



Organization for Security and Co-operation in Europe

OSCE Mission to Croatia

News in brief

9 - 25 November 2004

First official visit of Croatian Prime Minister to Belgrade after the war

On 15 November, Croatian Prime Minister Ivo Sanader met in Belgrade with the President of the State Union of Serbia and Montenegro, Svetozar Marovic and the Prime Minister of Serbia, Vojislav Kostunica. This was the first post-war official visit of a Croatian Head of Government to Belgrade.

In a joint press statement, PM Sanader and President Marovic stated their readiness to speed up the settlement of open issues pertaining to refugee return, missing persons, judicial cooperation and others. In particular, they agreed to resolve humanitarian issues by encouraging refugee return in both countries in cooperation with international organisations (OSCE, European Commission, UNHCR). According to the statement, Croatia will strongly support the State Community of Serbia and Montenegro on the path toward full membership of the European Union.

The two parties signed an Agreement on the Mutual Protection of National Minorities (see next item). The joint statement confirms that the Serbian Police will substitute the Army in supervising the State border, which has been a long standing Croatian demand. Also, the visit resulted in the return of land books belonging to Croatian municipalities, the signing of a Protocol for the return of several thousands books belonging to Croatian Franciscan monasteries, and an agreement to open negotiations between the two countries for transfer of Serb prisoners from Croatian to Serbian prisons. Prior to the visit, the Croatian authorities had provided their Serbian counterparts with a list of persons against whom war crime proceedings had been initiated or completed.

Though the parties did not address the extension of the agreement on visa-free travel between the two countries, subsequent statements confirm that it would be extended.

The visit represents a significant step forward in the normalisation of relations between the two countries, initiated in 1996 with the signing of an Agreement on the Normalisation of Relations. Croatian media widely reported on the visit, calling it a “turning point” in Zagreb-Belgrade relations.

Croatia’s relations with Serbia and Montenegro are expected to continue to improve not least because regional cooperation has also been identified as a remaining political condition by the European Union.

Croatia signs Agreement on protection of national minorities with Serbia and Montenegro

On 15 November, the Croatian Minister of Justice and the Serbia-Montenegro Minister of Humanitarian Issues signed an *Agreement on the Protection of the Croatian Minority in Serbia and Montenegro and the Serbian and Montenegrin Minorities in Croatia* [Agreement] during the visit of Prime Minister Ivo Sanader to Belgrade. The Agreement aims at strengthening the legal protection of Serbs and Montenegrins in Croatia and Croats in Serbia and Montenegro. In its preamble, the Agreement emphasizes that the protection of minority rights contributes not only to the political and social stability of each country, but also to the return of refugees and their integration into each society.

The Agreement guarantees to the specified minorities, *inter alia*, the right to education in their own language and script, free public and private use of their language, access to media, freedom of association, including political association and representation, expression of religion and equal participation in public affairs.

From the Croatian perspective, the Agreement introduces new guarantees and improves existing ones in addition to reaffirming guarantees provided in the 2002 Constitutional Law on the Rights of National Minorities (CLNM) and other laws. Exercise of the right to education in the Serbian language and script is further enhanced by ensuring the involvement of minority associations in the adoption of minority curricula. The Agreement does not, however, specify the manner in which the Government would select such associations. As for the official use of minority language, the Agreement implies that Croatia will need to use Serbian language during the conduct of the elections and referenda in addition to the cases prescribed by the Croatian law.

Also, the Agreement obliges each party to encourage exposure of the majority population to minority language and culture. It stipulates that education in minority language, script, history and culture should be provided in majority-language schools in those areas in which, according to the national law, a minority language is in official use. In Croatia, according to the CLNM, this includes any jurisdiction in which a national minority constitutes one-third of the population. Other important guarantees concern the employment of trained minority employees in the education system, including management positions.

Finally, the Agreement foresees the establishment of an inter-state committee in charge of monitoring implementation of the Agreement and giving advice to the respective Governments, similar to the 1995 Agreement concluded with Hungary. The committee should consist of an equal number of members appointed by each Government, including minority representatives to be appointed upon the advice of what the Agreement terms “an umbrella co-ordination body of national minorities.” The Agreement does not specify how the Committee members will be elected or which minority organizations will provide advice on the nomination of minority representatives. A Croatian Serb MP has suggested that further regulation of these points will be needed.

The Agreement should contribute to confidence – building between the two countries through its symbolic value and the creation of the above-mentioned forum to discuss issues of common concern. It provides clarity on the sensitive issue of the role of the other State in addressing minority issues. The Agreement will come into force upon completion of the national ratification process in each country. In Croatia this requires a majority vote by the Parliament.

Mission hosts a Roundtable on electoral legislation, facilitating broader dialogue on reforms

On 18 – 19 November the Mission hosted a Roundtable on Electoral Legislation and Procedures in Croatia in Zagreb, in cooperation with ODIHR and the Venice Commission of the Council of Europe. The main purpose of the roundtable was to facilitate dialogue between Government and Parliament representatives, civil society, academic experts, the State Election Commission (SEC) and the OSCE/ODIHR on the existing electoral framework and the need for improvement and reform of legislation.

The Roundtable was opened by the HoM, who noted the positive developments in electoral legislation in Croatia, while also recognizing the work still to be done in several key areas including the establishment of a permanent State Election Commission (SEC); the more effective regulation of campaign financing; the harmonisation of regulations for the conduct of elections; the regulations governing elections for Councils of National Minorities; voter lists and voting opportunities for Croatian citizens in neighbouring countries, in particular Croatian Serb refugees.

The President of the Supreme Court, who also serves as the President of the SEC, gave a keynote presentation on the establishment of a ‘permanent’ State Election Commission. He reminded the audience that its establishment should be in line with international standards, as outlined in the Venice Commission’s *Code of Good Practice in Electoral Matters*, and that a ‘permanent’ State Election Commission would facilitate the systematic monitoring and improvement of the electoral system. In addition, he stressed that it would remove the significant burden currently imposed on the judges, who are forced to balance their *ad hoc* electoral tasks with their judicial obligations over the election period.

The Deputy Speaker of the Parliament and the State Secretary for the Central State Office for Administration (responsible for drafting electoral legislation) also addressed the roundtable and welcomed the initiative. The Government has several draft laws in development.

It is anticipated that the roundtable will provide the momentum for further discussion and engagement on the key issues, especially in light of the upcoming presidential and local elections in 2005. The Mission plans to further support the debate with the production and distribution of a summary of the main conclusions of the Roundtable, and the publication of a more substantive compendium of papers in Croatian language.

Croatian Helsinki Committee presents their OSCE – sponsored book “Elections and the Media – Croatia 2003”

On 16 November, the Croatian Helsinki Committee (CHC) presented their OSCE - sponsored book “Elections and the Media – Croatia 2003.” The book is based on the findings from a Croatian Helsinki Committee monitoring project on how broadcasting and print media covered the 2003 parliamentary elections. It concludes that Croatian media coverage was largely professional and unbiased.

During the presentation, the Croatian Helsinki Committee President called for amendments to the Croatian legislation regulating media coverage during the election period in light of the forthcoming presidential and local elections. The current provisions in the presidential, parliamentary and local election laws require equal airtime for candidates and parties, regardless of their support by the electorate or representation in Parliament. According to the

CHC President, these provisions threaten the autonomous editorial policies of HRT, and resulted in near paralysis of HRT during last year's parliamentary elections.

The President of the State Election Commission proposed changes in the election laws to address these concerns during the Mission's Roundtable on Electoral Legislation and Procedures in Croatia. Stressing that media coverage would be an issue in the forthcoming Presidential elections, he stated *inter alia* that changes in legislation should be considered to allow for proportional rather than strict equality (as defined in the Venice Commission's *Code of Good Practice in Electoral Matters*), whereby minimum airtime could be ensured for political parties or candidates. This would give the media the editorial freedom to concentrate more fully on particular parties/candidates.

Journalist sentenced to suspended three-month prison term raises concerns amongst Journalist Associations and International Organisations

On 11 November, the Split County Court sentenced a journalist of the weekly *Feral Tribune* to a suspended three-month prison term for libel. The same Court had sentenced a Croatian television reporter to a suspended two-month prison term for libel in July. The latest verdict was passed after amendments to the Criminal Code on libel became effective on 1 October. The amendments allow for a more liberal regime, but without fully decriminalizing libel as was recommended by international experts from the OSCE Mission, European Commission and the Council of Europe. National and International Journalist Associations widely criticized the verdict from the Split County Court.

President of Croatia dismisses the Head of the Counter-intelligence Agency (POA) among indignation in the media community due to allegedly illegal interrogation and coercion of a journalist by POA agents.

On 25 November, President Stjepan Mesic signed a decision to dismiss the Head of Croatia's Counter-intelligence Agency (POA) and forwarded the decision to Prime Minister Ivo Sanader to countersign it according to the statement from the President's Office. President Mesic received the Head of POA and "...emphasized his dissatisfaction with the activities of the Counterintelligence Agency related to the manner in which the Agency collected information from the journalist Helena Puljiz, whereby it did not comply with the provisions of the Constitution of the Republic of Croatia stipulating human rights and fundamental freedoms ...". Afterwards, Prime Minister Ivo Sanader was quoted that "[i]t is out of the question that I would sign the demand [from the President].."

The President's decision comes in the middle of increasing indignation among Croatian media professionals because of a complaint submitted by a former reporter of the daily *Jutarnji List* to the Council for Civilian Supervision of Intelligence in late October. The journalist claimed that she had been interrogated by POA agents for over five hours, without being informed of her rights, and pressured into working for the Agency. She claimed that she had been asked intimate details and political issues about President Stjepan Mesic and had been pressurized to reveal her sources.

In response to the complaint, the Council for Civilian Supervision of Intelligence concluded on 15 November that the reporter had not endangered national security; however, the Council did not give a precise answer as to whether POA had violated her human rights. Subsequently, the Parliamentary Committee for Domestic Policy and National Security (DPNS) endorsed this conclusion, and passed the file to the Council for Defense and National Security (VONS), chaired by the Croatian President and Prime Minister.

In addition, the Human Rights Sub-Committee of the Parliamentary Committee on Human and Minority Rights discussed the respect of human rights in the conduct of the POA agents toward the journalist in a session on 24 November, and concluded that there were reasons to suspect that POA agents had acted illegally when questioning the journalist. The Committee on Human and Minority Rights still needs to adopt the final conclusions regarding this case.

The Croatian Journalists' Association and various Women's Associations have publicly expressed support for the journalist, adding that many journalists have since then made public similar accounts of inappropriate interrogation. Also, the Association stressed that according to the Law on Media, only the State Prosecutor's Office can request the disclosure of journalists' sources in three specific cases: on the grounds of threats to national security, the territorial integrity, and the protection of health. Some leading newspapers commentators have written that the incident has highlighted the inability of State bodies, primarily the Council for the Civilian Supervision of Intelligence, to protect fundamental human rights.