



Organization for Security and Co-operation in Europe

## OSCE Mission to Croatia

### News in brief

**7 February - 20 February 2007**

#### **ICTY re-instates provisional release for Ivan Čermak despite breach of provisional release conditions**

On 15 February, the ICTY re-instated Ivan Čermak's provisional release pending his joint trial with Ante Gotovina and Mladen Markač scheduled to start in early May. Mr. Čermak together with co-defendant Mr. Markač, had been on provisional release in Croatia for more than two years since surrendering voluntarily to the Tribunal in February 2004. Under the conditions imposed by the ICTY, Mr. Čermak was restricted to his residence with permission to go to his place of business during working hours. In addition, he was required to report to the Croatian Police regularly. The Government assumed responsibility for ensuring compliance by both Mr. Čermak and Mr. Markač and was obligated to detain them upon breach of the conditions of release and report any violations to the ICTY.

In early January, the Croatian media reported that Mr. Čermak had attended various social events during the holidays at locations outside the conditions of his provisional release. The ICTY Trial Chamber found that Mr. Čermak had knowingly violated the conditions of his provisional release on four known occasions, noting that in case of doubt about the conditions, he should have sought clarification with the Tribunal directly. After approximately one week in an ICTY Detention Unit, the Trial Chamber re-instated Mr. Čermak's provisional release, subject to similar conditions and similar supervision by the Croatian authorities. While noting Mr. Čermak's disrespect for the Tribunal's orders, the ICTY found that on balance conditional release was warranted as Mr. Čermak had previously co-operated fully with the Tribunal, had returned to custody when required to do so, and had presented no danger to victims or witnesses.

#### **War crimes investigations against MP Branimir Glavaš resume**

Two war crimes investigations against independent parliamentarian Branimir Glavaš resumed in mid-February after court-appointed physicians determined that he had sufficiently mentally and physically recovered from a hunger strike to comprehend the proceedings. After being detained in late October last year, to minimize the danger of witness tampering during the Zagreb County Court's investigation in the so-called 'Garage' case, Mr. Glavaš went on hunger strike. In early December 2006, the Zagreb County Court suspended the investigation and released Mr. Glavaš on the grounds that

his health had deteriorated significantly. On similar grounds, the Osijek County Court suspended its investigation in the so-called 'Sellotape' case. On 10 February, Mr. Glavaš was released from Osijek hospital.

Mr. Glavaš together with several co-accused, is currently under investigation for war crimes against Serb civilians in the eastern Slavonian city of Osijek in 1991. In the 'Garage' case, so named after the scene where the crimes allegedly occurred, the Zagreb County Court is investigating Mr. Glavaš' possible responsibility for the detention, torture, and murder of Serb civilians. In the 'Sellotape' case, so named after the material used to bind the victim's hands and mouths, the Osijek County Court is investigating Mr. Glavaš' possible responsibility for the killings of Serb civilians, whose bodies were dumped in the Drava River.

It appears that the State will not seek to detain Mr. Glavaš a second time, which would require that Parliament once again lifts his parliamentary immunity as was done in October 2006. Contrary to previous stages in the investigations, Mr. Glavaš will apparently not participate in the investigative hearings.

Although the judicial investigation is not a public proceeding and both courts have ordered that information from the investigation remain confidential, Mr. Glavaš' defense attorneys announced to journalists after the most recent hearing that none of the six witnesses that testified incriminated their client. An investigation into the possibility of improper leaks of confidential information has been initiated in Osijek, but has not to date resulted in any sanction or finding of breach of the court's confidentiality orders.

### **Parliament adopts Law on the Voters' List and amends other electoral legislation**

On 9 February, the Parliament adopted a Law on the Voters' List and amendments to both the Law on the State Election Commission and the Law on the Election of Representatives to the Croatian Parliament.

Croatia's leading electoral NGO, GONG, has assessed the new Law on the Voters' List to be a sound technical basis for regulating voter registration lists, and noted inclusion of some recommendations made at a December 2006 roundtable co-organized by the Mission, the Central State Administration Office (CSAO) and GONG. These include increasing the responsibility of Croatian embassies to minimize fraud in the out-of-country voting process, such as double voting or votes cast in the name of deceased persons. Although several participants at the roundtable advocated that the voters' register becomes public, it remains a non-public document. However, the law provides access for electoral candidates to non-sensitive data on voters. Serb minority Parliamentarians, GONG and the Mission continue to advocate for amendment of the Law on Temporary and Permanent Residence in order to further improve the accuracy of the voters' list.

Amendments to the April 2006 Law on the State Election Commission have the effect of creating a hybrid system between the former *ad hoc* Commission and the permanent body envisioned in the 2006 Law. The amendments call for the appointment of the President of the Supreme Court as Chair of the State Electoral Commission (SEC) and two Supreme Court Judges as Deputies. This replaces the provision adopted less than one year ago

stipulating the appointment of a full-time SEC Chair for a term of eight years. The 2006 provisions calling for the appointment of six SEC staff including two deputies for an eight year term remain in force. The Mission hopes that this solution will be temporary and that the Government will establish a permanent SEC within a reasonable time after the next parliamentary elections. The amendments mean a return to a system that directly involves Supreme Court judges in what are frequently highly political matters and runs contrary to judicial reform efforts by the Government and Supreme Court to free judges of non-judicial duties. In the absence of further reform, at the local level, judges will continue to administer and conduct elections.

Amendments to the Law on the Election of Representatives to the Croatian Parliament are intended to harmonize this Law with other electoral laws. The Mission noted that if the parliamentary elections are held prior to 16 February 2008, implementation of the amendments may contravene a legal requirement that laws related to the election of representatives to the Croatian Parliament shall not be changed less than one year in advance. It is widely anticipated that Parliamentary elections will be held in November this year.

### **Parliament appoints members to HINA Steering Committee**

On 16 February, the Parliament approved four new members to the five-member Steering Committee of the State news agency HINA and confirmed appointment of the fifth member representing agency employees. Opposition members largely voted against the candidates proposed by the Government, claiming that they lacked the required competencies and were selected according to non-transparent and vague criteria.

Appointments to the HINA Steering Committee have long been controversial with similar protests voiced by the opposition concerning the appointment of four candidates proposed by the Government to the Steering Committee in July 2006. Following the Government's proposal to dismiss this Steering Committee, the Parliament relieved these four members of duty in December 2006. Prime Minister Ivo Sanader cited a "deficit of democratic procedure" in the election of a Director prior to the appointment of a fifth and final member. A new Director General was appointed on 1 January.

Parliamentarians from the ruling Croatian Democratic Union (HDZ) countered the most recent criticisms from the opposition by claiming that the recruitment procedure had been conducted in accordance with the Law on HINA and that all members had the requisite qualifications and experience. Many journalists and members of the opposition maintain that this is yet another attempt by the Government to exert greater political control over the media.

### **HoM visits Croatian refugees in Serbia**

On 16 February, the HoM travelled to Vojvodina in Serbia in order to further acquaint himself with the situation faced by Croatian Serb refugees currently residing there. Also participating in the visit were the Head of the OSCE Mission to Serbia, the Head of the UNHCR Office in Serbia and the Serbian Ambassador to Croatia.

The visit included a field trip to the Planum Collective Centre, one of the remaining refugee collective centres still hosting Croatian Serb refugees, and separate meetings with the *Council for Refugees, Expellees and Internally Displaced Persons of the Executive Council of the Autonomous Province of Vojvodina* and Ratko Bubalo, a leading advocate for the rights of Croatian Serb refugees. Topics discussed included the remaining legal and administrative obstacles facing refugees who wish to return to Croatia, the status of regular plenary discussions held between the Croatian Government and the Mission and challenges faced by those refugees who have decided to remain permanently in Serbia.

### **Overview of Mission projects in 2007**

So far the Mission has signed 19 out of the 34 projects envisioned for 2007, allocating nearly €300,000 from its core budget for their implementation. The majority of projects fall within the core mandate areas of the rule of law and the return and integration of refugees. Projects in these areas will address free in-court representation and legal aid for returnees, mainly related to property repossession cases and war related damages, institutional support for human rights institutions such as the Constitutional Court, implementation of minority employment guarantees and uniform implementation of the Law on Foreigners. Five projects in the areas of police reform, media development, and good governance have also been approved. These include training in relation to the investigation of hate crime, reporting on elections for journalists and capacity building for local government officials and staff.

In addition to projects funded within the unified budget, the Mission has raised approximately €250,000 to fund a further five extra-budgetary projects. These involve voter education for secondary school pupils, the monitoring of war crime trials, institutional support for the Office of the Ombudsman and promoting good governance standards within Croatian NGOs.

### **Mission sponsors community policing manual**

With the adoption of a ‘Community Policing Action Strategy’ in 2003, the Police identified problem solving within local communities as a key element in reducing and preventing crime. However, police officers and community policing (CP) coordinators unfamiliar with the concept of Problem Orientated Policing (POP) lacked a practical guide to help in the effective implementation of POP.

Having identified this problem through its work in the area of community policing, the Mission, in co-operation with the Ministry of Interior, initiated a project in October 2006 to fund the purchase and translation of a POP manual from the UK entitled ‘*Become a Problem-Solving Crime Analyst*’. The manual provides police officers with information and guidance on POP procedures. So far, the manual has been successfully used by police forces in the UK, Sweden and Latvia. Both the Ministry of Interior and the Mission assessed the manual as suitable in the case of Croatia. With translation completed, 100 copies of the manual will now be distributed among Croatia’s 20 Police Administrations.