention.

Have you introduced this provision into your penal code?

**YES:**

**NO:**

**Required obligations are implemented within the Regulations of Military Discipline, published in SVL 22/08, 14/10 and 14/11.**

If yes, we would be grateful if you could kindly provide the Secretariat with a copy of the relevant provision(s) in English or French.

**We do not have a copy of the relevant provisions in English or French.**

## **II. Resolution II of the 1954 Conference**

Have you established a national advisory committee in accordance with the wish expressed by the Conference in Resolution II?

**YES:**

**NO:**

If yes, please provide more specific information.

**National Advisory Committee was formed by the Ministry of Culture and Media of the Republic of Serbia and it is composed of representatives of the Ministry of Culture and Media (chairman of the Committee is Secretary of the Ministry of Culture and Media), Ministry of Defense, Ministry of Interior, Ministry of Foreign Affairs, Office for Kosovo and Metohija-Government of the Republic of Serbia, National Museum in Belgrade, Institute for the Protection of Cultural Monuments of Serbia, Provincial Institute for the Protection of Cultural Monuments and National Committee of ICOM Serbia.**

**Other experts in the field of culture and international law can be invited to participate in the work of the Committee if needed.**

Is such a committee a part of the national commission on the implementation of international humanitarian law?

**YES:**

**NO:**

**No, it is not a part of the national commission on the implementation of international humanitarian law, but some representatives are engaged both in the work of the commission and the Committee, so these two bodies cooperate closely.**

## **III. 1954 (First) Protocol (to be filled in only by the High Contracting Parties party to the 1954 Protocol):**

The Protocol provides for the obligation of the High Contracting Parties to prevent the exportation of cultural property from a territory occupied by it and requires the return of such property to the territory of the State from which it was removed.

Have you complied with this provision? In particular, have you implemented its provisions in your national legislation?

**YES:**

**NO:**

Have you have taken into custody cultural property imported into your territory from an occupied territory?

YES:

NO:

If yes, please provide more specific information, including what steps you have taken to return this property at the close of a conflict.

**IV. The 1999 Second Protocol** (to be filled in only by the States party to the 1999 Protocol):

**1. General provisions**

(i) Article 5 - Safeguarding of cultural property

Article 5 of the Second Protocol complements Article 3 of the Hague Convention by providing concrete examples of peacetime preparatory measures, such as the preparations of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property.

Have you undertaken these preparatory measures?

**YES:**

NO:

If yes, please provide more specific information.

**Central Register of immovable cultural property of the Republic of Serbia is kept in the Institute for the Protection of Cultural Monuments of Serbia and contains inventories of all immovable cultural properties on the territory of Republic of Serbia.**

(ii) Article 9 – Protection of cultural property in occupied territory

Article 9 of the Second Protocol complements the provisions in Article 5 of the Hague Convention by imposing a number of prohibitive measures on the occupying power. If applicable, please describe the implementation of such measures.

**2. Enhanced protection** (Chapter 3)

The Second Protocol establishes an enhanced protection regime for cultural property, provided that the property is cultural heritage of the greatest importance for humanity, is properly protected by administrative and legal measures, and is not and will not be used for a military purpose or to shield military sites.

(i) Do you intend to request the granting of enhanced protection for a cultural property?

**YES:**

NO:

Name of the cultural property: **Studenica Monastery**

(ii) Do cultural property under enhanced protection and the protection afforded to it by

your state still meet the conditions for granting enhanced protection under Articles 10(a), 10(b), 10(c) of the Second Protocol and the relevant paragraphs of the Guidelines?

**YES:**

NO:

**The Studenica Monastery was inscribed in 1986 on the List of the World Heritage by decision number 10 COM VIII**

(iii) Have you set up a **specific monitoring mechanism** of cultural property under enhanced protection? For example, have you set up a periodic control?

**YES:**

NO:

**There is a periodic control of the state of conservation of the Studenica Monastery. Reports on the conditions, made by the experts of the Institute for protection of cultural monuments are regularly, annually, sent to the WH Committee, as requested.**

(iv) Do you intend to **use the distinctive emblem** to mark cultural property under enhanced protection?

YES:

**NO:**

**Monument is marked as the World Heritage sites.**

(v) Do you intend to inscribe cultural property on the **tentative list** for the granting of enhanced protection?

YES:

**NO:**

### **3. Articles 15 and 21 - Serious violations of this Protocol and measures regarding other violations, respectively**

Article 15 obligates Parties to establish certain acts listed under its first paragraph as criminal offences under domestic law and to make them punishable by appropriate penalties.

Article 21 obligates Parties to adopt relevant legislative, administrative or disciplinary measures to suppress any intentional use of cultural property, illicit export, or other removal or transfer of ownership of cultural property from occupied territory, in violation of the Hague Convention or the Second Protocol.

Have you penalized each of these offences and adopted the above-mentioned measures?

**YES:**

NO:

**The above mentioned measures are implemented within the Law on Defense and within the Regulations on Service in the Army of Serbia.**



#### 4. Article 16 – Jurisdiction

Have you taken the necessary measures to establish jurisdiction over offences mentioned in Article 15?

**YES:**

NO:

If yes, please provide more specific information.

**The Serbian Criminal Code (article 383) regulates the destruction of cultural property as a criminal act.**

#### 5. Articles 29 (The Fund for the Protection of Cultural Property in the Event of Armed Conflict), 32 (International assistance) and 33 (Assistance of UNESCO)

Are you currently receiving international assistance from the Fund?

YES:

NO:

If yes, please describe the project for which funds were received.

Are you currently providing or planning to provide international or technical assistance on a bilateral or multilateral level?

YES:

NO:

If yes, please provide more details.

If not, please state the reasons you have not done so.

#### 6. Dissemination (Article 30)

Article 30 calls for, among other things, the strengthening of the appreciation and the respect for cultural property, the dissemination of the Protocol and the establishment of military instructions, training and communication facilities.

Did you take any measures concerning the above-mentioned obligations?

**YES:**

NO:

If yes, please provide more details.

**The implementation of the 1999 Second Protocol at the national level has been discussed during the meetings of the National Commission on IHL.**

#### 7. The Fund for the Protection of Cultural Property in the Event of Armed Conflict

Have you contributed to the Fund?

YES:

NO:

If yes, please provide detailed information concerning your contribution.

If not, would you consider the possibility of contributing to the Fund in the future?

YES:

NO:

## **8. National focal point**

Please provide us with the name and address of a single national focal point for all official documents and correspondence related to the implementation of the Second Protocol.

**Igor Jovicic, president of National Advisory Committee.**

**Address: Ministry of Culture and Media of the Republic of Serbia, Serbia,  
11000 Belgrade, Vojkovicева 3**

## **V. Other issues related to the implementation of the Hague Convention and its two Protocols**

The Secretariat would appreciate it if you could provide us with a copy of the following documents in English and/or French:

- the relevant administrative civilian and military regulations;
- national laws on the protection of cultural property as well as penal provisions not covered by Article 28 of the Hague Convention and Articles 15, 16, 21 of the Second Protocol; and, case-law on the protection of cultural property related to the implementation of the Hague Convention and its two Protocols.

**National laws on the protection of cultural property:**

**Cultural Property Law**

**Law on Old and Rare Library Material**

**Law on the Library and Information Service**

**Law on Emergency Situations arrange protection of cultural assets from natural disasters, technical and technological hazards, accidents and catastrophes, consequences of terrorism, wars and other scale disasters.**

### **Article 1**

**“This Law shall govern emergency action, declaration and management; protection and rescue system of persons, material and cultural assets and environment from natural disasters, technical and technological hazards - accidents and catastrophes, consequences of terrorism, wars and other large scale disasters (hereinafter: natural and other disasters); competences of public authorities, autonomous provinces, local authorities and participation of the**

**Police and Serbian Army in protection and rescue activities, rights and obligations of citizens, economic societies and other legal entities and entrepreneurs in relation to emergency situations; organization and activities of civil protection in protecting, rescuing, and eliminating the consequences of natural disasters and other accidents, funding; inspection supervision, international cooperation and other issues relevant to organization and functioning of the protection and rescue system.”**

**Article 92**

**Preservation of resources required for survival shall include protection of water supply facilities, maintenance of required volumes of agricultural and other production and preservations of plants and animals by ensuring and maintaining the quantities and types of resources necessary for the populations survival, as well as cultural and historical, material and other relevant goods during natural and other disasters.**

**The competent public authorities, local authorities, economic societies and other legal entities, institutions and other organizations shall plan, organize and execute protection and rescue of cultural and historical, material and other goods relevant to survival.**

**VI. Official Translations of the Second Protocol to the 1954 Hague Convention**

To date, the Secretariat has received 18 official translations of the Second Protocol (Armenian, Brazilian Portuguese, Burmese, Croatian, Czech, Danish, Dutch, Estonian, German, Greek, Italian, Japanese, Latvian, Nepali, Persian, Romanian, Slovak and Slovenian).

Have you officially translated the Second Protocol?

**YES:**

**NO:**

**The official translation of the Second Protocol is published in Official Gazette of the SRJ - International Treaties no. 7/02.**