



REPUBLIC OF CROATIA

**WORKING SESSION III: FUNDIMENTAL FREEDOMS II
RIGHT TO REPLAY**

WAR CRIME ACTIVITIES AND REGIONAL CO-OPERATION

The Republic of Croatia devotes special attention to war crimes trials. In its last Progress Report the OSCE Office in Zagreb commended substantive progress made by Croatia regarding the implementation of PC Decision No. 880 of December 18, 2008. It welcomed decisive progress achieved during 2008/2009 in relation to the main OSCE war crimes related mandate issues. For cases transferred from the ICTY Rule 11 the OSCE mandate was fulfilled since the only Rule 11 bis case transferred from The Hague, finalized in May 2008 acquitting Rahim Ademi and convicting Mirko Norac. The proceeding was assessed by OSCE Office as correctly conducted. Progress Report also notes with satisfaction that systematic reform in relation to war crimes accountability dramatically intensified.

It noted that significant progress had been achieved by the adoption of the Amendment of the Criminal Code regarding the protection of witnesses' identity. Addressing last years concerns that the law did not adequately provide for maintaining the security of victims and witnesses co-operating in war crimes investigations, adoption of the New Criminal Procedure Act effective as of 2009 made judicial investigations confidential for everyone that gains any knowledge of any procedure as well as widened legal bases for trial renewals in respect of judgments rendered in absentia. The positive trend to avoid in absentia trials continued. State attorneys as a general rule oppose in absentia trials based on instructions from the Chief state Attorney.

It also noted progress achieved by the use of video conferences in the procedure; strengthening the procedural position of witnesses/injured parties by providing them with institutional support; strengthening the procedural position of the accused by providing suitable court-appointed defence counsels; widening of confidentiality of investigations; improving the regional co-operation of state prosecutors in the prosecution of perpetrators of war crimes by creating a unified database of war crimes committed in the region. Above mentioned activities ensure legal and institutional framework that guarantee sustainable progress in the future.

Regarding regional co-operation I would like to emphasize:

The Republic of Croatia is particularly active in the field of regional co-operation by proposing new solutions for co-operation and exchanging data in the region, and also with the International Criminal Tribunal for the former Yugoslavia.

In 2007, the State Attorney's Office of the Republic of Croatia compiled a special database of war crimes. The database of crimes committed on the territory of the Republic of Croatia during the war allows for the overall situation to be evaluated with a view to assessing the justification of prosecution in specific cases and with regard to specific accused parties. The database contains information about war crimes, including those committed by unknown perpetrators.

Since Croatia made the biggest step in respect of collecting and sorting data regarding war crimes, participants of Regional Conference (regional states), held on Brijuni in May 2008 accepted the Croatian model of Database and made a commitment to create their own data base. Last Regional Conference, held in May 2009 in Brijuni confirmed excellent ongoing cooperation between regional state attorney's offices of regional states.

Allow me to emphasize that our institutions and judiciary are fully sustainable and are able to independently deal with all activities related to war crimes and mechanisms are evaluated as sustainable and they can insure law enforcement.

In its last Status Report OSCE Office in Zagreb confirms abovementioned indicating that activities related to war crimes proceedings conducted in Croatia are not substantially different from the way that they are conducted in the rest of democratic nations.