



Organization for Security and Co-operation in Europe

OSCE Mission to Croatia

News in brief

13 June – 26 June 2007

Visit to Croatia of the Permanent Representative of Finland to the OSCE

Ambassador Antii Turunen, Permanent Representative of the incoming OSCE Chairmanship-in-Office, visited Croatia on 10-12 June to get acquainted with Croatia's present situation regarding OSCE mandate-related issues.

During his three day visit to Croatia Ambassador Turunen met Minister for Foreign Affairs, Kolinda Grabar-Kitarović, Member of Parliament and prominent leader of the Serb party SDSS, Milorad Pupovac, and participated in the gathering of SEE Judges with invited ICTY judges organized by the Mission. He also chaired a working dinner with HoM and representatives of the civil society and NGOs in Croatia.

Ambassador Turunen also had opportunities for contacts with Minister of Justice Ana Lovrin, chairing the 'Plenary in the Field' (see point 7. of this Fortnightly Report), the State Secretaries from three Ministries and members of the international community and international organizations attending the meeting, notably the Ambassadors of Spain and the United States to Croatia, the Head of the UNHCR, representative of the EC Delegation, and others.

ICTY President and Chief Prosecutor Report to the UN Security Council, including developments in Croatia

On 18 June, the Chief Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY) Carla Del Ponte presented her seventh completion strategy report to the UN Security Council, which included several references to developments in Croatia. This was the Prosecutor's last appearance before the UN Security Council before her mandate ends in mid-September. President Pocar also stressed the importance of continued international assistance to strengthen rule of law and judicial capacity in the national jurisdictions of the former Yugoslavia that would continue the ICTY's legacy by prosecuting war crimes at the domestic level.

Ms. Del Ponte reported that the Office of the Prosecutor (OTP) had completed the hand over to the Croatian Chief State Attorney of investigative files in two so-called 'Category II' cases, i.e., cases in which the Tribunal issued no indictment, but which were fully or

significantly investigated by OTP. In addition, the OTP is in the process of handing over to the Chief State Attorney investigative files in approximately seven more 'Category II' cases, most involving multiple suspects.

In relation to Croatia's co-operation with the Tribunal, the Chief Prosecutor upgraded her assessment in the month between her written report and presentation to the UN Security Council. She noted that co-operation was "generally satisfactory" and certain problems that had arisen in relation to the case against Ante Gotovina and his two co-accused had been resolved. Ms. Del Ponte expressed her hope that the Government's commitment to effectively resolve any upcoming co-operation issues in relation to this case would be "unequivocally affirmed in the future."

Both Judge Pocar and Ms. Del Ponte noted that the OTP continued to monitor cases transferred under Rule 11 bis through the OSCE. Ms. Del Ponte expressed the view that OSCE monitoring "provides essential and effective assistance to national systems involved in a difficult judicial reform process..." She warned that although there had been progress in domestic prosecutions, "thorough monitoring of all domestic war crimes proceedings remains imperative." She called for the Security Council's support to the OSCE as it "has proven to be the best suited institution to carry out this important function." In particular with respect to Croatia, Del Ponte re-affirmed "the importance of the monitoring process carried out by the OSCE" and recommended the continuation of this activity in the country.

Poor turnout at the Minority Elections for advisory bodies held on 17 June

The 17 June minority elections were marked with several irregularities with regards to their timing, and criteria applied to decide where the elections would be held. The elections were not well publicized, which probably contributed to the low turnout, possible irregularities appeared in the process of submitting candidate lists and poor preparation of electoral committees led in some cases to the dissemination of wrong information to voters.

In general throughout the country the turnout at the elections was rather low, reaching just under eight per cent. As in the previous CNM elections, the Hungarians at all levels had the highest turnout.

No major incidents were reported. To the Mission's knowledge only one complaint went to the County Election Commission of Osijek-Barania by the Roma association complaining about irregularities in Darda..

Ademi-Norac trial begins

On 18 June, the trial of Rahim Ademi and Mirko Norac began in Zagreb. They are charged with responsibility as Croatian military commanders for indiscriminate attacks, which resulted in widespread property destruction and deaths of elderly Serb civilians and prisoners of war during and after the September 1993 Croatian military operation

‘Medak Pocket.’ The trial is being conducted before a panel of three judges plus an alternate in the event a member of the panel needs to be replaced. The case was transferred by the ICTY Referral Bench under Rule 11 bis in September 2005, while the Croatian indictment was filed in December 2006. During the trial, Ademi will remain at liberty, while Norac will remain in prison where he is serving a 12-year sentence for an unrelated war crime.

From the outset, it is apparent that this trial will be conducted under conditions significantly different than those under which more than fifteen other war crimes trials currently being conducted across the country. The trial began under strict security not previously observed in war crimes proceedings. The courtroom also has special equipment unavailable in most courts. A special press-room was arranged.

The first three trial days were devoted to reading the indictment, to which both accused entered their pleas of not guilty, as well as discussion and planning for the presentation of documentary evidence and appearance of witnesses. During this discussion, both the prosecution and the court read out identifying information about two of the protected witnesses in open court. This lapse suggests additional precautions may be warranted.

The court decided to hear more than 50 live witnesses and admitted a considerable number of documents. Depending on the progress of the trial, additional witnesses may be called and other documentary evidence admitted. The first evidence will address the planning of the ‘Medak Pocket’ operation and the command and communication structure, among other issues. The court decided that all documents transferred from the ICTY Office of the Prosecutor were admissible under 2003 legal provisions that provide that evidence established consistent with the rules of either the International Criminal Court (ICC) or ICTY are admissible in Croatian courts. The court also granted a defense request for further documents from the Ministry of Defense. The court rejected a request by Norac’s defence that all of the protected witnesses be stripped of this status. The court also rejected a request by both defence teams to strike reports of a Serbian NGO whose head was formerly a high-ranking official of the ‘Republika Srpska Krajina.’

Similar to the ICTY proceedings against Ante Gotovina, Ivan Čermak, and Mladen Markač, there is considerable media speculation about the intent of both Ademi and Norac to shift blame to the other.

The trial will resume on 10 July with the presentation of documentary evidence, while the first live witnesses will testify starting 16 July. Among the first witnesses to be summoned are the war-time Minister of Interior and current member of Parliament and HDZ Secretary Ivan Jarnjak, and five former Croatian army Generals including ICTY indictee Mladen Markač.

***Feral Tribune* weekly stops publishing due to VAT debt**

After 14 years of regular appearance, the Split based *Feral Tribune* weekly has not appeared on news stands for the past two weeks, and the question of when and whether it will return remains open. The weekly’s bank account has been blocked due to the Value Added Tax (VAT) debt of half a million kuna (approx. 70 000 EUR).

The blockade had a devastating effect on the weekly, whose journalists have not been receiving their salaries for months. In the past the Government wrote off VAT debts to several state-owned media companies, such as *Vjesnik*, HRT and *Slobodna Dalmacija*, thus creating an unfair market competition. Furthermore, *Feral Tribune*, adhering to its principled editorial policy, is completely deprived of revenues from advertising, regardless of its respectable circulation.

In addition, court rulings upholding enormous damage claims for what is referred to as a “psychological pain” have become more numerous recently, so *Feral* was frequently receiving a ruling to pay out several tens of thousands of kuna.

The Croatian Journalists Association (HND) holds that the disappearance of *Feral Tribune* weekly from Croatia's media scene represents a real as well as a symbolic loss to Croatian journalism and called on the Government to support the weekly's survival in the name of media pluralism. The diversity of the media in terms of ownership and editorial policy, of which *Feral Tribune* is an unavoidable part, is one of the highest tenets of contemporary democracy and civic life, read the statement signed by the HND President, Dragutin Lucić.

Government Spokesperson Ratko Maček stated that the Government fully supported freedom of the media and that it was seeking solutions to the *Feral Tribune* crisis.

Re-electrification of minority villages, Phase II of annual budget adopted

As previously reported the Mission continues to play a decisive advisory role in the process of re-electrification of the remaining number of minority villages. High level meetings with the Government of Croatia and the State Electric Company (HEP) have resulted in a significant increase in the overall annual budget that is foreseen for reconstruction of the electricity network in the war affected regions from 20 million to up to 120 million HRK. This financial dynamic has been introduced beginning of 2006, and it is being implemented also in 2007. It is divided into two phases to meet demanding administrative and logistic efforts.

The budget for the first phase of the 2007 re-electrification project, in amount of 51 million HRK was adopted in March, when the list of 57 villages to be re-electrified was officially put together by the Mission and handed over to HEP. Recently the list of the additional 49 villages was cleared and a budget of 60 million HRK adopted. The Mission also drafted this second list based on its field observations and the level of impact on sustainable return that the re-electrification might provide in terms of stimulating small entrepreneurship and other income generation activities.

Out of more than 300 minority villages identified almost three years ago as having damaged electrical networks, it is estimated that so far, more than half have been either reconnected or encompassed by this project. More than 5,000 returnees have been positively affected by this effort. In 2007 alone, the works will be completed in about 100 villages.

The Mission has expressed its great satisfaction with the cooperation achieved with the respected Ministry for Sea, Tourism, Transport and Development, but especially with the State Electric Company (HEP).

MISSION ACTIVITIES

Five Government/Mission mandate-related plenaries in war-affected areas

In order to overcome problems with inadequate and delayed implementation at the local level of Government commitments made at the national level Minister of Foreign Affairs and European Integration, Kolinda Grabar-Kitarović proposed and organized mandate-related plenary sessions in five war-affected areas as a means of disseminating locally, national policies agreed upon by the Government in consultation with the Mission.

In order to ensure that a strong political message was passed, the so-called 'Plenaries in the Field' were chaired by Ministers or high-ranking Croatian authorities who exercise considerable political influence in each of the regions. Five plenaries in the field were held between 18 May and 21 June and took place in Benkovac, Vukovar, Sisak, Gospić and Knin.

All five 'Plenaries in the Field' gathered Prefects, Mayors, and other local authorities, national minorities, NGOs and the media from the Counties in the region. Accompanying the Head of Mission were different Ambassadors, or their representatives. Notably, the Ambassadors from Spain and Portugal - representing the OSCE Chairman-in-Office and the incoming EU Presidency respectively - and the Ambassadors of the United States, Serbia, the Delegation of the European Commission to Croatia, and the UNHCR. Ambassador Antii Turunen, Permanent Representative of Finland to the OSCE, attended the Plenary in Sisak.

All the Plenaries contained opening remarks by Ministers, County Prefects and the Mayors of the respective host cities as well as an overview of Government efforts and investments aimed at improving conditions for sustainable return in war-affected areas, concentrating on reconstruction and infrastructure through the implementation of the 'housing care programme for refugees and displaced persons the 'requirements for proportional representation of national minorities in State administration and the judiciary' with a particular emphasis on the region concerned. Minister of Justice Ana Lovrin and her Assistant Minister also stated clearly the Government's policy to support the prosecution of war crimes without interference or allowing perpetrators to enjoy impunity. They stressed to local authorities their role in helping create a positive climate in which war crimes investigations and trials could be held.

At every plenary a senior Serb parliamentarian had the opportunity to address the local audience.

At most of the sessions, question time was marked by a spirit of positive controversy and discussion. During the plenary in Sisak, the proximity of Minority Elections on Sunday 17 June monopolized the discussion: some NGO representatives used the opportunity to directly address State Secretary Palarić, Head of the Central State Administration, criticizing the way elections had been called and the figures/percentages assigned.

The 'Plenaries in the Field' has been a very positive exercise for passing to local officials the agreed mandate related national policies developed in consultation with the Mission, and provided an opportunity for the highest governmental authorities to adequately and directly respond to the questions and concerns of the local authorities in terms of infrastructure for refugee return and minority employment.