



**Organization for Security and Co-operation in Europe
OSCE Mission to Croatia**

**News in brief
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Protests by Croat parents against Serb teachers in Dalj Primary School bring public attention to inter-ethnic coexistence in the schools

Issues affecting inter-ethnic relations at a school in Eastern Slavonia have been in the spotlight in the run-up to the start of the school year 2005-2006. Media reported that on 5 September, around 200 Croat pupils boycotted the first school day at the Dalj primary school, near Vukovar.

A few days earlier, their parents had sent a petition to the Ministry of Education opposing the decision of the School Principal to assign three ethnic Serb teachers to their children because these teachers had allegedly participated in the war against Croatia in the 1990s. In a meeting with Croat parents, the teachers and the School Principal, representatives of the Ministry of Education decided to re-assign the three Serb teachers to different classes in the same school or other schools.

The physical separation of Croat and Serb pupils in some schools in Eastern Slavonia has been a topic of increased interest for the Mission since the last visit of the High Commissioner on National Minorities (HCNM) in February. During his meetings with top Croatian officials, the High Commissioner expressed concern over the physical separation of pupils along ethnic lines and emphasized the need to integrate national minority students in the Croatian society, while ensuring the right of minority students to minority language education. When he visited Eastern Slavonia and met with local authorities at the end of August, HoM continued to stress the importance of education issues.

The physical separation is particularly evident in Vukovar where Croat and Serb pupils attend classes in separate buildings in the kindergartens and in some secondary schools, or have school in separate shifts. The result is the same: Croat and Serb pupils are deprived from the opportunity to meet and interact. In the meeting with the Mission, the Deputy Minister of Education renewed the commitment to redress this situation. In particular, explaining that separation in Vukovar is partly due to space limitations, he informed the Mission of the plan to build a new secondary school that would accommodate Croat and Serb students.

Earlier, on 25 August, the Minister of Education Dragan Primorac and top political representatives of the Serbian minority agreed that all children in Croatia, regardless of their ethnicity, would learn history from the same approved history textbooks. In addition, the long-awaited history supplement covering the period from Homeland War until present could be in the hands of the teachers at the end of September. A moratorium on history teaching in Serbian language classes in the Croatian Danube Region had been introduced in 1997 because history teachers found the content of history textbooks inadequate and partial, and the language offensive to the Serbian minority. The Ministry of Education also informed the political representatives of the Serbian community that ten new textbooks for primary schools had been translated into Serbian and in Cyrillic script for subjects such as geography, nature and society and history for the school year 2005-2006.

The Mission finds these recent developments encouraging and will continue to facilitate efforts aiming at the improvement of inter-ethnic coexistence and tolerance at school, especially by advocating the end of physical separation between pupils on ethnic grounds.

The Mission will also support the establishment of a curriculum reflecting the plurality of the Croatian society and the contributions of the Serbian minority to Croatia. The Mission notes that in his February visit, the HCNM offered assistance in the development of a curriculum reflecting the richness and diversity of the society as a whole.

The Administrative Court upholds a complaint against the Prime Minister for violating the rights of a journalist to access information

In late August, the Croatian dailies *Novi List* and *Jutarnji List* reported on the 16 June Administrative Court decision upholding the complaint filed by journalist Jelena Berkovic, finding Prime Minister Sanader to have violated her right to access information. The Court found that the Prime Minister, as the head of the body from which information was requested, was responsible for depriving the journalist of a reply to her request within the 15-day deadline prescribed by the 2003 Law on the Right to Access Information.

Jelena Berkovic sent a request for information to the Government on 1 June 2004, seeking 2003 and 2004 reports from the Government's Office for Internal Control. According to the journalist, to date she has not received a reply from the Government. The verdict, which the journalist received in late August, orders the Prime Minister to respond to the journalist's request within 30 days of its delivery, leaving the Prime Minister some two weeks to comply with the Court's order.

Government Spokesperson Ratko Macek was quoted by *Jutarnji List* that following the journalist's initial request, the sought after documents were left at the Government building's reception desk and the journalist was informed of this. He added that the same reports had been handed out to journalists at a Government session.

Transparency International Croatia has repeatedly warned at various roundtables, lectures, and brochures about the inadequate implementation of the law. In the end of 2004, a group of nineteen prominent NGOs called "The Public has the Right to Know" drafted new amendments to the Law and launched a public awareness campaign.

In March, the Government submitted to the Parliament a report on the implementation of the Law on the Right to Access Information. The report indicates that in 2004 the Government denied two requests and granted one request for information out of a total of three. It also indicates that Government offices granted all of a total of 1,774 requests for information in the same period.

The celebration of the tenth anniversary of Operation Storm draws criticism from Serbia and Montenegro and revives internal debates about the conduct of the war

The celebration of the tenth anniversary of Croatian Army's "Operation Storm" on 5 August sparked off a debate between Croatian and Serbian authorities about the nature of the operation and the extent to which crimes were committed against Serbs by Croatian military and paramilitary forces. Operation Storm ("Oluja") started on 4 August 1995 and effectively ended in 84 hours a four-year Serb insurgency, toppling the regime of the self-proclaimed "Republic of Serb Krajina" which had controlled a large part of Croatian territory. The liberation of Knin on 5 August carried a special significance because the town was the capital of the self-proclaimed republic and the symbol of the rebellion of local Serbs.

On 29 July, Serbian President Boris Tadic urged the leaders of other countries to condemn the crimes that were committed against Croatian Serbs during that operation in the same way that he condemned crimes committed in Srebrenica. In a press release issued two days later, Tadic's office also called on the Croatian authorities to take a position on the crimes committed in that operation, adding that 250,000 Serbs expelled in a matter of days could be called "ethnic cleansing" and 2,500 killed "not an individual incident but an organised

crime.” Reacting to these statements, President Stjepan Mesic said that the crimes committed in Srebrenica, as well as in Skabrnja and Ovchara, in order to cleanse areas according to a “genocide plan” could in no way be equated with “individual excesses in Croatia’s liberation Operation Storm.” Prime Minister Sanader emphasised that Croatia was proud of Operation Storm, “the pinnacle of our Patriotic War.”

Independent Democratic Serb Party (SDSS) President and MP Vojislav Stanimirovic confirmed that “Operation Storm” and the Srebrenica massacre could not be equated, but also added that he expected President Mesic to say a few words about the Serbs victims at the official ceremony on 5 August in Knin. The President of the SDSS regional branch in Knin, Mirko Raskovic, criticized the fact that Croatian Serb citizens seemed excluded from the preparation of the celebration.

During the official ceremony held in Knin on 5 August, the top Croatian officials -President Stjepan Mesic, Parliament Speaker Vladimir Seks and Prime Minister Ivo Sanader- agreed that the legitimacy of the operation should not be overshadowed by events which happened in its wake. They all paid tribute to the late Franjo Tudjman, the first Croatian President.

Media noted the absence of most foreign diplomats and of Independent Democratic Serb Party (SDSS) representatives from the celebration.

President Mesic said that it is necessary to acknowledge that during the war some people had not fought for Croatia but for their own interests, and that Croatia is fair and brave enough to acknowledge what was wrong in its past. His speech was booed by the audience who chanted "Ante, Ante!" and "Franjo, Franjo!" referring to the ICTY fugitive general Gotovina and the first Croatian President Franjo Tudjman.

Parliament Speaker Vladimir Seks stressed that Storm crushed the self-proclaimed Republic of Serb Krajina, which he branded as a criminal and terrorist statelet. Prime Minister Sanader said Storm was a splendid operation planned with the purpose of liberating the Croatian territory, and called for separating Storm from criminal acts and injustice done against Croatian Serbs before legal order was fully established.

A parallel celebration of Storm was organized by an association of retired senior military officers, Viribus Unitis, in protest of the state policy of cooperation with the ICTY. Although its attendance did not meet expectations, General Ante Gotovina was praised and calls for “protecting the truth about the Patriotic War” were issued.

On the eve of the celebration, Amnesty International reported on its web site that although ten years have passed since Operation Storm “steps taken by the Croatian authorities to investigate such crimes, to bring to justice those responsible, and to award reparations to the victims and their families have been largely insufficient.” In addition, the Croatian Helsinki Committee on Human Rights (HHO) issued a statement pointing out the operation’s positive impact on human rights with the overthrow of the authoritarian Republic of Serb Krajina, mentioning on the other hand the negative consequences of the operation, with almost 700 civilians killed in the area and with over 150,000 persons leaving the Croatian territory.

Government adopts measures aimed to redress looting/devastation of Croatian Serb properties under State administration

Following consultations with the International Community partners, the Government adopted on 22 July a “Conclusion” to address the consequences of looting/devastation of Serb private residential properties upon the departure of the temporary occupants. The properties were allocated by the State under the 1995 Law on Temporary Takeover and Administration of

Specified Property to refugees, internally displaced persons and other ethnic Croats for temporary use. Looting is a major obstacle to return and prolongs the displacement in many cases because the properties are handed over in uninhabitable conditions. The Mission observes that this problem affects at present several hundreds of Croatian Serbs owners.

Prior to the adoption of the Government's Conclusion, there was no effective remedy for owners of looted/devastated property apart from lengthy and costly individual civil court proceedings. Amendments to the Law on Areas of Special State Concern in 2002 established general remedies which, however, have not been implemented in practice.

The Government's Conclusion anticipates that owners of looted/devastated property would be eligible for limited State assistance based on a professional engineer's assessment of damage. However, the Ministry of Maritime Affairs, Tourism, Transport and Development still needs to define effective operational details through administrative instructions.

An effective remedy for owners whose houses were looted/devastated while under State administration is one of the benchmarks that the International Community recommended the Government to include in the Croatian "Road Map" on Refugee Return. The latter one results from joint declaration on refugee return signed by the Ministers responsible for refugee issues from Croatia, Bosnia and Herzegovina, and Serbia and Montenegro on 31 January 2005 in Sarajevo to undertake the necessary measures to complete the process of return by the end of 2006.

Investigation of crimes committed against Serb civilians in Osijek implicates Branimir Glavas, a former leader of the ruling Croatian Democratic Union

War crimes committed against Serb civilians in Croatia came under the spotlight in late July after the weekly *Feral Tribune* reported that the Office of the State Attorney had received a witness statement about the arrests, torture and murder of Serb civilians in Osijek (Eastern Slavonia) in the second half of 1991 and 1992. The witness allegedly implicated Branimir Glavas for issuing orders for the killings. Glavas, formerly a leading HDZ figure, but now an independent member of the Croatian Parliament, was at the time Head of the National Defence Office of Osijek. Subsequently, media reported that the Office of the State Attorney had additional witnesses and that the Ministry of Interior had sent five police investigators to Osijek.

In a report in December 2004, Amnesty International listed numerous cases of unlawful killings, extrajudicial executions and unresolved disappearances of Serbs civilians during 1991 and 1992 in the cities of Eastern Slavonia and Sisak (Central Croatia). Amnesty International at that time denounced the continuing impunity for war crimes and crimes against humanity committed by during the 1991-1995 armed conflict by members of the Croatian Army and police forces.

Branimir Glavas has described the media reports and similar comments by the Croatian authorities as "a continuation of attempts by the State leadership to compromise him" and added that "[his] immediate supervisor was current Parliament Speaker Vladimir Seks, who at that time was the Chief of the Crisis Management Centre for Slavonia and Baranja."

Branimir Glavas was expelled from the Croatian Democratic Union (HDZ) in the run-up to the May local elections after he proclaimed ICTY fugitive general Gotovina a hero. Subsequently, his independent list running for the local elections won a majority of votes in Osijek-Baranja County and in the City of Osijek, whereas the HDZ registered significant electoral losses. Glavas was able to form the administration at the City and the County, thanks to a coalition with the far-right wing Croatian Party of Rights (HSP).

The case has raised questions among civil society actors and some media commentators about the 14-year gap between the crimes and a serious police investigation. In addition, some newspapers have brought to the public attention a number of alleged killings and unresolved disappearances of Serbs civilians in Zadar and Vukovar during the war, and asked the Government to investigate them.

Croatian court finds the State responsible for disappearance in police custody

In early August 2005, the Otocac Municipal Court issued a written decision holding the State responsible for the disappearance and presumed death of Milan Skendzic, an ethnic Serb who was last seen in police custody in Otocac (Central Croatia) in late 1991. Skendzic, whose body has never been recovered, was declared dead in 1998. The court ordered the State to pay approximately €95.000 in damages for emotional distress to the family members. The State, which rejected a request to settle the case in 2004, has appealed the court's decision.

The court found the State liable under the 1991 Law on State Administration and the 2003 Law on Police and Military Damages. The former contemplates the general duty of the State to compensate for illegal and irregular acts by State officials, whereas the latter prescribes the specific duty of the State to compensate for damage caused by the police or military during the 1991–1995 conflict. The court held that by failing to follow appropriate arrest and detention procedures, as well as failing to protect Skendzic's life, the State violated his individual rights as enshrined in the Constitution and criminal procedure law.

The court relied on documentary evidence that established that Skendzic was in State custody at the time of his disappearance. As found by the court, Skendzic was escorted by two policemen from his apartment to the Otocac police station for questioning, under a written detention order issued by the local police commander. The court found that Skendzic was brought in by the police explicitly because of his Serb national origin and unsubstantiated allegations of involvement in terrorist activities. Although evidence presented at the trial was contradictory as to which State body was the last to hold Skendzic in custody, the court decided that for purposes of the civil proceeding it was sufficient to establish that Skendzic disappeared while in State custody. Specifics about the manner, cause, and individual responsibility for his death thus remain unanswered.

A police investigation conducted in 2000 and 2002 has not resulted in a criminal prosecution. The European Court of Human Rights (ECHR) as recently as July 2005 indicated that, as part of their duty to protect the right to life, States have a duty to promptly and effectively investigate deaths and disappearances that are the result of the use of force by State authorities.

Long-awaited privatisation of *Slobodna Dalmacija* nears completion

The completion of the privatisation of the state-owned newspaper *Slobodna Dalmacija* moved forward on 8 August when the company's shareholders decided that the Europa Press Holding (EPH) would inject a much needed financial boost of 83.5 million Kuna in the company. In so doing, the EPH would formally own 70 per cent of *Slobodna Dalmacija* by mid-September. The Europa Press Holding and its partner WAZ, the second largest German Newspaper publisher, already owns the largest share of Croatia's print media market.

The Split-based daily *Slobodna Dalmacija* is the third largest newspaper in Croatia and has a dominate position in large parts of the coastal region of Dalmatia. The privatization of *Slobodna Dalmacija* has been stalled since October 2001 when the Government took control over the company. After the Croatian Privatisation Fund issued the final tender bid in November 2003, EPH submitted the highest bid but was only allowed to purchase the daily after it was established that the sale would not violate the new 2004 Law on Media, which

capped media ownership at 40 per cent of the market share of the total number of all daily or weekly publications sold.

In a parallel development, the Split County Court in June indicted controversial tycoon Miroslav Kutle for allegedly embezzling over 20 million Kuna (approx. € 2.8 million) of *Slobodna Dalmacija*. He was President of the company's Board of Directors from 1994 to 1998 after becoming the major shareholder of *Slobodna Dalmacija* in a controversial privatization of the company in 1993. In 1999, the Administrative Court annulled the 1993 privatisation.

Reports of ethnically motivated incidents increases over the summer

Since the beginning of the year, especially after the May local elections, and during the summer months, when many Serbs return to their former homes during the summer period, the media has regularly reported an apparently increasing number of ethnically motivated incidents. Among the more serious incidents was the murder of an elderly ethnic Serb in Karin (Zadar County) in late May. And also three bomb explosions that took place on 20 May in two Serb-majority municipalities in Eastern Slavonia as well as in the premises of a small Serbian party in Vukovar in the same region.

Reporting of a wide range of incidents continued through June, July and August, including assaults, threats, provocations, graffiti, verbal insults, etc. In late July, two elderly Serb returnees were beaten up in Lisane Ostrovica in the Zadar hinterland. During a field visit following the incident, the HoM condemned such attacks and their effects on the reconciliation process. The last serious incident happened on 28 August when an unknown perpetrator threw a bomb into the front yard of a house owned by an ethnic Serb near Imotski (Dalmatia).

Top Croatian officials – President Mesic, Parliament Speaker Seks and Prime Minister Sanader - all condemned the Vukovar bombings of May, which they called “terrorist acts.” However, no high level reactions have been made to the continuing reported incidents since that time.

Vice-president of the Independent Democratic Serb Party and MP Milorad Pupovac has repeatedly condemned these incidents. He has claimed that the police and the State Attorney “were not doing their jobs” to resolve crimes such as the Vukovar bombings and the murder of an ethnic Serb in Karin, and added that “irresponsible media campaign” contributed to the growth of intolerance.

In June, the Mission undertook to unofficially analyse the period July 2004-July 2005, using reports from the Croatian police and Mission field reports from very different sources – personal contacts, police, press, and etc-. Although the analysis is not finished yet, it indicates that there is no decrease of ethnically motivated incidents as compared to last year. What is unclear at this point is whether the actual *number* of incidents has increased, or whether affected individuals and groups as well as the media are now more willing to raise this sensitive topic with the police and before the public. It also suggests that ethnic incidents are directed at both Serbs and Croats, although the number of anti-Serb incidents is notably higher.

A major impediment to making a formal analysis is that there is no satisfactory legal definition in Croatia of what constitutes ethnically motivated incidents or hate crimes. The police do not have adequate standard for measuring the extent to which such incidents occur, nor do they have specific internal directives (and reporting format) that they can use to follow up ethnically motivated incidents.