



Organization for Security and Co-operation in Europe

OSCE Office in Zagreb

News in brief

12 December 2007 – 8 January 2008

1. Markač violates conditions of ICTY provisional release in company of Minister of Interior; Markač detained, Minister of Interior resigns

On 28 December, the ICTY Trial Chamber revoked the provisional release of Mladen Markač due to his violation of the conditions of release. On 30 December, Markač was transferred from Croatia to the ICTY Detention Unit. The ICTY indicted Markač, together with Ivan Čermak and Ante Gotovina, for war crimes against Serb civilians during and after Operation 'Storm' in 1995. In late 2004, the ICTY released Markač pending trial, conditioned inter alia upon his remaining at his home in Zagreb. Essential to the ICTY's grant of provisional release, the Government and the Ministry of Interior in particular were responsible for ensuring that Markač complied with all conditions, immediately detaining him if he breached any conditions, and immediately reporting breaches to the ICTY. In July, Markač received permission from the ICTY to leave his home for purposes of testifying in the Ademi-Norac trial, which case was transferred to Croatia under Rule 11 bis. At that time, the Trial Chamber re-iterated the Government's obligation to ensure Markač's compliance with the release conditions.

On 27 December, the ICTY Registry informed the Trial Chamber that on 22 December, Markač left his residence to participate in a boar hunt near the city of Virovitica, north central Croatia. Photos of the outing showing Markač together with Minister of Interior Ivica Kirin as well as other public officials were distributed to the media by the office of the Mayor of Virovitica. Although some officials initially claimed that the photos dated from 2003, it was quickly established that the photos were contemporaneous. In response to a request from the ICTY, the Croatian authorities confirmed that Markač participated in the hunting trip and related photos had appeared in the media.

Following the ICTY's decision, the Minister of Interior offered his resignation, which was accepted by Prime Minister Ivo Sanader. The Prime Minister stated that Kirin's faux pas was due to a lack of political experience and the Minister of Interior's conduct did not undermine the Government's credibility in terms of the Tribunal or other international commitments. President Mesić however expressed concern that the Minister of Interior's conduct harmed not only Croatia's credibility but also the interests of other Croatian ICTY indictees who have been granted or are seeking provisional release. He also noted that Markač was aware of the conditions on his release. Subsequently, President Mesić confirmed that Markač had participated in another hunt on 16 December, organized by the Ministry of Defense and attended by the Chief of Staff of the Croatian Armed Forces. The President further indicated that Markač together with the Minister of Defense had participated in a similar event in 2006. Markač's co-indictee Ivan Čermak remains on provisional release in Croatia, although during the 2006-2007 holiday season he also violated the conditions of release. Ante Gotovina remains in detention in The Hague as

the ICTY Trial Chamber deemed insufficient the Government's guarantees that he would appear for trial. Giovanna's appeal of the denial of provisional release is currently pending.

2. Supreme Court finds Croatia responsible for war-related disappearance

In December, the Supreme Court issued a judgment confirming that Croatia was responsible for the war-time disappearance of a Serb civilian who was taken into police custody in Otočac, south central Croatia, in late 1991. The Supreme Court upheld the lower courts' findings that police officers from Otočac took Milan Skendžić into custody in early November 1991, after which the police handed him over to civilians at the Gospić Crisis Centre, without any documentation on his transfer. Skendžić never returned and was declared dead in 1998. The Supreme Court concluded that Skendžić's disappearance resulted from the illegal conduct of Otočac police officers. Accepting the lower courts' determination that Skendžić's wife and children suffered and continue to suffer severe mental anguish due to the disappearance of their husband and father in State custody, the Supreme Court upheld the compensation award of approximately € 95,000. Although Skendžić disappeared in police custody more than 16 years ago, no individual has been criminally prosecuted for his disappearance, with the criminal investigation conducted by Gospić authorities remaining inconclusive. A constitutional complaint lodged by the Skendžić family contending that the criminal investigation has been ineffective remains pending at the Constitutional Court.

3. United States denies Croatia's request to extradite war crimes suspect

In late December, a United States federal prosecutor in Michigan cited expiration of the statute of limitations as the reason for abandoning a request to extradite Goran Pavić, a Canadian citizen of Serb national origin, to Croatia to stand trial on war crimes charges. As there is no current extradition treaty between Croatia and the US, the extradition request was considered under a 1901 treaty as well as US law. Pavić was arrested in November after entering the US from Canada based on an Interpol warrant issued by Croatia. Pavić was subsequently released from detention and returned to Canada. Pavić was indicted by the Vukovar County Court in 2006 together with 15 other alleged former Serb paramilitaries for the abuse, illegal detention, and expulsion of Croat civilians, some of whom remain missing, in the village of Sotin near Vukovar in the early 1990-ies. Like Pavić, most of the accused are not in Croatia. In April 2007, the Supreme Court overturned the decision of the Vukovar County Court to conduct a trial with 14 accused including Pavić in absentia. The Supreme Court found that the local court in ordering an in absentia trial within a few days of issuing arrest warrants in late 2006 had not permitted sufficient time or undertaken adequate efforts to apprehend the accused and ensure their presence at trial. Following the Supreme Court's decision, the Vukovar County Court tried two accused held in detention, acquitting them in July.

In late December, the President of the Vukovar County Court was quoted in the media as indicating that since the US had denied Croatia's request for extradition; a similar request would be made to Canada, Pavić's place of residence and citizenship. Prime Minister Ivo Sanader indicated that officials in the Ministries of Foreign Affairs and Justice would inquire into the situation, adding that Croatia would insist on Pavić's extradition to Croatia.

MISSION ACTIVITIES

4. Mission generates 35 projects in 2007

In 2007, the Mission provided approximately €660,000 for the implementation of 35 projects generated by the Mission, both in the Headquarters and the field, local partners, and participating states. Thirty projects were funded through Mission programmes (€360,000) and the Head of Mission Facility (€45,000), while five projects (€253,950) were funded by extra-budgetary contributions. Key to the successful implementation of Mission projects was monitoring, reporting and evaluation. Project activities were targeted to support advancement of the two substantive areas of the

Mission's mandate: Rule of Law and Return and Integration of refugees and displaced persons. The range of activities funded by Mission projects, including at the grassroots level in war affected areas included:

- Strengthening citizen access to and outreach of the Ombudsman and Constitutional Court;
- Inter-state judicial cooperation in war crimes proceedings;
- Legal assistance and in-court representation for returnees, refugees and displaced persons;
- Good governance, citizen participation and training municipal councillors.