

2009 Human Dimension Implementation Meeting, Warsaw, 29<sup>th</sup> of September 2009.

The impact of NGOs war crime trials monitoring on legal system in Croatia

NGOs have played an important role in the process of strengthening rule of law and encouraging impartiality of the legal system of Republic of Croatia. I would like to emphasise the impact of war crime trials monitoring on the improvement of protection and respect of human rights in Croatia.

Civic Committee for Human Rights (CCHR) on behalf of which I address this respective audience, started with war crime trials monitoring, as one of its important activities, already in the 1<sup>st</sup> half of the 90ies of the 20<sup>th</sup> century, while the war in Croatia was still going on, with all its horrors, disasters and sufferings. Fight against aggression of Croatia's sovereignty has also encouraged the rise of aggressive nationalism on Croatian side which shadowed the most of concern for human rights protection, minority rights in particular. It's obvious that in those years NGOs' activities and efforts focused on the protection of rights of unprivileged groups of society were not the most popular ones. They were mostly considered as anti-patriotic actions, not only by the regime but majority of the society as well. However as early as 1994, CCHR is present monitoring war crime trials in Croatia in order to protect:

1. human rights of victims whose suffering wasn't recognised by the legal system which was influenced by the party in power (mostly members of Serbian minority in Croatia)
2. human rights of perpetrators whose national minority status had influence on impartiality of their trial (e. g. Serbs sentenced on high prison punishments in absentia without any thorough evidence against them).

Since 2005 CCHR, together with two other NGOs from Croatia (Documenta from Zagreb and Centre for Peace and Nonviolence from Osijek) and some others from former Yugoslav region, systematically monitors war crime trials in Croatia. Last year those activities were organized in War Crime Trials Monitoring Project recognised and largely financed by the European Commission.

War crime trials monitoring goal is deeply grounded in protection of human rights and wants to encourage development of civil society and widespread humanistic values.

Pressures of NGOs on Government, wanted to achieve above mentioned goals, was often going on through media by organising press conferences, sometimes public demonstrations and through diplomatic channels by reporting the real situation of human rights protection to foreign missions and embassies, who have more efficient tools than NGOs against lack of government's interest to cooperate in certain cases. Those reports and media statements are based on facts found on field by our specialised legal monitoring team. Monitors are present on all war crime trials in Croatia and some abroad.

From my personal point of view as lawyer and humanist, as well as the point of view of organisations that I represent here, the role of nongovernmental organisations in strengthening the rule of law in transition countries is crucial. The most of NGOs whose interest are human rights are engaged in this

process not for the sake of foreign pressures to the Government to improve certain things or support certain processes in order to achieve concrete benefits, but rather for the sake of the issue itself: the real respect of all the rights of another human being. NGOs' efforts are often grounded in strong believe in justice, tolerance and equality of all human beings being the principle postulates of our postmodern society that tends to be humanistic orientated.

This NGO advantage in building the civil society could be reinforced by exchanging practises with other similar organisations in different surroundings. Support of international organisations with their influence and sources, and here I have specially in mind the OSCE Mission to Croatia, is also important for independence and strength of NGOs.

Much has been done in Croatia: progress towards ending impunity for war crimes committed by national Croats as well as enabling fair trials for everyone, no matter ethnicity of the accused is noticed in Croatian courts' proceedings. However there is still much to be done, especially concerning the lack of willingness to prosecute on command responsibility perpetrators of some war crimes who are still politically powerful (here we have in mind at the first place Medak pocket and Pakrac field cases as well as Sisak and Osijek killing of Serbian civilians during the war). We also see problem in non-willingness of Government to give indemnity to Serb civilians whose property was destroyed or members of their families killed by Croatian Army during the war and to encourage resolving of cases of wrong application of Amnesty Law to committed war crimes. I want to stress that dialog of NGOs with the Chief State Attorney and Minister of Justice was established on this matter but no real, concrete, decisive and systematically organized actions have taken place yet concerning mentioned issues.

Therefore I see the importance of such gatherings as this one here where experiences and knowledge can be exchanged and NGOs' findings on human dimension implementation can be communicated to local governments and international organisations.

Civic Committee for Human Rights  
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