



OSCE Office in Zagreb

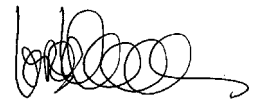
The OSCE Office in Zagreb was born on 1 January 2008. The day before, on 31 December, the Mission to Croatia had been closed after almost 12 years of being active in the country. What is the difference between the two institutions, the Mission and the Office? What structure, what contents and what duration will the new OSCE presence in the Croatian capital predictably have?

Theoretically, the name has more of a symbolic than real meaning. In fact, OSCE field operations have very diverse names in the various countries in which they are present:

missions, offices, presences, project co-ordinators, spillover monitoring mission etc. The name depends on the Memorandum of Understanding negotiated with each country and on the content it intends to assign to the operation.

In the case of Croatia, the step from the Mission to the Office is the result of progress in the fulfilment of the Mandate, of the consequent downsizing and of the fact that the Organization needs a smaller team in a country which is considerably advanced in its democratic development.

Calendar	Activities
<p>6 February - Finnish Ambassador Ann-Marie Nyroos visited the Office HQ in Zagreb</p> <p>7 February - Ambassador Fuentes participated in a workin breakfast with the Delegation of the Committee for Foreign Affairs of European Union</p> <p>11 February - Ambassador Fuentes met with SDSS's Vice-President, Miodrag Pupovac</p> <p>19 February - Ambassador Fuentes attended the monitoring of war crimes trial for the "Sellotape" and "Garage" cases at the Zagreb County Court</p> <p>20 February - Ambassador Fuentes presented the Office's Report to the PC to the EU Ambassadors to Croatia, Hotel Antunović, Zagreb</p> <p>21 February - Ambassador Fuentes offered a farewell lunch for RSS General Secretary, Hido Bišćević. International and Croatian officials attended</p> <p>29 February - Ambassador Fuentes and Mary Wyckoff, Head of Prosecution of War Crimes Unit, met the new ICTY Chief Prosecutor, Serge Brammertz in Zagreb</p>	<h2 style="text-align: center;">OSCE Office in Zagreb</h2> <p>during the years of the Mission's existence. All of them have been closed as a result of the fact that the Mission to Croatia was transformed into the Office in Zagreb.</p> <p>The Office will have a budget of €2.7 million (which represents a reduction of 61% with respect to an already very large decrease from recent years), 34 employees, including national and international staff (71% reduction) and a 270 m2 decrease of the surface area of the Main Headquarters in Zagreb and of thousands of square metres in the FOs. The newly available space will consist of 810 m2 office area and 760 m2 of the garage and storage space.</p> <p>This small Office, barely 5% of what the Mission amounted to at one moment of its existence, has nevertheless kept its operating capacity and substance and this is in part owing to very good responsiveness of the Croatian Government and the excellent relations established between the Government and the OSCE in recent years. Thus, meetings with Prime Minister Sanader will continue, as well as Plenary meetings, certainly the one with the Minister of Justice, Mrs. Lovrin, but also with the Vice Prime Minister and Ministers responsible for development (Mr. Uzelac, Mr. Čobanković and Mrs. Dropulić) and, to the extent it turns out to be necessary, with the Minister of Foreign Affairs and European Integration, Mr. Jandroković.</p> <p>In principle, the Office will be maintained until the end of 2008. During that time, the monitoring of war crime trials will continue, especially in cases connected with the Hague Tribunal, but also in numerous local trials in which the ICTY has not been involved.</p> <p>At the same time, the Office will prepare judges, state prosecutors and lawyers, as well as specialized NGOs so that at a given moment they can replace the OSCE in its monitoring operation or in the efforts towards obtaining trials without the need for such control.</p> <p>Towards the end of the year, the Permanent Council in Vienna will decide whether the Office should continue for another year or be closed. This Head of Mission, now Head of Office, will continue his function in the interval within several more months, until the transition has consolidated.</p>



Ambassador Jorge Fuentes,
Head of Office

As to the Mandate, the Decision adopted by the 56 countries of the Permanent Council on 21 December 2007 limited the programme issues to two components out of the six large themes which were the focus of Mission's efforts since its arrival in Croatia. In fact, the six units, including those of Return and Integration of Refugees and the Rule of Law, were regarded as closed: democratization of the legal and political institutions, police, media and civil society reached the sufficient level, in process of which the OSCE had a possibility to provide assistance.

What remained open was monitoring of the war crime trials and the verification of the housing care chapter, that is to say, the allocation of 7,000 apartments in the next two years to war affected persons, especially Serb families, many of which took refuge in Vojvodina and Republika Srpska.

To fulfil these tasks, the Office will not need to have the Field Offices, which fulfilled an important task



The Office will have a budget of €2.7 million, 34 employees, including national and international staff, 810 m2 office area and 760 m2 of garage space in its Headquarters in the Florijana Andrašeca street in Zagreb.

Activities

Audiences with the President of the Republic Mr. Stjepan Mesić



Croatia is an admirable country for many reasons that have, and rightfully so, transformed it into an authentic world tourist potential, capable of almost tripling its population with the number of visitors.

It is equally a very good diplomatic post, among multiple other reasons, because of the generosity and accessibility of its political leaders. There are few countries in which they have shown to be so willing to receive the Diplomatic Corps as in Croatia, both individually and collectively. Retreats organized by President Mesić on the Brijuni Islands each year at the beginning of the summer are well known and appreciated, a tradition recovered from Tito's times, during which many of us - including the President - inaugurate the bathing season in the still cold waters of the Adriatic.

During her three long years at the helm of the Ministry of Foreign Affairs and European Integration, Mrs. Kolinda Grabar Kitarović organized equally magnificent trips for the Diplomatic Corps to the Kornati Archipelago, Pula and Rijeka, to participate in the regattas, enjoy the famous Rijeka Carnival, as much as to savour the delicious truffles of Istria.

The President's New Year receptions, or the celebrations of the Statehood Day or the country's independence are truly memorable moments in the diplomatic life of Croatia.

Apart from all that, I have had the good fortune to be received in audience numerous times during my years in Zagreb. This took place once or twice a year, particularly to address the President about the current state of affairs in the progress achieved in relation to the OSCE



mandate which, particularly after the presentation of the Status Report before the Organization's Permanent Council in Vienna, was advancing in its fulfilment, from one reporting period to the next, thanks to the efforts of the Croatian Government.

President Mesić, a wise and moderate person, always received and advised me in the most regardful of tones. Without pressuring, without hurrying, always valuing the task that the

Mission fulfilled in the country and seeking the prolongation of its stay for as much time as we will consider necessary.

So it was that the Mission closed at the end of 2007 and then transformed into an Office. The President's words before the Diplomatic Corps in January 2008 were a true lesson of prudence "Those who advocated the closing of the Mission and those who pleaded for the continuation of its mandate are equally our friends." The President added an even bolder idea: "I also note with pleasure that the OSCE will keep its Croatian Office which will monitor war crime trials and progress in the return of our citizens. We have nothing to hide. Even if someone tries to act in the way which once almost led to international isolation I will be the first to respond to such warnings." A wonderful lesson of willingness and tolerance that I will never forget and that always made me feel, after each of our encounters, that the OSCE was more warranted to complete its work in Croatia.

Ambassador Jorge Fuentes,
Head of Office



From Return and Integration to Housing Care Unit

The recent war in Croatia caused resettlement of many families who lost their property, belongings and jobs. Around 300,000 Croatian Serbs left Croatia between 1991 and 1995, while in the same period around 220,000 Croats were registered as internally displaced. After August 1995, the Croat refugees from Bosnia & Herzegovina, along with Croat refugees from Serbia and internally displaced persons, settled to the abandoned region. In such circumstances, the Law on Temporary Takeover of Certain Property was adopted in late 1995 as the legal basis for allocation of the abandoned houses to the settlers. More than 19,000 private houses were allocated for temporary use. Around 195,000 houses were destroyed during the war, many of them owned by Serb refugees, which made it difficult for potential returnees to repatriate. Finally, a significant number of Serb refugees resided in state-owned flats before the war, having the specific status of Occupancy/Tenancy Right (OTR) holders. After the start of the armed conflict, these OTR holders lost their right to use these state-owned flats for having failed to return within the time frame determined by a newly adopted law.

Serb population has repatriated to date.

To address the specific needs in the areas most affected by war, the Law on Areas of Special State Concern (ASSC) was adopted in 1996. Amendments to this law adopted in 2003 shaped the mechanisms for restitution of private property. Thanks to the Government's efforts and the Mission's assistance, this process was almost completed in 2007. Regarding reconstruction efforts, a specific programme has been on-going successfully for several years. The remaining problematic issue here is the high number of appealed reconstruction decisions. At least part of them is foreseen to be resolved through the alternative provision of housing care.

The Housing Care (HC) programme was established in 2000 by the Croatian Government to cater for needs of those deprived of their housing during the conflict. The programme has been gradually extended to offer housing assistance to former OTR holders wishing to return to Croatia. A similar programme was established in 2003 to assist the former OTR holders also outside of the ASSC. These two HC programmes fast became a priority

an acceptable solution for both of them. Recognising the positive developments and progress achieved in the area of return, the OSCE decided to narrow down its focus to just some aspects still in need of further engagement. The Return and Integration Unit was closed on 31 December 2007, and the new Housing Care Unit was founded as of 1 January 2008. The new Unit was also downsized and restructured.

It is composed of five members now, one international, and four national: Leos Javurek, Head of the Unit, Momir Vukmirović, National Programme Officer, and three assistants - Nevenka Lukin, Renata Čete and Jasmin Mahmić.

The downsizing of the OSCE presence in Croatia brought, among others, closure of its Field Offices. The last two remaining in Zadar and Osijek, will have been closed by 31 March 2008. The field staff will be relocated to the Zagreb office, bringing their local expertise with them, thus additionally enriching the capacity of the Housing Care Unit. Following the Decision on opening of OSCE Office in Zagreb, the Housing Care Unit is tasked to report on residual aspects of the implementation of the HC programmes in Croatia. Although seemingly related to only one topic, the task remains large in scope - the former OTR holders remain the largest category of refugees in need for permanent housing solution in Croatia, given that 8,500 such families applied for housing care within the areas of special state concern (ASSC) and an additional 4,500 outside the ASSC.

The Housing Care Unit will keep an eye on the pace of the implementation of the HC programmes for former OTR holders in view of the Government's commitment to complete them by the end of 2009. Less than a thousand former OTR holders received HC in 2007, indicating that additional efforts are needed on the side of the Croatian authorities, and additional OSCE assistance. In close co-ordination with the Croatian authorities, the Housing Care Unit will be active in the field, carefully monitoring the implementation of the HC programmes, and reporting on the relevant progress achieved.

Housing Care Unit



The above property-related issues were just a part of a variety of problems the refugee return process was faced with after the end of the conflict. This prompted the establishment of the OSCE Mission in April 1996, with the Return and Integration Unit as one of its most important departments.

The return process of Serb refugees started as early as 1996, however, a more significant number of returnees was registered in the late nineties. Around 30 percent of the pre-war

area of the work of the Return and Integration Unit. To address the outstanding return-related issues on the regional level, the Sarajevo Declaration was signed in 2005 by Croatia, Serbia and Bosnia & Herzegovina. This document foresaw individual as well as joint activities to be undertaken by the signatory states in order to close the "refugee file" by the end of 2006. This goal was not reached and two of its eight chapters remain open till today. The OSCE noted, however, increased efforts on the Croatian side to find

From Rule of Law to Prosecution of War Crimes

Human Rights Protection, Access to Justice, and Minority Employment

Several issues addressed by the Rule of Law Unit were deemed by the Permanent Council to have advanced sufficiently by the end of 2007 to no longer warrant OSCE engagement. These included State financing for human rights institutions, establishment of a free legal aid system for civil cases, and implementation of the guarantee for proportional employment of national minorities in the public service.

The Mission provided financial assistance to the Constitutional Court and the human rights Ombudsman to augment the work of these institutions, in particular to facilitate field work of the Ombudsman. The Government's 2008 budget included additional funding for these institutions. The Mission funded legal aid, particularly to assist refugees and displaced persons with judicial disputes related to the return of housing and land as well as war-related deaths and injuries. It is anticipated that a law regulating free legal aid in civil cases will be proposed in 2008. The gap in legal aid funding in 2008 and beyond may be filled by bilateral donors.

The Mission co-organized with the Government three roundtables focusing on implementation of the guarantee of proportional employment of national minorities at all levels of public service provided by the Constitutional Law on the Rights of National Minorities. Each roundtable highlighted a public service sector - judiciary, State and local administration - and emphasized the need for implementation plans and means for assessing progress.

The 2007 Civil Service Employment Plan (Plan) set a goal that 7.5 percent of hires in the State administration at the national level would be minorities. Government data indicates that approximately seven percent of 2007 hires were minorities while minorities constitute approximately three per cent of employees in the State administration at the national level (excluding Ministry of Interior). Minority employment in the judiciary has remained approximately the same since 2002. According to Government

statistics, minorities constitute 4.0 and 4.2 percent, respectively, of judges and states attorneys while Serbs comprise 2.2 and 2.6 percent, respectively, of judges and states attorneys. Recent adoption of the 2008 budget will facilitate issuance of the 2008 Plan.

The OSCE High Commissioner on National Minorities has indicated his continued engagement with the protection and promotion of rights of persons belonging to national minorities in Croatia, consistent with his engagement in all OSCE participating states.



Zagreb County Court

Prosecution of War Crimes

War crimes proceedings were the focus of Rule of Law activities in 2007. The Office's mandate recognized this focus and the need to address open questions and register additional progress toward a balanced and fair system for ensuring accountability for war crimes. The Office has continued comprehensive monitoring of war crimes proceedings, which guide its reform efforts through the Ministry of Justice Plenary as well as project activities targeting judicial training and assistance to NGOs.

Croatia continued to improve its record toward balanced and fair war crimes prosecution. However, concerns remain, including the

conduct of proceedings in individual cases as well as how the criminal justice system as a whole - police, prosecution and courts - delivers war crimes accountability. Important to registering progress will be observable 'ownership' by State institutions of the need for reform combined with political will and concrete actions toward the goal of achieving, within a reasonable time, an impartial and effective system of war crimes investigation, prosecution and adjudication. Similarly, strengthening of civil society to monitor the war crimes accountability system and advocate for reform will be a key indicator.

The Zagreb County Court, functioning as a special war crimes court, continues two high-profile trials involving former senior members of the armed forces accused of committing crimes against Serb civilians. These proceedings represent significant milestones, but given unique features, provide limited insight into the overall situation of war crimes accountability.

National origin, while diminishing, continues to affect the system of war crimes accountability, including who and what crimes are prosecuted. Past ethnic bias has a present day effect through the continuation of large group cases against Serbs, with little individualized accountability, and for crimes for which Croats are not prosecuted.

A clear definition of what conduct is considered sufficiently severe to prosecute as a war crime is needed. Otherwise, the system will likely continue to impose different standards of accountability apparently based on national origin. Assessment of all cases against an objective standard - and elimination of cases that do not meet it, including final in absentia verdicts, would better ensure even-handed justice.

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Most cases are investigated and tried in the community where the war crimes occurred, raising impartiality concerns for the accused and victims. Croatia's human rights obligation to effectively investigate war crimes would also appear to require greater use of investigators and courts from outside the area where crimes occurred, particularly crimes against Serb victims.

While steps have been taken to enhance the quality of defense provided by court-appointed attorneys, some inadequacies continue to be observed.

The ability of the judiciary to deliver impartial accountability for war crimes depends significantly on effective and institutionalized inter-state judicial co-operation. The transfer of evidence between national prosecutors provides a means for establishing accountability for some crimes where suspects reside outside Croatia, despite legal obstacles to the inter-state transfer of nationals and proceedings. Results from Croatia's co-operation with the Serbian prosecutor have been evident in the recent issuance in Belgrade of an indictment in the 'Lovas' case and a trial related to the murder of Croats in Slunj. Co-operation has also resulted in an investigation in Montenegro of the killing of Croat prisoners-of-war

(POWs) at the 'Morinj' camp and an investigation in Rijeka of the abuse of civilians and POWs in Bosnia and Herzegovina.

Co-operation between Croatian courts and the Special War Crimes Court in Belgrade has been noted in the Ademi-Norac trial and the Split County Court proceeding against Mitar Arambašić, in relation to obtaining witness testimony, either in person or via video link. Unfortunately, because video link testimony from outside Croatia is not heard directly during the public trial, the public remains largely unaware of this co-operation, which knowledge could facilitate the development of greater confidence and trust.

Maintaining the confidentiality of testimony during judicial investigations as well as the identity of 'endangered' witnesses during trial has been an issue. Refinement of procedures to prevent the disclosure of identifying information would be warranted.

Gravity of the offense remains a common basis for extended investigative and trial detention, although the European Court of Human Rights has emphasized that as the length of detention increases additional justification is required.

Observations from the Mission's monitoring served as the basis for recommendations for reform discussed during its Plenary with

the Minister of Justice, Chief State Attorney and representatives of the Supreme Court. Outcomes of the Plenary included Croatia's ratification of a relevant Council of Europe convention and adoption of legislation facilitating the admissibility of video link testimony. The Plenary serves as a good forum for dialogue. However, to date a limited number of reforms were agreed and the adopted reforms remained open in terms of implementation. Discussions resumed in March 2008.

To address issues observed during its monitoring as well as facilitate the development of alternative monitoring and advocacy capacity, the Mission provided project assistance for NGO activities and judicial education. In co-operation with the Judicial Academy, the Mission financed a seminar for judges and prosecutors, emphasizing fair trial issues such as the right to an adequate defense. The Mission also provided project support to develop NGO capacity for monitoring of war crimes proceedings. The Office is currently in discussion with both the Judicial Academy and NGOs for purposes of developing plans to continue these capacity building activities in 2008.

Mary Wyckoff
Head of Prosecution of War Crimes
Unit

Farewell to our dear colleagues



Five staff members left the Office in February. Drivers Jovan Delibašić and Mladen Berendika, Transport Assistant, Marijo Marjanović, Warehouse Clerk, Bratislav Vljaković and IT Assistant Stanislav Fuštar were honoured by Ambassador Fuentes and the entire office on 29 February 2008 for their impeccable service, their great personalities and long years of friendship within the OSCE presence.

Finnish Chairmanship-in-Office

Finland took the new OSCE Chairmanship over from Spain for 2008. Finland evokes extraordinary historic memories for this organization. The end of the division of Europe and the dialogue between Cold War rivals is immediately associated in present day diplomacy with what was called “the spirit of Helsinki”. The two summits in Helsinki, in 1975 and in 1992, where crucial turning points in the history of the OSCE. As said by the new CiO, Minister Ilkka Kanerva, during the opening speech of the chairmanship in Vienna on 10th January, “I trust that this year will be no different”.

Indeed, Finland takes the chairmanship when OSCE faces many challenges and blocked tensions: Kosovo’s future, the deadlock in the Conventional Armed Forces Treaty (CFE), the wide differences in Observation of Elections and the need to take the OSCE’s Reform forward, just to name a few. The OSCE is confident that Finland, as did in the past, will succeed to inject optimism and positive spirit among participating states so that common ground is found in the discussions.

During his speech, Minister Kanerva, outlined some of the

competence to have the Budget approved. That same afternoon, a meeting to facilitate the discussion of the budget of our `Office in Zagreb` was organized.

He nominated Ambassador Heikki Talvitie as his special envoy and announced his intention to visit all the OSCE countries where demarches in the fields of conflict prevention and crisis management could be convenient. The Finnish chairmanship intends to decisively address the Small Arms and Light Weapons issue and develop plans to “improve the security and better Management of Borders” (Finland has already contributed more than half a million euros for Management Border projects between Tajikistan and Afghanistan). Finland will focus on maritime and inland waterways co-operation within the Economic and Environmental chapter. Concerning Human Rights, whose Universal UN declaration will celebrate the 60th anniversary this year, Finland will emphasize the Combat against Trafficking in Human Beings, continue raising awareness of the dangers of Intolerance and pursue Gender Mainstreaming across all OSCE activities.

To immediately resume work, the CiO finally reminded that for the OSCE good governance, first of all, a Budget had to be approved in a timely manner. Just following the speech, OSCE officials felt the Finnish interest, pressure and

Enrique Horcajada,
Head of Executive Office



TOP: the official logo representing the Finnish presidency of the OSCE in 2008.

BOTTOM: Ambassador Fuentes welcoming the Finnish Ambassador to Croatia and Representative of the OSCE Chairman-in-Office, Ann-Marie Nyroos at the Office’s HQ in Zagreb, 6 February 2008.



Photo story

Noina Arka Animal Shelter



Over the years, the OSCE Mission/Office in Zagreb staff gathered old newspapers and from time to time delivered them to the Union of Animal Protection Associations of the City of Zagreb which then organised the distribution to cover the needs of various animal shelters in the area. This time the OSCE staff decided to actually visit one of the shelters and deliver the paper on site.

We visited the Noina Arka (Noa’s Arc) shelter in the locality of St. Klara and delivered the old newspapers that the praiseworthy shelter’s volunteers use for animal beddings. We also involved in our activitie the Swiss-based pet food

manufacturer Nestle Purina’s branch in Zagreb which donated nearly 40 kilos of *Darling* dry dog food for this, unfortunately soon to be closed, animal shelter.

Noina Arka is currently organising a fundraising campaign for a new land plot and facilities in order to be able to host all 150 dogs they look after. The shelter also cares for about 100 cats. All information about the campaign, the shelter and the animals that are waiting for adoption can be found on the shelter’s web page www.noina-arka.hr.

Dorijan Klasnić
PI Assistant

Photo Gallery



Head of OSCE Office in Zagreb, Ambassador Jorge Fuentes, together with UNHCR's Resident Representative Wilfried Buchorn, EC's Ambassador Vincent Degert and USA Ambassador Robert Bradke meets Government Vice-President for Regional Development, Reconstruction and Return, Slobodan Uzelac and his associates Maja Andrić Lužaić and Ida Čosić, Zagreb, 26 February 2008.

Mary Wyckoff, Head of Prosecution of War Crimes Unit, and Ambassador Fuentes at a meeting with the new ICTY Chief Prosecutor, Serge Brammertz, Zagreb 29 February 2008.



Ambassador Fuentes offered a farewell lunch for the new RSS General Secretary, Hido Bišćević. The gathering was also attended by Ambassadors Nyroos, Salazar, Buchorn, Degert and Mr. Horcajada. On the Croatian side the lunch was attended by Ambassador Matek and Mrs Rožić, Zagreb, 21 February 2008.

Ambassadors of non -EU countries to Croatia during Ambassador Fuentes' presentation of the OSCE Office to Zagreb Report to the OSCE Permanent Council, Zagreb, 7 March 2008.



Ambassador Fuentes presents the OSCE Office to Zagreb Report to the OSCE Permanent Council to a gathering of ambassadors of EU countries to Croatia, Zagreb, 20 February 2008.