



# The COURIER

Newsletter of the OSCE Office in Zagreb May-July 2009



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**Following an invitation by the President of the Republic, the HoO attended an outing for the diplomatic community in Zagreb on 5-7 June at the Brijuni Island.**

**W**hen the Greek Minister of Foreign Affairs, in her capacity as the Chairperson-in-Office, appointed me as Head of the OSCE Office in Zagreb, the first thing I thought of was that an enormous responsibility and a hard job was ahead of me.

However, not a hard job but a rather impossible one will be to try to match up to such a prominent and distinguished predecessor as Ambassador Fuentes who, during his term, with his gentle determination, not only achieved the greatest advances in the fulfilment of the OSCE mandate, but, at the same time, succeeded to keep Croatia convinced and enthusiastic about its full completion.

Additional challenges in the work ahead lay in the fact that I will most probably face the enormous responsibility of contributing to avoiding risks or tensions during the final stages of the OSCE in Croatia and implementing the last and the most delicate steps prior and subsequent to a hypothetical decision of the Council that would bring to an end one of the major field operations established by the OSCE as a result of an armed conflict.

When interviewed for the job by the Ambassadors of the CiO, Greece, the Secretary General and the other two nations of the Troika, Kazakhstan and Finland, I offered continuity.

Continuity in addressing mandate fulfilment without a gap, from the very first day, without a single delay, doing as much as possible during the remaining period.

Continuity in building up the very good

relations established with Croatia by my predecessor by maintaining firmness in highlighting and addressing flaws observed, while maintaining the level of politeness and full respect when discussing with authorities of the host country which is up to standard of world democracies, and avoiding harsh criticism that could revive old tensions.

Continuity in co-operating with other international organizations, notably the EC, the UNHCR and the ICTY, which is as valuable for the OSCE as it is for the host nation, keeping in mind that this collaboration does not impede but favours the implementation of each organization's independent mandate.

Continuity in reporting to Vienna, providing the Participating States with tangible and bare facts for their analysis, rather than with political estimations that should be left for high consideration of the OSCE Council.

However, when I say that the OSCE Office in Zagreb should limit itself to providing facts; I obviously understand that facts cannot be completely bare. The trends and the results achieved to date are also facts. Furthermore, they are important facts to be taken well into consideration. In a very personal interpretation of Poincaré's quote about science, I would say that the completion of a mandate is built up of facts, as a house is with stones, but a collection of facts is no more an indication of an unaccomplished mandate than a heap of stones is a house. In other words, facts also have to be put into context.

It would be unfair not to consider as a fact the very visible results obtained until now. Croatia has changed enormously over

the past years. The Participating States acknowledged it when they considered the mandate of the Mission accomplished in 2007, implying that aspects such as freedom of the media, police democratization, political elections or civil society development, for example, were up to standard of other fully democratic nations and that there was no further need for the new Office to continue reporting about them. It would be unfair not to consider as facts all the dramatic improvements achieved in war crimes prosecution and the many apartments built for refugees and displaced persons over the past years.

Trends should also be part of facts to be considered. Indeed, with regard to war crimes portfolio, the Participating States will probably need to decide based on the trend. In the same manner as trials from the distant WWII still occur nowadays here and there, the war crime trials will continue to be held in Croatia for many years to come. Accordingly, what will be important is to assess if the trend of addressing them is positive and sustainable. The same is happening to some extent with the housing care portfolio. What would be important is to assess the willingness to complete the commitment, the trend and its sustainability, even though delays related to the global financial crisis may take place.

If we consider facts, figures, benchmarks, work done to date and trends altogether, it is obvious that Croatia is getting closer and closer to a Council's decision of considering the mandate accomplished.

Enrique Horcajada Shwartz  
Head of OSCE Office in Zagreb



19 May – 24 July A series of courtesy visits to bilateral Ambassadors accredited in Croatia from Greece, Kazakhstan, Finland, Austria, Albania, Bosnia & Herzegovina, Belgium, Canada, Czech Republic, Denmark, Italy, Montenegro, Germany, FYRM, France, Hungary, Portugal, Serbia, Spain, Norway, Russian Federation, Slovenia, The Netherlands, Romania, Slovakia, Turkey, United States of America, Switzerland, Sweden, United Kingdom. And heads of international organisations in Croatia, the EC, the UNHCR and the ICTY.

25 May - Briefing by the ICTY Chief Prosecutor, Mr. Serge Brammertz

28 May - The Apostolic Nunciature Farewell for Amb of France François Sant-Paul and Ukrainian Amb. Makrijana Lubkivskijega

4 June - Courtesy visit to Dr. Milorad Pupovac (SDSS)

5-7 June – Diplomatic outing at Brioni islands with President Stjepan Mesić

9 June - 6th Return Platform Meeting with Deputy PM for Regional Development, Reconstruction and Return Mr. Slobodan Uzelac

12 June - Meetings of the OSCE Preparatory Committee, Vienna

17 June - Courtesy visit to dr Mario Nobile, MFAEI Director of Directorate for International Org and Security

24 June - Reception in the occasion of Croatian Statehood Day, hosted by President Mesić

25 June - Invitation by President Mesić, Speaker of the Croatian Parliament Mr. Luka Bebić and Prime Minister Dr. Ivo Sanader to attend the ceremonial alignment of the Armed Forces and the police units on the occasion of the Statehood Day of Croatia

14 July - Plenary Meeting at the MoJ and discussion on the Action Plan Report

On 12 June, at the meeting of the Preparatory Committee of the ACMF ably chaired by Mrs Despina Ipioti, I was invited to present before the Participating States (PS) the Office's proposal for a Programme Outline (PO). In other words, a proposal of the strategic ideas that could guide our activities in 2010 in order to facilitate the production of a Unified Budget for the next year. The preparation of the PO is always a demanding challenge. Especially if it needs to be done nine months before! Quite early, already in March, the Office has to make an effort to imagine and visualize, through the PBBP, the mandated tasks that could still be left for the year to come and how many resources will be needed to address them. It is even harder work if a field operation is approaching its mandate completion. Besides, on this occasion, as indicated in the Secretary General's guidance, we also had to be aware of the possible effects of the global financial crisis in the economies and budgets of the OSCE nations. Fortunately, the positive trend in progressive mandate accomplishment observed during this year, permitted us to propose a budget that represents a reduction instead of an increase.

When envisaging the situation, we have to plan for the worst case scenario in terms of the funds needed. It is always easier to cut the budget back at the end of the year than to eventually find ourselves short of funds and be obliged to request additional amounts from the PSs than previously presented. Therefore, we roughly planned on the basis of a possible continuation of the same work but, since the needs for monitoring will be logically decreased, we will need less people and fewer funds to address them. Until now, the Office's monitors have been attending ALL war crime trials in the country. Meanwhile, independent Croatian NGOs got progressively involved in war crime trials monitoring to the point that, nowadays, they have personnel and resources to also at-

tend all hearings in parallel with us. Therefore, if further monitoring by the Office is deemed necessary, we will not need to attend all the hearings, but only selected sessions of selected trials.

The meeting was neither the place nor the moment for any detailed assessment of mandate accomplishment. It would have been a little premature, especially taking into account that the reports on the results of the Action Plans had not been published by then. Therefore, I limited myself to making a promise to the PSs that we would produce a detailed assessment by the Office after the summer. In any case, I also used the opportunity to brief the PS' shortly on the latest news. I explained that one important part of the Action Plans, the systematic revision of in absentia cases from the early 90's, has been producing the first, very positive, results. I also explained to the PSs that during a recent OSCE Plenary on 6 June, attended also by the Ambassadors of the EC and the UNHCR, we were explained by the Croatian Government, represented by Vice President Uzelac, FA Minister Jandrovic, Regional Development Minister Cobankovic and Construction Minister Dropulic, that the recent revision of the Croatian 2009 Budget had not decreased but increased the allocation of funds for the provision of housing care inside the ASSC. I also explained that two initiatives had been proposed during that Plenary to address the cuts in the housing care portfolio for purchasing apartments in the free market (outside the ASSC) in order to meet the 2009 benchmark.

Finally, I reminded all PSs that, considering the trends in progressive mandate accomplishment that we have observed so far, the option of mandate being considered accomplished by the Council at the end of this year, remains a realistic possibility.

Enrique Horcajada Shwartz  
Head of OSCE Office in Zagreb

## Correction

In the issue of the Courier No 143, the OSCE Office in Zagreb published on page five a graphical representation of NATO Allies taken from an online source which was not in compliance with the UNSCR 1244 of 10 June 1999 and the status neutrality of the OSCE vis-a-vis the unilateral declaration of independence of Kosovo. The Office in Zagreb would like to apologize for the misrepresentation.





Courtesy of ICTY

On 12 and 13 June 2009, the Law Faculty of Zagreb, the Justice Ministry's Judicial Academy, Matrix Croatica and the NGO Center for Human Rights organized a two day conference named A Critical Assessment of the Impact of the ICTY on the States of former Yugoslavia in Dubrovnik. The conference brought together practitioners from the International Criminal Tribunal for Former Yugoslavia (ICTY) and national courts as well as scholars, NGOs, journalists and representatives of international organizations working on accountability for crimes committed during the conflicts in the Former Yugoslavia. The OSCE Office in Zagreb supported the conference financially through a project with the Judicial Academy enabling Croatian judiciary representatives to travel to the conference.

The different expertise and background of the participants allowed for a sound comparison of the ICTY's impact on national war crimes accountability systems and resulted in fruitful discussions. ICTY President, Judge Patrick Robinson, gave an overview

of the ICTY's work and particularly highlighted the interplay of the ICTY and national courts in cases transferred for trial at the national level. The Croatian Minister of Justice, Ivan Šimonović, recalled in his presentation that Croatia had passed through the phase when war crimes were committed and the subsequent phase of selective prosecution of war crimes and is now in the phase where past mistakes were balanced out with a judiciary working for a fair system of war crimes accountability. He also highlighted Croatia's recent achievements in remediating defective in absentia conviction from the early 90s.

Other speakers included professors Ksenija Turković and Ivo Josipović, from the Zagreb Law Faculty, the President of the Bosnian State Court, Meddžida Kreso Judge Siniša Vazić, from the Belgrade District Court, Chief Prosecutor of the BiH State Court's War crimes division of the Office of the BH Prosecutor, David Schwendiman, ICTY representative and Senior Trial Attorney Daryl Mundis, the ICTY Office of the Prosecutor Spokesperson, Olga Kavran and

the head of the Croatian NGO Documenta Vesna Teršelić.

The topics discussed ranged from the ICTY's achievements in developing elements of war crimes, crimes against humanity and genocide and modes of liability to experience in testing procedural tools from the common and civil law tradition in war crimes cases. The representatives from the judiciary of states in the region underlined the importance of enhanced judicial co-operation in war crimes cases. A separate panel focused on the importance of public outreach to raise awareness on the need of war crimes accountability.

Representatives of all three Croatian NGOs working in war crimes trial monitoring (Center for Peace Osijek, Documenta and the Civic Committee for Human Rights) participated actively in the discussions of the conference.

Nebojša Paunović  
Legal Officer



Courtesy of ICTY





Cosy new home in Viškovo

During recent housing care verification, the Housing Care Unit (HCU) team was pleased to find Željković family on the list of beneficiaries who obtained the housing care in the municipality of Viškovo, overlooking the Northern Adriatic port city of Rijeka.

Ms. Željković was more than happy to show us the nice apartment in a newly constructed building with a wonderful view on the medieval town of Kastav. Knowing the long path that had led to the allocation of this apartment, the HCU team shared her enthusiasm.

Ms. Željković was a former occupancy/tenancy right holder over a flat of 136 m<sup>2</sup> in downtown Rijeka. In the early 90-ties the family fled to Serbia where they first found a shelter with their relatives and then in a collective centre in central Serbia. In 2001 they returned to Croatia with the assistance of the United Nations High Commissioner for Refugees Office in Zagreb (UNHCR) and were accommodated in Sisak Collective

Centre awaiting a permanent housing solution.

In March 2007, Ambassador Jorge Fuentes, the then Head of the OSCE Mission to Croatia, visited them and intervened to accelerate the housing care procedure. In June 2007 they moved into a flat provided by the Ministry for Regional Development, Forestry and Water Management. Unfortunately, that flat was not adequate for several reasons. It was in the attic of an old and poorly maintained building and extremely humid as a result of a leaking roof. Due to Ms. Željković's health condition, climbing the stairs to the attic was also a difficulty. Apparently, at the time of providing that flat to the Željković family, the Ministry did not dispose over flats in Rijeka.

During another visit to the family in February this year, the former Head of OSCE Office in Zagreb accompanied by the Housing Care Unit decided to intervene with the Directorate for Areas of Special State Concern and with the respective Ministry to allocate a more adequate flat to the family. The result

became visible during this recent verification.

Prior to his departure, Ambassador Fuentes visited dozens of housing care recipients all over Croatia. The positive outcome of these engagements is improved living conditions not only of the Željkovićs, but of many other returnee families. It is also clear that the Government officials once aware of the various issues demonstrated willingness to accomplish the Housing Care Programme in a quality manner.

The OSCE Office in Zagreb led by the newly appointed HoO Enrique Horcajada will continue meeting the mandate requirements and assist both the Government and the returnee families.

Nevenka Lukin  
National Professional Officer



Unsuitable attic housing





In this interview, Dragan Jerković, Deputy Mayor of Knin, Croatia, speaks about progress in rehousing returnees and the representation of ethnic minorities in the city's workforce.

Dragan Jerković is the Deputy Mayor of Knin, where he is in charge of the city's infrastructure and presides over the local Minority Council. In this interview with Dorijan Klasnić of the OSCE Office in Zagreb, Jerković, member of the Independent Democratic Serb Party (SDSS), speaks about his work for the integration of ethnic minorities.

OSCE: Looking at recent history in Croatia, Knin is one of the areas in the country where the issue of refugee returns is most sensitive. The town itself not only has many returnees but also a significant number of settlers. The two major political parties (the SDSS and the Croatian Democratic Union) in Knin co-operate very well and this can be interpreted as a sign of reconciliation. The last few years show a major decline in ethnically motivated incidents all over Croatia.

What is the situation now with regard to refugee returns in view of the relationship between the two ethnic groups in Knin? Are you aware of ethnically motivated incidents in the Knin area, and to what extent do they affect the co-existence of the population?

What is the actual share of Serbs in the population of Knin now, and do you expect any further returnees?

Dragan Jerković: I have to note that it is the responsibility of a local self-government to represent the standpoints that are mirrored in the population. I have been lucky to work in the city of Knin where we identified what this city needs and, I believe, were able to find the right way towards co-existence. I can state with full confidence that with regard to relations between Croats and Serbs, we have one of the best situations in the country. You can see for yourself that citizens visit the same coffee bars, they work together and co-operate. We noticed in the course of the last elections that citizens tended to ignore the bad things of the past and focused their attention on other issues.

Knin has 17,300 inhabitants. The number of Serbs amounts to 2,924. It is important to present an accurate demographic picture: this is a city in which 6,500 children are being raised.

The majority of Serbs who left this area for Serbia or a third country have more or less established their lives there. Their children attend schools in those countries, people have new jobs, many of them have sold

their property here and invoked their right to housing somewhere else. Sometimes, the countries to which they moved have assisted them. Thus one should be objective and say that we do not expect any further significant influx of returnees.

The probability of ethnically motivated incidents in Knin is very low, and is definitely not a factor that would prevent the possible return of citizens of Serb ethnicity to this area.

OSCE: The OSCE Office in Zagreb is tasked with monitoring war crime trials and housing care programmes for former occupancy/tenancy rights (OTR) holders. This programme is also implemented in Knin. How do you estimate the OTR housing care programme's implementation and what outstanding issues do you face?

Dragan Jerković: The programme has been functioning quite well recently. With regard to the 2008 benchmark, 116 housing units have been allocated to former OTR holders in Knin and in 51 cases these units have been taken over by the tenants. It should also be mentioned that a vast majority of families awaiting the resolution of their housing issues are already in Knin and surroundings, and it is very important that their return



## ...Dražen Jerković (SDSS)

process be completed likewise.

The housing units are indeed being allocated, but what concerns me is that people are not moving into them. We have plenty of cases like that. Many persons have received accommodation administratively, but practically, their problems have not been resolved. Many of the housing units that have been allocated or already taken over require significant reconstruction or repairs. This is one of the greatest problems we have noted, and it is the reason why a large number of people have not moved into the housing units allocated to them.

OSCE: We know that the most of the remaining successful applicants for housing care in Knin are to be accommodated in newly constructed buildings. According to information we have received from the Regional Office for Displaced Persons and Refugees (ODPR) as well as from Zagreb officials, three buildings are supposed to be constructed in the suburb of Senjak. However, it looks as though the beginning of the construction work has been delayed. Do you have any updates on this?

Dragan Jerković: Construction of the building in Senjak, in which the creation of 80 housing units is envisaged, has been delayed for justified reasons. Namely, that building has still not received a site permit, and I do not believe that it is going to be completed by the end of this year. In addition to that building, another two buildings are being constructed in Knin, and in these cases completion is expected by the end of 2009. One will contain 16 apartments and the other 24

housing units.

Of course, it is likely that not all apartments at the mentioned locations will be allocated exclusively to former OTR holders. The number of apartments allocated will match the number of family members entitled to the square metres of floor area according to the law. The enlargement of the housing stock in the city certainly favours the former OTR holders since housing units of appropriate size will be made available at other locations as their current tenants might be accommodated in the newly constructed apartments.

OSCE: In the past, the OSCE has invested a lot of effort in addressing the issue of employment.

Is the Serb minority's constitutional right to be adequately represented in the public administration (including the police) respected in Knin? What is the situation with regard to job opportunities in general for Serb returnees in Knin?

Dragan Jerković: Three years ago, not a single employee of the city administration was a member of a national minority. Today there are five of us. Significant progress can also be noted in administrative areas. The fire brigade unit has recruited two members of the Serb national minority, the hospital eight. The communal service has seven employees of Serb ethnicity. So progress is visible in spite of the very bad employment situation in Knin in general.

One of the main problems connected with this issue is that in the case of some of the positions that have opened up, the Serbs ap-

plying based on their constitutionally guaranteed representation do not have the qualifications required for the job.

With regard to the police force, we have encouraged young people to apply. To date, we have received three applications that meet the criteria. Two members of the Serb national minority have already started working, while another is currently undergoing training. The problem is that we do not have many young men and women who meet the requirements for working in the police force.

Private entrepreneurs everywhere, and Knin is no exception, do not care about people's ethnicity. They tend to hire people based on their expertise. In the factory producing screws, we have 36 employees who are members of national minorities, but also in other private companies where the only criterion is the quality of work.

OSCE: The completion of the housing care programme is planned for the end of this year or, if there are any delays, in the course of 2010. What is your estimate?

Dragan Jerković: With respect to Knin, it is more realistic to expect the completion of programme implementation next year. One should be realistic. It is impossible to complete it by the end of this year, taking into account all the problems we have been facing.

Dorijan Klasnić  
Public Information Assistant







Portugal - Amb Fdes. Jeronimo da Silva



Romanina - Amb Popa



Russian Federation - Amb Konarovski



Slovenia - Amb Adamič



Slovakia - Amb Supek



Serbia - Amb Cvetičanin



Sweden - Amb Vahlquist



President of the Republic, Stipe Mesić



Switzerland - Amb Pircher



UNHCR - Amb Buchhorn



United Kingdom - Amb Blunt



ICTY - HoO Osorio



USA - Amb Bradtke



Austria - Amb Kickert



Spain - Amb Salazar



SDSS - Milorad Pupovac



Belgium - Amb Schoutheete de Tervarent



Turkey - Amb Apaydin



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