



Organization for Security and Co-operation in Europe

OSCE Mission to Croatia

## News in brief

**6 September – 19 September 2006**

### **Croatian Government hosts SEECP conference in Zagreb**

Between 8 to 9 September, the South-East European Co-operation Process (SEECP) held a two-day conference in Zagreb to discuss challenges to regional co-operation. The SEECP is made up of twelve countries in the broader Southeast European region, including Romania, Bulgaria, Turkey and Greece, and is currently chaired by Croatia.

Speaking at the conference opening, Prime Minister Ivo Sanader said that Croatia had a vested interest in the stability and development of its immediate neighbourhood and as the current chair of the SEECP a responsibility to contribute to this process. He added that the continued development of the SEECP was testament to Southeast Europe's progress in overcoming the consequences of the war and in adopting a reform agenda orientated towards European integration. Croatia's national coordinator for the SEECP, State Secretary for Foreign Affairs and European Integration, Hido Biscevic, said that the prospect of EU and NATO membership has proved to be the main incentive and guarantor of deep and lasting reform in the region.

The Special Coordinator of the Stability Pact for Southeast Europe, Erhard Busek, reiterated that the strengthening of regional co-operation and European integration are parallel and complementary processes and that candidate countries like Romania, Bulgaria and Croatia will play an important role as advocates of their region *vis á vis* the European Union. Mr. Busek reminded SEECP member countries that the Council for Regional Co-operation – agreed upon as a framework for co-operation in May – still required a precise mandate and to be made operational.

While stating that each candidate country would be evaluated individually in their bid to join the EU, the Head of the Delegation of the European Commission to Croatia, Vincent Degert, emphasized that a state's capacity for regional co-operation is "a test which will show if it can deal with the challenges of existence in the EU family."

### **Croatia requests status of *amicus curiae* in ICTY trials related to Croatia and Bosnia and Herzegovina**

On 18 September, the Minister of Justice, on behalf of Croatia, requested permission to participate as *amicus curiae* in two ICTY trials. Croatia seeks to participate in the joint trial against former Croatian Army Generals Ante Gotovina, Ivan Čermak, and Mladen Markač for crimes committed in Croatia during and after the military action known as 'Operation Storm'. It also seeks to participate in the trial against Jadranko Prlić and five other military and political leaders for crimes committed in Bosnia and Herzegovina. In each case, Croatia proposes to submit a brief authored by a group of Croatian lawyers, historians, and political scientists.

Under the ICTY's rules of procedure, *amicus curiae* status can be granted where the Trial Chamber considers such participation "desirable for the proper determination of the case." Croatia contends that in both cases it can assist the ICTY determine the truth that high-ranking Croatian officials were not involved in a "joint criminal enterprise." The indictment against Gotovina, Čermak, and Markač alleges that they together with former President Dr. Franjo Tuđman, former Minister of Defense Gojko Šušak, former Chief of Staff of the Croatian Armed Forces Janko Bobetko (all deceased) and other officials participated in a joint criminal enterprise "*the common purpose of which was the forcible and permanent removal of the Serb population from the Krajina region.*"

The indictment against Prlić and others similarly alleges that they participated in a joint criminal enterprise with former President Tuđman, Šušak, Bobetko, former President of the so-called "Croatian Republic of Herceg-Bosna" Mate Boban, as well as leaders of the Croatian Democratic Union (HDZ) in Croatia and the HDZ and Croat Defence Council (HVO) in Bosnia and Herzegovina to "*politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas ... of Bosnia and Herzegovina which were claimed to be part of ... Herceg-Bosna, and to join these areas as part of a 'Greater Croatia'.*"

The ICTY trial against Prlić and others commenced in April this year. On 15 September, the former United States Ambassador to Croatia, Peter Galbraith, concluded several days of testimony during which he provided information related to Croatia's role in the war in Bosnia and Herzegovina. The trial against Gotovina, Čermak, and Markač has not yet begun and the defendants are currently appealing the decision to conduct a joint trial.

### **ICTY indicts another Croatian journalist for revealing identity of witnesses**

On September 11, the ICTY issued an indictment against journalist Domagoj Margetić accusing him of contempt of the Tribunal for publishing the names of more than 100 protected witnesses in the trial against Bosnian Croat General Tihomir Blaškić. Three other Croatian journalists have already been convicted by the ICTY on related charges.

When Mr. Margetić was originally given the list of witnesses' names by the ICTY during a prior contempt proceeding against him in May 2006, the list was marked as confidential and accompanied by an explicit notice that it could not be used for any purpose other than proceedings at the ICTY.

On 1 August, the ICTY ordered Mr. Margetić to cease and desist from further publication of the witnesses' names on his website which he had begun in July. He was arrested in early August and detained until mid September by Croatian authorities for failing to accept the injunction issued by the ICTY. The ICTY has scheduled Mr. Margetić's first appearance to answer the contempt charges for 5 October 2006.

By publication of the names, Mr. Margetić is accused of undermining confidence in the Tribunal's ability to grant effective protective measures and interfering with actual or potential witnesses testifying before the ICTY. Referring to this and the other contempt prosecutions in her statement to the Permanent Council on 7 September, the ICTY Chief Prosecutor, Carla del Ponte, stressed that witness protection issues at the ICTY "are questions of life and death," noting that potential ICTY witnesses had been killed in Kosovo.

In contrast to previous contempt cases against Croatian journalists, the list published by Mr. Margetić contained names of ordinary citizens who still reside in the former conflict zones, creating a real and present danger for these witnesses.

### **Mission sponsored roundtable in Parliament reviews draft law on party financing**

On 11 September, a roundtable on the financing of political parties was organized in Parliament by the Mission and the Central Office for State Administration, with the assistance of the Croatian chapter of Transparency International and the leading election NGO, GONG.

The roundtable, opened by Prime Minister Ivo Sanader, Parliament Speaker Vladimir Šeks, Secretary of State Antun Palarić and the HoM, gathered around 80 participants, including parliamentarians, academics, the media, civil society representatives and members of diplomatic missions. Among representatives from the Government and State institutions, were Minister of Justice Ana Lovrin, Minister of Foreign Affairs and European Integration Kolinda Grabar-Kitarovic and President of the Supreme Court Branko Hrvatin. Experts from the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe/Venice Commission also participated in the debate along with a representative of the European Commission's Delegation to Croatia.

The Prime Minister announced that the draft law on the financing of political parties would shortly be presented to the Government and then sent to Parliament for consideration as part of the National Anti-Corruption Programme. He highlighted the importance of "a full and open debate" on the topic, in view of the Government's commitment to promote transparency and European standards within Croatian society. He also announced preparation of a draft bill regulating voter registration, thus responding to a long standing recommendation from the Mission.

There was a general consensus among participants that the Government draft provided a sound basis for developing legislation regulating party financing. Under the draft law, political parties would be financed from membership fees, donations by individuals or legal entities, the State budget and local government budgets. A maximum donation limit of 90,000 HKN would apply to natural persons and one million HKN to legal entities. Anonymous donations, donations by public companies or emanating from foreign countries would be banned. The supervisory bodies overseeing the process would be the State Audit Office and the Tax Administration at the Ministry of Finance.

Nearly all participants noted that the funding of electoral campaigns was not addressed in the draft and called for its regulation either as part of this draft or as separate legislation. Some participants recommended lowering the authorized amount for donations made by individuals or companies and proposed limiting expenditure on electoral campaigns. Others called for a system of financing that would be fairer to smaller political parties and minority representatives and would allow co-operation with European political parties. There was an overall consensus that the newly established Permanent Election Commission should be involved in any monitoring activities. On behalf of the Central Office for State Administration, State Secretary Palarić undertook to rework the draft, based on the additions, modifications and corrections suggested during the course of the debate. In his conclusion, HoM praised the quality of the debate and said that the draft was a "good starting point".

## **Mission hosts OSCE, EC and UNHCR principal's meeting on the Sarajevo process**

On 18 September, the Mission hosted a meeting where the Heads of OSCE Mission, European Commission Delegations and UNHCR Offices in Bosnia and Herzegovina, Croatia, Montenegro and Serbia gathered to discuss implementation of the Sarajevo Declaration, signed by the three States in January 2005 to help facilitate closure of the region's refugee file.

Discussions focused on recognition of the *acquis* agreed to date and the need to resolve issues which continue to hamper the finalization of individual country Road Maps and the Joint Regional Implementation Matrix as foreseen in the Declaration.

The IC Principals agreed on the text of a joint letter to be sent to the Prime Ministers in each State reminding them of the December 2006 deadline agreed upon for the political resolution of those issues that remain open, in particular the issues of lost occupancy tenancy rights and convalidation. The Principals also agreed to help national administrations to identify concrete proposals on the issues still contentious;

The next Ministerial conference of the Sarajevo Declaration Process could take place in November.

## **Phasing out of ethnically segregated education in Eastern Slavonia**

On 6 September, as part of a joint effort to phase out ethnically segregated education in Eastern Slavonia, the Mission and the Ministry of Education, Science and Sports launched the project 'Children Together' at a press conference in Vukovar.

This OSCE funded project, consisting of an art and literature competition, aims to promote interaction, communication and mutual understanding between 900 elementary pupils from 30 multicultural schools in Vukovar-Srijem and Osijek-Baranja counties, i.e. schools holding classes in Croatian and at least one minority language. A jury will select the best art and literary works with winners receiving awards at a ceremony to be held in late November.

Želimir Janjić, State Secretary at the Ministry of Education, said that the project would help children from different ethnic and cultural backgrounds develop friendly, tolerant relations and so contribute to the successful coexistence of different communities. He emphasised the important role parents and teachers were also expected to play in the project. While underlining the need to fully respect the right to specific education as recognized by the Constitutional Law on the Rights of national Minorities, the HoM hailed 'Children Together' as a project showcasing how this right could be exercised without resorting to segregation. He added that it would help revive the harmonious community that existed in the Danube region prior to the 1991-1995 conflict.

Among the participants were the Prefect of Vukovar-Sirmium County and a representative from the Prefect's Office in Osijek-Baranja County. Both welcomed the project and confirmed their financial participation. Local and regional representatives of national minorities also attended with the Croatian Serb community represented by the Serb Deputy Mayor of Vukovar.

In line with the general policy goal of phasing out ethnically segregated education, local authorities in Vukovar and the Ministry of Education recently made a decisive step in uniting Serb and Croat children. From the beginning of this school year, over 2000 pupils from Vukovar's four secondary schools will study in the same school premises during the same shifts, irrespective of their ethnicity or language of tuition. Moreover, with the exception of

one school which continues to divide shifts according to the language of tuition, all Vukovar's primary schools now run classes in joint shifts.

### **Mission facilitates national-local communication on refugee return commitments**

On 14 September, the Mission and the Ministry for Maritime Affairs, Tourism Transport and Development (MMATTD) organised a forum for the exchange of information on Croatia's obligations under the Sarajevo Declaration, targeting local officials in the southern Croatian county of Zadar.

The session, chaired by the HoM, gathered more than 80 participants, including MMATTD officials, the Director of Croatian Electricity (HEP), the Prefect of Zadar County, representatives from the County Offices for State Administration and some 25 to 30 mayors from the war-affected municipalities in the county. The police, electricity, water and demining companies were also present, as well as Serb minority representatives, UNHCR, UNDP, the Delegation of the European Commission to Croatia, the US Embassy and various NGOs.

The session's main aim was to directly inform local authorities about their responsibilities in implementing the Government's national policy on return. As such, MMATTD officials relayed the Government's commitments as a signatory to the Sarajevo Declaration in the context of solving refugee return problems in the Zadar hinterland, which include a variety of problems ranging from repossession of occupied agricultural land to a backlog of unresolved reconstruction and housing care claims.

Summing up the session, the HoM concluded that the Sarajevo Declaration should not remain a mere instrument of high politics, but should serve as a measure of the Government's and local authorities' commitment to refugee return.

### **International conference networks countries on the Sava River**

Between 11 and 12 September an international conference entitled 'Network Development among Local Actors in the Sava River Basin' took place in Donja Stubica, just north of Zagreb. Funded by the Belgian Government and supported by the United Nations Institute for Training and Research (UNITAR), the OSCE Coordinator for Economic and Environmental Activities (OCEEA) and the Mission, the conference was attended by over 70 participants. These included the Belgian Ambassador to Croatia Jehanne Roccas, the Coordinator of OSCE economic and Environmental activities Bernard Snoy and the HoM. Government, NGO and public sector representatives from Croatia, Bosnia Herzegovina and Serbia were also present, as well as Slovenian members of the International Commission for the Sava River.

The Sava Commission Secretariat, UNITAR, USAID, the World Bank and the European Bank for Reconstruction and Development, along with mayors, technicians, park managers and NGOs shared concerns and best practices regarding co-operation in the area of trans-boundary natural resources, flood management, navigation, economic development and the financing of water infrastructure projects. It was concluded that developing strong cross-sector partnerships is essential in defining a common approach and future for the countries of the Sava river basin.

## **Mission sponsored community policing project launched in Osijek**

At a press conference in Osijek on 4 September, the Mission, together with the Ministry of Interior and Osijek Police Administration, launched a joint project entitled 'Police and Citizens – Joint Co-operation in Creating a Safer Community'. The project hopes to promote community policing ideas and concepts among the general population in Eastern Slavonia and encourage closer co-operation between citizens, the police and local authorities. The project will involve educational activities for the Roma community relevant to their interaction with the police. Contact officers will also be active in organizing multi-cultural sports clubs for children.