



Organization for Security and Co-operation in Europe

## OSCE Mission to Croatia

### News in brief

7 March – 20 March 2007

#### **State Election Commission sworn in before Parliament**

On 9 March, the nine members of the State Election Commission (SEC) were sworn into office before the Speaker of Parliament, Vladimir Šeks, pursuant to the Law on the State Election Commission adopted in April 2006 and amendments to this same Law passed in February. The nine-member body includes the President of the Supreme Court as *ex officio* Chair of the SEC, two Supreme Court Judges elected as Deputies in February by the Supreme Court General Assembly and six staff members elected by Parliament for an eight-year term, also in February.

The Speaker reminded the SEC members that the future legitimacy of democratic elections would depend on their decisions. The President of the SEC said that the Commission would try to maintain the standards achieved so far in the conduct of elections and will try to improve certain segments of the electoral process.

Both the Mission and Croatia's leading electoral NGO, GONG, have expressed concern at the hybrid system created by the February 2006 Amendments to the Law on the SEC and hope the Government will establish an entirely permanent, independent and professional SEC following the next parliamentary elections. In view of the workload facing the SEC, both in terms of establishing itself administratively and preparing for upcoming minority and parliamentary elections scheduled for May and November respectively, GONG has urged the Government to provide the SEC with facilities and available funds as soon as possible.

#### **Government repair programme expanded to include all repossessed properties**

Following extensive consultation with the Mission and the appointment of a new Assistant Minister within the Ministry for Maritime Affairs, Tourism, Transport and Development (MMATTD), the Directorate for Displaced Persons, Returnees and Refugees has issued a form enabling all owners of damaged properties to apply for repair assistance regardless of whether they had damage officially recorded at the time of repossession or not.

Between 2003 and 2004, when the Government ensured the majority of private property repossession cases, the Mission noted with concern that a significant number of occupied

properties were being returned to their legitimate owners in a damaged state, with integral parts of the house removed by departing temporary occupants. To some extent this issue was addressed by a Government Conclusion issued on 22 June 2005, which allowed owners who had damages officially registered immediately upon repossession of their properties to receive repair assistance from the State. So far, 152 out of 400 eligible properties were qualitatively repaired by the Directorate for Reconstruction of Family Houses within the MMATTD. Although this is welcomed as a first step in resolving this issue, the Government Conclusion excluded those cases in which local officials had not properly recorded damages upon repossession. This had occurred in the majority of repossession cases.

Parallel to the recent decision to expand the repair assistance programme, instructions have been sent to the Directorate's regional offices with clear indications on how to process such cases. However, this mechanism is not part of an administrative procedure and requires a proactive approach from potential beneficiaries who, in many cases are unaware of the expanded programme.

If adequately implemented and publicized at the local level this new provision will improve the quality of the property repossession process due to be completed in the next few months.

### **ICTY disqualifies attorney representing Croatian indictee**

In late February, the ICTY Trial Chamber concluded that one of the defense attorneys for retired General Mladen Markač was subject to a conflict of interest, as a result of which he was required to withdraw from further representation. Mr. Markač is indicted together with retired Generals Ante Gotovina and Ivan Čermak for crimes against Serb civilians during and after the 1995 military action 'Operation Storm'. Noting that the attorney, Miroslav Šeparović, served as Minister of Justice at the time of the crimes alleged in the indictment, the Trial Chamber concluded that he had a personal interest in the case and was likely to be called as a defense witness. The Trial Chamber observed that Mr. Šeparović had jeopardized his client's interests by failing to withdraw despite repeated notices of a likely conflict and engaged in gross professional negligence.

While the trial is scheduled to start on 7 May, Mr. Šeparović's withdrawal could result in delay. The Trial Chamber ordered Mr. Markač to immediately engage new counsel who must advise no later than 30 March on the amount of time needed to prepare for trial. Mr. Markač has suggested that he may represent himself. On 13 March, the Trial Chamber granted a request for appeal by Mr. Šeparović.

The likelihood of a conflict was first raised in spring 2006 by Ante Gotovina's defense team. The conflict between the indictees and their defense teams has been the subject of considerable press attention as well as comment by public officials. Both Prime Minister Ivo Sanader and the Speaker of Parliament, Vladimir Šeks, called on the defense teams to co-operate rather than engage in dispute, reiterating the Government's commitment to establishing the truth about the Homeland War. Mr. Šeks publicly stated that it would be a scandal if Mr. Šeparović was disqualified and that disputes among the defense "only please the Tribunal's prosecution, which is at the expense of Croatian interests."

The Trial Chamber also ordered the ICTY Prosecutor in late February to cut the indictment in this case by at least one third, citing its duty to ensure a fair and expeditious trial. The Prosecutor previously indicated that if so required, it would reduce the scope of the indictment in terms of geography – eliminating six municipalities - and time – eliminating allegations from October and November 1995.

### **ICTY confirms journalist’s contempt conviction for revealing protected witnesses**

On 15 March, the ICTY Appeals Chamber confirmed the contempt conviction and €20,000 fine imposed on Croatian journalist Josip Jović. In August 2006, Mr. Jović, former Editor-in-Chief of *Slobodna Dalmacija*, was found guilty of publishing closed session transcripts from the trial of retired Bosnian Croat General Tihomir Blaškić. The protected witness was President Stjepan Mesić.

### **Citizenship revoked due to 25-year old administrative error**

In late February, local officials from the Ministry of Interior in the town of Slatina, Western Slavonia, informed Milenko Bjelajać, an ethnic Serb, that his registration as a Croatian citizen at the time of his birth in 1981 was a clerical error. The officials did not issue an administrative decision revoking citizenship, which by law would provide for administrative remedies. Rather, the Ministry of the Interior issued a decision recognizing Mr. Bjelajać as a naturalized citizen, together with a bill for the €200 naturalization fee. Mr. Bjelajać has been warned that if he does not pay the fee, he is in jeopardy of being deported from Croatia due to his unregulated status as a foreigner.

Mr. Bjelajać was born and has lived his entire life in Croatia, served in the Croatian Army, and for many years been issued Croatian citizen identification documents. Although living in Croatia at the time of his birth, both parents were citizens of the former Socialist Republic of Bosnia and Herzegovina. Legally the parents became ‘foreigners’ upon independence in 1991, but both became naturalized Croatian citizens in 1991 when Mr. Bjelajać was a minor. The Mission will continue to follow this and similar cases with the Ministry of Interior.

### **HoM accompanies Foreign Minister on visit to returnees in Central Croatia**

On 12 March, the Head of Mission accompanied Foreign Minister Kolinda Grabar-Kitarović on a visit to the war-affected towns of Sisak and Petrinja in the Sisak-Moslavina County, together with Manuel Salazar, the Spanish Ambassador to Croatia representing the Chairmanship-in-Office.

With a view to successfully close the refugee chapter, the Minister hoped that the visit would help her become better acquainted with the return situation in this area and the specific problems faced by returnees in their interface with various State assistance programmes. Although the operational and the legal aspects related to solving these problems are discussed at monthly plenary discussions between the Mission and the Government, first-hand experience at the field level can be valuable in galvanizing action on unresolved issues.

In Sisak, Minister Grabar-Kitarović visited one of the 400 families in the country whose property was damaged by a temporary user during occupancy and later repaired by the State. The Minister visited another property that had been similarly damaged by a temporary occupant but, like many other properties in Croatia, was still awaiting repair assistance by the State before being habitable. In Petrinja, the Minister was familiarized with an unresolved case of unsolicited investments made by a temporary user who later claimed compensation from the owner. In December 2006, the Government officially pledged to assume the financial burden of these compensation cases. Implementation of this pledge has now begun.

Lastly, the Minister visited one of the six remaining collective centres operating in Croatia, where she spoke to three returnee families who were formerly occupancy tenancy right holders outside the Areas of Special State Concern. These families are shortly due to be provided with apartments as State housing care solutions. The slow pace of the Government's implementation of the housing care programme for this specific category of returnees currently represents one of the major obstacles to a successful process of return to Croatia.

### **Mission assesses Police 'Road Map' to be complete**

On 15 March, the Mission met with State Secretary Ivica Buconjić from the Ministry of Interior and Marijan Benko, Director General of the Police, to discuss progress on the Police 'Road Map'. In early 2004, following a workshop organized by the Mission and the Ministry of Interior, a detailed 'Road Map' was drafted outlining steps which would be necessary to further the development of a modern Croatian police service in line with European standards and best practices. Objectives related to reforming the organizational structure and human resources management within the Ministry of Interior were identified along with measures to improve the public's perception of the police force. In January, the Ministry of Interior delivered a report to the Mission – compiled by the Police Directorate – which presented achievements, remaining objectives and predictions on the future impact of reforms outlined in the 'Road Map'.

At the recent meeting, it was agreed that substantial and focused reform in the areas identified had been carried out by the Ministry of Interior with the support of the Mission, the Delegation of the European Commission to Croatia and several other international donors. As such, it was agreed that the objectives and modernizing momentum envisioned in the 'Road Map' could be considered satisfactorily accomplished.