



Organization for Security and Co-operation in Europe

OSCE Mission to Croatia

News in brief

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Parliament votes to allow war crimes investigation against prominent MP

On 10 May, Parliament voted to lift the immunity of the independent parliamentarian Branimir Glavaš, providing the necessary go-ahead for a judicial investigation into allegations of war crimes. A former regional strongman for the Croatian Democratic Union (HDZ), Glavaš broke away from the ruling party when he publicly advocated for greater autonomy of Croatia's regions. Running on an independent list, he won a decisive victory in Osijek-Baranja County in the 2005 local elections, forming a coalition both at town and county level with the far-right Croatian Party of Rights (HSP). Since then, Glavaš has been in open conflict with the HDZ over political control in Eastern Slavonia.

Parliament acted at the request of the Chief State Attorney who seeks to prosecute Glavaš together with another person for the detention, torture, and killing of Serb civilians in Osijek in 1991. Glavaš is suspected of committing these offenses himself and of command responsibility, i.e., failing to prevent crimes committed by persons under his authority as former military commander of the Osijek Crisis Center during the 1991-1995 conflict. Glavaš has long been rumored to be responsible for war crimes against Serb civilians. New impetus for prosecution came in the summer of 2005 with widely publicized media statements by the man co-accused with Glavaš, who confessed to crimes he claimed to have committed while under Glavaš's command.

While voting in Parliament with the majority to lift immunity, some opposition MPs expressed skepticism that the prosecution would have gone forward, had Glavaš remained within the ruling HDZ. They viewed the timing of the prosecution, 15 years after the alleged events, as suspect. The only votes against were four MPs from the HSP, whose president Anto Džapić, is Mayor of Osijek.

Addressing his peers in the five-hour debate that preceded the vote, Glavaš claimed that the charges were politically motivated and that local police had been instructed by the HDZ to collect evidence against him. He further contended that the chain of command for crimes against Serb civilians would lead not to him, but to his then-superior, Vladimir Šeks, current Speaker of the Parliament. Šeks denied the allegation that HDZ had instigated the investigation and expressed his belief that Glavas was innocent of the allegations against him.

On 15 May, the President of the Supreme Court granted the request of the Chief State Attorney to transfer the criminal proceeding from Osijek to Zagreb, although both cities have special war crimes courts. The Supreme Court President accepted the Chief State Attorney's argument that given pressure on witnesses, including statements by public officials, there was considerable concern whether the proceeding could be impartially conducted in Osijek.

Commenting on the case, President Stipe Mesić said that the relevant institutions should be left to do their job, so reaffirming Croatia as a law-governed country where all people are equal before the law. In a similar vein, Prime Minister Ivo Sanader stressed that the case should not be politicised and the judiciary must not be exposed to political pressure.

Different assessments of media freedom in Croatia

Speaking on the occasion of World Press Freedom Day celebrated on 03 May in Zagreb, a spokesperson for the Croatian Journalists' Union pointed to the irony that, as the media in Croatia becomes freer, journalists face greater insecurity. According to the Union, journalists in Croatia face poor working conditions, low salaries and are often exposed to threats and intimidation. In a statement issued the same day, the Croatian Journalists' Association (HND) called upon State and local officials in Croatia to refrain from public attacks on journalists and media outlets, emphasising that recent verbal insults had been followed by “real threats and attacks against reporters”. The Association named four journalists who in recent months had been exposed to serious threats, physical attacks, salary reductions or suspensions as a consequence of the subject matter they reported on, mostly war crimes.

On 27 April, Freedom House, an American NGO dedicated to promoting free institutions worldwide, reported that Croatia's media was “partially free,” ranking it 85 out of 194 countries on the international media freedom scale, dropping three places from last year. The organization warned that while media freedoms in Croatia were guaranteed by the Constitution, the media was still subject to political interference. The issue of libel in Croatia was also highlighted, with the report citing cases of journalists being sentenced to prison terms for libel. Although changes to the Penal Code have resulted in the partial decriminalization of libel, certain judges continue to ignore these amendments. The report also pointed to the fact that journalists faced threats when reporting on war crimes. The organization stated that owners of media outlets in Croatia often used their outlets for the promotion of personal business and/or political interests.

These assessments differ significantly from recent evaluations made by the International Research & Exchanges Board (IREX), an NGO dedicated to strengthening independent media worldwide. IREX placed Croatia ahead of all other South-East European countries in terms of progress made towards securing an independent media. According to the Organization, Croatia's media are professional, free and more sophisticated than in other countries in the region, including new EU members, Slovenia and Hungary.

The Open Society Institute (OSI), a private foundation dedicated to supporting the rule of law, education, public health, and independent media, provided a similar evaluation in their most recent report. According to OSI criteria, the quality of Croatian media legislation is good, as is media autonomy, independence and professionalism. The objectivity and independence of Croatian Radio and Television was praised in particular.

Public debate on National Strategy for Civil Society Development

After the Government accepted a Draft Programme on Co-operation with the Non-Governmental Sector in 2001, attempts to draft a complementary policy document, the so-called National Strategy for Civil Society, have been ongoing. To date, there have been two failed attempts to produce a Strategy under the auspices of the National Council for Civil

Society Development (National Council) and heavy criticism of the drafting process in 2005, regarded as undemocratic by leading NGOs. More recently a Government-appointed working group, along with 50 experts from the third sector, produced a 50-page draft on 6 May, with public discussions organised in Rijeka, Osijek, Split and Zagreb from 8 to 12 May.

In its current form the Strategy reflects a wide range of civil society developmental issues including participative democracy, funding, non-profit entrepreneurship, inter-sector co-operation, regional development, voluntarism, education and an implementing framework for the Strategy. Criticisms included the fact that public discussions had only taken place in Croatia's four major cities, and at extremely short notice. The main issues raised regarded the centralised and non-transparent nature of State funding, and the Government's role in developing civil society. While the text requires further editing - particularly chapters relevant to the Mission concerning a legal framework, funding and regionalization - the needs of the third sector are largely addressed in what is expected to be a comprehensive document, followed by an implementation plan.

Turnout at the public discussions was limited, with the notable absence of local authority representatives. A web forum designed to encourage further public comment on the Strategy was poorly publicized. The Mission's Field Offices informed NGOs at the local level about the draft document and possibilities to discuss it, thus stimulating attendance at the discussions and use of the web forum. The process of collating comments in a final draft is due to finish by 15 May.