



**Organization for Security and Co-operation in Europe  
OSCE Mission to Croatia**

**News in brief  
23 November – 6 December 2005**

**First official post-war visit of Serbian Prime Minister to Croatia**

Following Prime Minister Ivo Sanader's visit to Belgrade in November 2004, his Serbian counterpart, Vojislav Kostunica, paid a return visit to Zagreb on 23 November this year. This was the first official visit of a Serbian Premier to Croatia since diplomatic relations were established in 1996. During his one-day visit, Prime Minister Kostunica met with President Stipe Mesic, Speaker of Parliament, Vladimir Seks and Prime Minister Dr. Ivo Sanader.

In a joint press statement, both Prime Ministers agreed that improved bilateral relations between Croatia and Serbia and Montenegro were important for the stability and prosperity of the entire region and its integration into the European Union. The two PMs pointed to the benefits which would accrue for both Serbia and Croatia through co-operation in the region and building toward a joint future in Europe.

Both stated their readiness to speed up the resolution of outstanding issues between the two countries, including determining the fate of persons declared missing during the war, a top priority for Croatia requiring help from the Serbian side. Likewise both PMs addressed the issue of refugee return in a regional context. PM Sanader stressed that he would like the process to be completed by the end of 2006.

The two PMs agreed to abide by the bilateral *Agreement on the Protection of the Croatian Minority in Serbia and Montenegro and the Serbian and Montenegrin Minorities in Croatia*, signed in November 2004 and address all outstanding issues. Briefing Croatian Serb minority representatives after his meeting with PM Sanader, the press reported that PM Kostunica discussed various factors hindering return. Among them was the problem of Croatia's list of suspected war criminals, which is seen as inadequately distinguishing between substantiated and unsubstantiated cases. He was quoted as saying that PM Sanader was an interlocutor willing to co-operate on these matters.

It was agreed in principle that the visa exemption for nationals traveling between the two countries would be extended beyond the current 31 December deadline.

PM Kostunica avoided a direct answer to reporters' questions as to whether he would offer an apology for events during the 1991-1995 war, saying that practical solutions to the problems stemming from the legacy of the war were more important than words.

**Osijek Mayor and President of the Croatian Party of Rights publicly reveals names of citizens co-operating in war crimes investigation**

On 25 November, President of the Croatian Party of Rights (HSP) and Mayor of Osijek, Anto Djapic, held a press conference in Osijek to express dissatisfaction with media coverage of current investigations into allegations of war crimes committed against Serb civilians in Osijek in the early 1990s. As part of his commentary Mr. Djapic read out the names of 19

people he said were providing information to the authorities in relation to ongoing investigations, from what appeared to be an official document.

According to news reports, several of the people identified have subsequently expressed their reluctance to co-operate further in the investigation. While the local print media refrained from revealing the list of names, Slavonia Television (STV) ran excerpts from the press conference, including the recitation of names. The Mission's request for a tape of the press conference from STV remains unanswered.

Such high profile identification of private persons co-operating with war crimes investigators brings into question the possibility of conducting effective investigations and fair trials in Osijek - designated to run one of four specialized war crime courts - particularly those involving allegations of war crimes by Croats against Serbs. As in previous years, Osijek continues to be one of the most active county courts in relation to war crime prosecutions, having tried in excess of 100 persons, many in absentia, and indicted a further 100, primarily Serb defendants accused for crimes against Croats.

The Mission is concerned that the creation of such a negative climate by high-ranking political figures could further frustrate efforts to apportion individual responsibility for war crimes, thereby resulting in continued impunity.

### **War Veterans accuse the former Yugoslav Republic of Macedonia Army General of war crimes in Vukovar**

During an official visit to Croatia on 18 November, the current Chief of Staff of the Army of the former Yugoslav Republic of Macedonia, General Miroslav Stojanovski, was accused by Croatian War Veterans of committing war crimes in Vukovar in 1991. Following the visit, which coincided with the fourteenth anniversary of the fall of Vukovar, media reports cited allegations that General Stojanovski was involved in atrocities against Croatian civilians and soldiers while a commander of the Yugoslav People's Army (JNA) Special Forces. General Stojanovski does not dispute that he was present with the JNA in Vukovar in 1991, but denies any wrong doing. "I did not violate the professional code of conduct," he was reported as saying.

Commenting on the issue during a bilateral meeting in Zagreb on 29 November, Prime Minister Ivo Sanader and his Macedonian counterpart, Vlado Buckovski, said they could not and would not interfere in the work of the judiciary. PM Sanader stressed that the case should be investigated by the Office of the State Prosecutor in order to establish all the relevant facts, adding that, "the truth should be an absolute priority." PM Buckovski said he hoped the Croatian authorities would proceed with the case in an impartial manner. Both parties agreed that the case should not be allowed to cast a shadow on relations between Croatia and Macedonia.

The Vukovar State Attorney has initiated an investigation into the allegations against General Stojanovski. The Mission is co-operating with the OSCE Spillover Monitor Mission to Skopje in following this case.

### **Public broadcaster fails to agree over controversial dismissal of TV journalist**

On 23 November, the Croatian Radio and Television (HRT) Programme Council discussed the suspension of Tihomir Ladisic, co-host and editor of Croatian Television's (HTV) current affairs programme 'Otvoreno'. Despite a three-hour debate the Council failed to reach a consensus over Mr. Ladisic's dismissal. They were unable to agree whether or not to support

a report by HTV Editor-in-Chief, Vladimir Roncevic, stating that Mr. Ladisic had made professional omissions while hosting controversial episodes of the *Otvoreno* show.

The 30 November appointment of journalist Petar Stefanic, from *Croatian Radio* (HR), as Mr. Ladisic's replacement clearly indicates that the management of HRT is standing by its decision to permanently suspend Mr. Ladisic. Despite claims by HRT that Mr. Ladisic would be re-employed as a commentator on other current affairs programmes, to date Mr. Ladisic has received no information on future HRT assignments.

The Mission assesses that the process of suspending Mr. Ladisic was not transparent. He was not informed of his dismissal in writing, nor was he officially provided with the reasons for his suspension. The only written document regarding Mr. Ladisic's suspension is the report sent by Mr. Roncevic to the president of the HRT Programme Council to be used at the 23 November session. In the absence of clearly defined reasons, it is difficult to evaluate the legitimacy of HRT's decision.

Some members of HRT's Programme Council questioned the consistency of HRT's treatment of journalists. With no objective criteria against which to check the professionalism of journalists and no board to verify decisions taken by the Editor-in-Chief, there is a risk that journalists may be subject to 'political' decisions.

### **Latest repossession attempt fails despite ECHR settlement of claims**

In late November, Zagreb Municipal Court failed for the fourth time to execute a court order returning possession of a flat to a Zagreb physician. The court order has been pending since mid-1993. The physician, who has permanently resided in Zagreb, lost possession of her flat in early 1993 when it was broken into and occupied while she was at work. Despite the presence of police at the eviction, the court decision was not executed, due to obstructive and hostile behaviour on the part of the occupant. As with the three prior eviction attempts, the tenant paid all the court fees associated with the unsuccessful eviction.

This latest repossession failure is particularly notable in light of a friendly settlement in favor of the tenant accepted by the European Court of Human Rights (ECHR) in late October. As indicated by the ECHR's decision in *Bozic vs. Croatia*, the Government agreed to pay more than €6,000 to settle the tenant's complaint that her rights to a fair trial in a reasonable time and respect for home and the peaceful enjoyment of possessions had been violated by the 12-year delay in enforcing a final court decision.

The issue of un-enforced court judgments has become the subject of repeated decisions by the ECHR. In 2004, the ECHR issued two judgments in cases analogous to that of *Bozic vs. Croatia - Cvijetic vs. Croatia* and *Pibernik vs. Croatia* - finding violations of the right to a fair trial due to unreasonable delays in the repossession of flats. In addition, the ECHR has issued two further decisions involving other types of un-enforced court decisions.

However, as indicated by the failure of this most recent eviction attempt in Zagreb, an ECHR decision is not an effective enough means to return a flat, but only compensates for the ongoing human rights violation.

As noted in the recent Progress Report of the European Commission, such unexecuted judgments constitute the bulk of the backlog of 1.6 million cases in the Croatian judicial system. Measures to ensure proper and full execution of court rulings were highlighted as a short-term priority in the European Partnership with Croatia.

### **Ombudsman's outreach activities remain dependent upon Mission funding**

Despite recommendations by both the Parliamentary Committee on Human and Minority Rights and the European Commission, the Ombudsman's Office has not received sufficient Government funding to cover its human rights outreach activities for 2006.

Given this budget shortfall, the Mission will again seek to secure project funding, although institutionalization of this activity in the Ombudsman's budget would be preferable. For the past three years, using project funds provided by Norway, the Mission has enabled the Ombudsman - which has a single office in Zagreb - to travel throughout Croatia to receive human rights complaints directly from citizens.

While increasing the overall funds allocated to the Ombudsman's Office, the 2006 State budget adopted by Parliament in late November decreased funding for outreach work in local communities by almost 50 per cent. The Government rejected all amendments to its proposed budget, including one to increase the Ombudsman's budget forwarded by the Parliamentary Committee on Human and Minority Rights. This allocation of funds seems to contradict a June 2005 Parliamentary resolution reached when reviewing and adopting the Ombudsman's annual report. This resolution obliged the Government to provide a budget adequate to address proposals in the report to overcome the Ombudsman's lack of resources. These included a need for sufficient financial resources to fund field visits and the need to employ additional staff to adequately address the many human rights complaints submitted to the office.

In its recent Progress Report, the European Commission noted that despite an increase in funding in 2005 the work of the Ombudsman's Office is, 'limited by a lack of funding and personnel.'

#### **Mission supports adoption of citizen action plans by municipal authorities**

In Eastern Slavonia, three municipalities in former war affected areas and one town promoted citizen participation in the work of local authorities as part of the Mission-funded good governance project, 'Citizens' Service – Good Governance of Local Authorities.' The project was implemented by the Osijek-based NGO, *Office for Civil Initiatives* (OGI), with the three municipalities committing an additional 35 per cent in addition to OSCE funding for implementation of the project in 2006.

In the second half of November, executive bodies in the ethnically mixed municipalities of Knezevi Vinogradi, Erdut and Stari Jankovci, as well as the town of Zupanja, adopted citizen action plans promoting civic participation in areas such as public planning, budget reporting and public information. The projects were drafted by focus groups comprised of elected officials, NGOs and civil servants. The town of Zupanja displayed particular commitment and initiative and as such could serve as a best practice example for the rest of Croatia. Although currently limited to Eastern Slavonia, it would be encouraging to see such initiatives expanded to other war-affected areas in Central Croatia and Dalmatia.