



**Organization for Security and Co-operation in Europe
OSCE Mission to Croatia**

News in brief

17 – 30 October 2007

Ademi-Norac war crimes trial continues, numerous ‘no show’ witnesses

The trial of Rahim Ademi and Mirko Norac on allegations of war crimes against Serb civilians committed during the September 1993 ‘Medak Pocket’ Operation continued throughout October in the Zagreb County Court.

As of late October, more than thirty hearings have been conducted during which 34 prosecution witnesses testified and several hundred documents proposed by the Prosecution have been summarized for the record. However, forty five per cent of the scheduled witnesses have failed to appear, the majority of which are Serbs who reside outside Croatia. Among the ‘no show’ witnesses are ten of eleven ‘endangered’ witnesses scheduled to date, while two Serbs scheduled to testify were determined to be dead.

The trial will continue throughout November and December. On 30 October, the Presiding Judge announced that testimony of witnesses for the defense may begin when the trial resumes in mid-November, suggesting that additional scheduled ‘endangered’ witnesses will not appear.

To date, the Presiding Judge has not issued a decision as to whether UN peacekeepers will be called to testify. However, several reports written by these peacekeepers have been read into the record.

Over ninety per cent of the witnesses who have testified to date were associated with the armed forces. Most of these Croatian officers and soldiers testified about the Medak Pocket Operation, the command structure, reporting practices, the withdrawal of the Croatian armed forces and the entrance of the UNPROFOR peacekeepers. Most stated that they had not seen any civilians mistreated or killed during the Operation, that properties were neither looted nor destroyed, and that all soldiers had been acquainted with the Geneva Conventions.

However, one military doctor testified that he had found signs of torture on the bodies of dead Serb civilians. The three Serb witnesses were residents of villages in the Medak Pocket at the time of the Operation and testified about the killing of family members and property destruction. However, none of these witnesses had any direct knowledge of crimes or perpetrators.

One witness, who has the status of a party to the prosecution as a victim, lives in Croatia, while a second witness travelled from Serbia to testify. The third was the first and so far only ‘endangered’ witness to appear in the case, who described destruction and killings in his village. This witness testified via video-link from an undisclosed location, with his voice and image distorted.

Since the vast majority of the ‘no-show’ witnesses, including ‘endangered witnesses’ reside outside Croatia, their possible future testimony in this trial will depend upon extensive cooperation in the form of mutual legal assistance between Croatia and third

countries, in particular Serbia but also Bosnia and Herzegovina and possibly more distant countries such as Norway and the United States. The issue of ‘no show’ witnesses has received considerable press attention.

The Presiding Judge refuted in open court a media report that one ‘endangered witness’ appeared to testify, but then declined due to concerns about the security arrangements.

In regard to these ‘no show’ witnesses, it is notable that in its decision referring the Ademi-Norac case to Croatia, the ICTY Referral Bench noted that the importance of fair trial for the accused was “complemented by a concern for fairness toward other interested parties, such as victims and the international community.” The non-appearance of witnesses who reside outside Croatia observed in the high-profile Ademi-Norac trial is common to other war crimes prosecutions ongoing in Croatia, which are less known to the public and the international community. The difficulties seen in this trial highlight the urgent need for the development of new strategies for efficient and effective judicial co-operation.

Freelance journalist arrested and subsequently released

The Croatian freelance journalist Željko Peratovic, who publishes a political blog called ‘45 lines’, was detained on 17 October for suspicion of revealing documents that contain a state secret. After interrogation, he was released next day. Peratovic, a former journalist of the Globus political weekly and Vjesnik daily, was investigated by the Police in co-operation with the Zagreb County Prosecutor's Office on request of the Security and Intelligence Agency (SOA).

Stressing that all the data in question has been publicly available in other media for the past two years; Peratovic believes he was arrested simply because he had ‘stepped on someone’s toes’. His detention, described as a severe attack on the freedom of speech, prompted the Croatian Journalists’ Association (HND), the Croatian Helsinki Committee on Human Rights Media Council (HHO), the Social Democratic Party (SDP), Democratic Centre (DC), *Rapporteurs sans Frontières* and many individual journalists to protest, stressing that the officials leaking information should be targets, not the journalists.

The OSCE Representative on Freedom of the Media and the Special Representative on Freedom of Expression, noted that in accordance with the Joint Declaration by the UN Special Rapporteur of Opinion and Expression, journalists are not responsible for protecting state secrets and, therefore, should not be held accountable for publishing of classified information that was, for example, leaked to them. Normally, only the officials who have a specific legal duty to maintain confidentiality may be held liable if they allow disclosures.

In the Croatian media scene some felt that this case brought remembrance of things past, of the early nineties. But there is a significant difference in today’s situation compared to the early 90’s: media associations and human rights organizations in Croatia today have developed into potent and responsible institutions which react swiftly to any sort of pressure or harassment against journalists. The fact that reactions from the media corps, media associations and civil society circles were so prompt and loud, (and apparently effective in causing investigators to pull back from their actions, tell that public awareness of protecting this democratic value is high. It is *per se* a good sign, indicating that the achieved level of media freedom in Croatia will be preserved.

ODIHR invited to observe the parliamentary elections in Croatia

From 25 to 28 September a Needs Assessment Mission (NAM) composed of two ODIHR officials stayed in Croatia and met with relevant governmental authorities from the Croatian Ministry for Foreign Affairs and European Integration, Central State Office for Administration, representatives of national minorities, Parliament, State Election Commission, main Political parties, Civil Society Organizations, Media and international diplomatic community to assess the pre-electoral environment and the preparations for the upcoming parliamentary elections.

Subsequently, ODIHR submitted its recommendation report. The report said that “given the overall confidence expressed in the election day proceedings by political parties and civil society, and past OSCE/ODIHR findings, short term observers are not considered necessary in Election Day observation.”

Therefore, the report recommended the establishment of a Limited Election Observation Mission (LEOM), composed of 12 Long Term observers and 10 Core Team members, to be deployed throughout Croatia, for a period of four weeks prior to Election Day.

Croatia formally invited ODIHR to observe this Parliamentary Election as soon as the President of the Republic announced it on 17 October and scheduled it for Sunday 25 November 2007.

Vukovar Seminar of national Minorities

The fourth seminar on the implementation of the Framework Convention on Protection of National Minorities was held in Vukovar on 15 October 2007. Four workshops were held, referring to ‘Cultural Diversity of National Minorities and Media’, ‘Participation of National Minorities in the Decision Making Process’, ‘Education of National Minorities’, and ‘Accommodation and Housing of Refugees, Returnees, Displaced Persons, and Other Vulnerable Groups’ brought forth conclusions and recommendations.

While Croatia has been generally commended for achievements in these areas, participants also noted a lack of (public) media attention and sensitivity to minority issues, incomplete implementation of CLNM (particularly in the area of employment and CNM participation in the decision making process), and less than ambitious Government plans for housing care, particularly outside the areas of special state concern.

Ministry of Justice: anti-corruption training in Zadar

The Ministry of Justice and the European Commission invited domestic and international experts to present and share their expertise in the fight against corruption in course of a training on “*Anti-corruption policy and preventive measures*,” held in Zadar on 15 and 16 October. The objective of the conference was to present governmental measures against corruption and to raise awareness among Zadar’s judiciary and state administration.

Justice Minister Ana Lovrin said that there was zero tolerance for corruption. She added that the existence of the political will was a key factor in preventing corruption and the incumbent government had shown its will by adopting a comprehensive national programme for the prevention of corruption followed by actions to combat it. Results had been positively assessed by both Transparency International and the World Bank. Lovrin added that for the first time in 10 years Croatia had improved its corruption rating.

MISSION ACTIVITIES

Completion of “Children together 2007” project

On 16 and 17 October the final ceremonies completing the project “Children Together 2007” gathered nearly 600 visitors and participants in the eastern Croatian towns of Osijek and Vukovar.

During the two hour presentations, guided by the well known radio moderator Ivica Lucic, officials like Osijek-Baranja Prefect and Vukovar City Mayor underlined the necessity of such projects based on the ideas of freedom, tolerance, trust and friendship in both counties of this formerly troubled region.

The Head of the OSCE Mission to Croatia highlighted the co-operation and support of many international and national institutions. He further pointed to the need for continuation of such projects. His request for continuing the project was immediately taken up by one of the national implementers, Red Cross Osijek, which has already drafted a 2008 project and plan for follow up activities.

Participants in the different activities of the project gave accounts of their experiences during the mediation seminars, Summer Camp and art workshops. These activities, together with the preparation and performance of a theatre piece, fostered interaction between children of different ethnic and religious backgrounds.

The activities were designed to create a multicultural atmosphere of friendship and mutual understanding and to encourage the development of tolerant relations and coexistence of different communities. From the donor side two main supporters, the Spanish Ambassador Manuel Salazar, also in his capacity as representative of the OSCE Chairmanship, and the Australian Ambassador Tracy Reid, addressed the guests, who included, besides local authorities, principals, teachers, other children, and parents, many more ambassadors and international guests. This project was implemented in partnership with the local NGO ANKH and Red Cross Osijek.

Mission sponsored diplomatic corps visit to Zadar County

The OSCE Mission to Croatia organized an all-day field excursion to Zadar County on 25 October for representatives of OSCE Participating States and other Embassies accredited in Zagreb. Thirty members of the diplomatic corps and UNHCR joined the delegation headed by the HOM. The objective of the field excursion was to allow lately appointed Ambassadors and members of Embassies to become familiarized with activities of the Mission. The Mission presented to participants the progress in mandate related fields and gave emphasis to issues that remained unresolved hitherto.

In Benkovac Town, the participants met with Serb returnees who, in the absence of a free legal aid system, depend on a Mission-funded free legal aid project to regain their agricultural land, which had been allocated by the Government in 1996. The excursion through the Zadar hinterland stopped in the return village Smokovic, where representatives of the diplomatic corps discussed with Serb returnees the challenges of sustainable return and witnessed advancement achieved relating to reconstruction, infrastructure and co-operation with the local self-government and shortcomings.

In the premises of FO Zadar, the delegation met with two former occupancy and tenancy rights (OTR) holders from outside the areas of special state concern. Both are eligible applicants to the Government’s housing care programmes and are awaiting a final and

binding decision on their accommodation. Subsequently, the president of Zadar County Court and the Chief Public Prosecutor received the delegation in the newly refurbished Assize Court to discuss the successful reduction of backlogging cases at the County and Municipal Courts and the fight of the judiciary against corruption.

The field excursion concluded with a reception hosted by Zadar's County Prefect Ivo Grbic. The attendance of Zadar's Archbishop, the Mayor of Zadar Town, the President of the County Court and the County Attorney emphasized the friendly relationship enjoyed by the Zadar Field Office with local leaders. The Prefect in his speech welcomed the initiative of the Mission to familiarize recently appointed diplomats with OSCE's activities and expressed his deep gratitude to FO Zadar for the support given to joint projects related to the promotion and protection of minority and human rights in Zadar County.

The County Prefect concluded that the consultative mechanism at the regional had led to a fruitful co-operation with the OSCE office in Zadar, and achievements would be considered as a common success. Archbishop Monsgr. Prendja reiterated that the Church had been supportive after the war toward new human relationships based on the principles of justice, peace, love and reconciliation.