



**Organization for Security and Co-operation in Europe**

**OSCE Mission to Croatia**

### **News in brief**

**11 January -24 January 2006**

#### **Political atmosphere raises concerns about impartiality of domestic war crimes proceedings**

A recent series of developments have called into question the feasibility of conducting effective and impartial war crimes prosecutions in Croatia, including the Norac/Ademi case transferred to Croatia from the ICTY.

As previously reported, in November 2005, the President of the Croatian Party of Rights and Mayor of Osijek, Anto Djapic, publicly cited the names of persons co-operating in a war crimes investigation in Osijek. Given the possible negative impact on the Norac/Ademi case, for which adequate witness protection measures are needed, the ICTY made a formal inquiry with the Ministry of Justice in mid-December 2005. In late December 2005, several human rights NGOs publicly criticized Djapic's action, expressing concern that it could obstruct this and other war crimes investigations by deterring people from co-operating in war crimes prosecutions. In response, Djapic and his attorney claimed the criticism was politically motivated and that the NGOs in question were biased in favour of Serbs. While the incident remains under investigation, to date, there has been no official condemnation of the incident by the Government or parliamentary parties.

In early January 2006, Zagreb police conducted a raid to prevent the public dissemination of a witness testimony that remains subject to an ICTY protective order. After Domagoj Margetic, one of five Croatian journalists indicted by the ICTY for contempt following publication of the identity and testimony of a protected witness, announced his intent to publish an audio recording of the testimony, Zagreb County Court banned distribution of the material. This was in response to a confidential order from the ICTY. During a raid on the Zagreb office of the Croatian Disabled War Veterans Association (HVIDRA), police confiscated the protected witness materials and detained Margetic and several HVIDRA members who were obstructing the entrance to the premises.

HVIDRA representatives condemned the police raid on their premises, claiming excessive force had been used and that action should be taken against those who authorized the raid. Deputy Prime Minister and Minister for the Family, Defenders and Intergenerational Solidarity, Jadranka Kosor, subsequently called for an investigation into the police's conduct and punishment of any officials found to have overstepped their authority. In response, the Minister of Interior, Ivica Kirin, dismissed the Zagreb police official responsible for authorizing the action for "a lack of tact shown by the police during the raid." Regardless of possible lapses in police conduct, there have been no official comments on the importance of compliance with court orders and the police's role in their enforcement. At the request of the Prime Minister, the protected witness agreed to request that the ICTY lift his protected witness status. To date the ICTY has not taken a decision on this request. Margetic has

signalled his continued intention to publish the protected witness testimony contrary to ICTY orders.

The Government confirmed in mid-January that it would finance the defence of Ante Gotovina before the ICTY through a special fund established for that purpose. The Deputy PM indicated that this position was consistent with the Government's payment for the defence of other former military personnel from Croatia indicted by the ICTY. According to press reports, this would involve payments of approximately €20,000 per month.

### **Recent war crimes extraditions or acquittals highlight need for further review of pending cases**

The recent release or acquittal of several Serbs extradited to Croatia on war crimes charges indicates a need for Croatian authorities to further review pending war crimes cases and related Interpol warrants.

In December 2005, a Canadian citizen was extradited from Germany on the basis of an investigation into genocide and war crimes initiated by the Slavonski Brod County Court. Within a month, the Prosecution dropped the charges due to a lack of evidence. Similarly, in late December, the Prosecution dropped unsubstantiated charges against a Croatian citizen extradited from Austria a week before on the basis of a war crimes investigation against 27 persons initiated by the Karlovac County Court.

According to Mission information, 12 Serbs were arrested in third countries in 2005 on the basis of international arrest warrants issued by Croatia for war crime charges. Of the 12, seven were extradited in 2005 - three from Germany, two from Austria, and one each from Switzerland and Bosnia and Herzegovina. Three of those extradited have been exonerated while proceedings against four persons remain pending.

Extradition was denied for five Serbs, one by Austria, one by Bulgaria and three by Bosnia and Herzegovina. In the Austrian case, extradition was refused on the basis of the diplomatic immunity of a citizen of Serbia and Montenegro and in the Bosnia and Herzegovina cases, due to the non-extradition of its citizens in two cases and in one because Bosnia and Herzegovina courts were investigating the person for similar acts. In addition, an Interpol warrant against one Serb arrested in Bosnia and Herzegovina was withdrawn due to the expiration of the statute of limitations. Extradition was denied in one additional case by Austria relating to allegations from World War II on the basis of the non-extradition of its citizens.

As the vast majority of Croatia's war crime-related extradition requests involve citizens of Serbia and Montenegro and Bosnia and Herzegovina, the establishment of a bi-lateral or tri-lateral mechanism for the systematic review of all 1,500 to 2,000 cases included in the Chief State Attorney's list seems necessary. Such a mechanism would also highlight remaining legal obstacles to inter-state co-operation on war crimes and provide the appropriate institution for their removal.

### **HTV's current affairs programme *Latinica* resumes broadcasting**

After a month off air Croatian Television's (HTV) current affairs programme, *Latinica*, has resumed normal broadcasting as of 16 January.

Following harsh criticism of a 2005 episode of *Latinica* dedicated to the legacy of the late President Franjo Tudjman, the Director General of Croatian Radio Television (HRT), Mirko Galic set up an *ad hoc* commission to determine whether or not any professional standards had been breached during the broadcast. On 4 January, the commission concluded that violations only occurred in a footage shown during the programme, which was superficial and unbalanced.

Based on these findings, Mirko Galic issued a formal reprimand to staff involved in producing the episode on Tudjman's legacy, warning them that continued employment was conditional on absence of 'professional' mistakes in the future. However, he recommended that broadcasting of *Latinica* resume.

The Mission continues to encourage a revision of the professional and ethical evaluation system at HRT.

### **Government calls for civil society development strategy**

On 12 January, the Government appointed a 19-member working group tasked to draft a development strategy for civil society. The group will be headed by the National Foundation for Civil Society Development with two deputies, one from GONG, a leading civic NGO, and one from the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity.

The strategy, which will be drafted following a public discussion monitored by the Deputy Prime Minister, Jadranka Kosor, will be submitted to the Government Office for Co-operation with NGOs by 30 April, when it will enter the procedure for adoption. This year the Government Office will be responsible for technical and administrative support.

This is a welcome initiative, particularly in the wake of worrisome developments in the civil sector at the end of last year. Namely, three leading civil society representatives resigned from the National Council for Civil Society Development, including the president. This was linked to dissatisfaction with the work of the National Council and a previous attempt to draft a strategy led by the Head of the Government Office. Both were considered by leading NGOs to be undemocratic.

In a literal interpretation of the law, the National Council has not formally accepted these resignations. In accordance with an agreement between the Government Office in consultation with the Prime Minister's Office, the three seats will be filled when the National Council is re-constituted in June, leaving the seats empty in the meantime. As such, the National Council will be operating for over half a year with significantly weaker representation from the civil society sector.

### **Mission manages 76 projects in 2005**

Last year €1.15 million was spent on 76 projects generated by the Mission, local partners and OSCE participating States. Of these, 67 projects were funded through Mission programmes (€750,829) and the HoM Facility (€40,578) and 13 projects from extra-budgetary contributions (€357,644).

This encompassed a wide-range of democratization and post-conflict projects and activities, including:

- strengthening the outreach of the Croatian Ombudsman and Constitutional Court;
- inter-state co-operation on judicial proceedings in war crimes trials;
- legal assistance and in-court representation for returnees, refugees and internally displaced persons;
- a public awareness campaign in co-operation with the Government promoting return and reconciliation;
- capacity building and empowerment of minority councils and representatives;
- reform of electoral legislation and domestic monitoring of Presidential and local elections;
- reform of police human resources management and community policing education;
- international conference on anti-trafficking in human beings;
- good governance through citizen participation and training of councillors and civil servants;
- charters and agreements on co-operation between local self government units and NGOs.