



## Judicial backlog

**R**eform of the judicial system was undoubtedly one of the most necessary and complex endeavours that needed to be undertaken after the war ended and the OSCE Mission was opened in Croatia. Croatia's status as a newly independent country in transition from its communist past presented additional challenges to the reform process. The Government and judicial institutions most responsible for implementing reforms throughout the judiciary - the Ministry of Justice, the Supreme Court and the State Attorney - have also had to undertake their own internal reforms. Reform efforts have targeted the need to upgrade the skills and ethics of judicial personnel - focusing on training, oversight and discipline - as well as enhancing the quality, transparency and length of judicial proceedings. Croatian institutions responsible for human rights enforcement - the Constitutional Court and the Ombudsman - have also become involved in the judicial reform debate, given the human rights implications of ineffective judicial proceedings. The accumulation of cases, commonly referred to as "backlog," is probably one of the most characteristic problems of the Croatian judiciary. In 2005 there was a backlog of 1.2 million cases, which in a country of 4.5 million inhabitants means about one judicial proceeding per family. The actual problem with backlog is that in the attempt to improve the situation, there is a tendency to continue accumulating newly initiated cases while at the same time failing to decrease the number of pending cases. A very negative side effect of such an accumulation was the fact that Croatians could not resolve their initial problems and justice was not done. Lacking an official resolution to disputes, the temptation to get involved in corruption grew stronger and it eventually ceased to be only a temptation. People with pending cases, for various reasons, wanted or did not want their cases to be decided by the court. The result was always the same; they would approach judges and try to persuade them to either speed up or stall their cases. Resolving the problem of the backlog is not easy, but it is indispensable if Croatia wants to have a judicial system that is compatible with systems of advanced European countries. That will also provide for the relevant chapter of the European Union acquis to be successfully

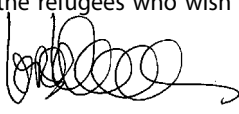
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Supreme Court President Branko Hrvatin speaks about backlog in the judiciary at MHQ on 4 October 2006.

negotiated. The President of the Croatian Supreme Court, Mr. Branko Hrvatin, was perfectly aware of this necessity and he confronted the problem in a very bold manner as soon as he was nominated as court president in July 2005. His first objective was to properly define the problem by determining the quantity of real backlog, that is, cases that have been pending before court between two and 10 years, and the so-called "workload", which are cases pending before court for one or two years. Such a workload exists in every country, even in those with highly organized and efficient judiciary. At the same time, the Supreme Court divided the backlog existing in all Croatian courts for criminal cases and civil cases. As of the beginning of 2006, there were about 15,800 criminal cases which had been ongoing for more than three years and 65,000 civil cases ongoing for more than five years. Mr. Hrvatin's assessment is that the real backlog, in particular in relation to criminal cases, can be reduced significantly by the end of 2006 and could disappear completely in the course of 2007. This is very good news for Croatia as well as for the reform of the judicial system, which will hopefully make a significant step forward in the next months by recruiting more judicial staff, eliminating corruption and allowing judges to organize their responsibilities in a more rational way.

Ambassador Jorge Fuentes, Head of Mission

Calendar	Activities
<p><b>4 October</b> - Supreme Court President Branko Hrvatin at Mission HQ morning briefing.</p> <p><b>5 October</b> - Annual OSCE Ambassadors' field trip to Sisak.</p> <p><b>6 October</b> - Plenary meeting of Working Group on War Crimes at Ministry of Justice.</p> <p><b>9-14 October</b> - HOM attended ODIHR Human Dimension Implementation meeting in Warsaw.</p> <p><b>18 October</b> - Civil society working group meeting at Mission Headquarters.</p> <p><b>23-24 October</b> - HOM participated in the 2nd OSCE Tolerance Implementation Meeting in Dubrovnik.</p> <p><b>23-24 October</b> - Expert conference on police cross-border co-operation in Vienna.</p> <p><b>25 October</b> - Meeting on the Sarajevo process with the Chairman of the Permanent Council, Ambassador Bertrand de Crombrughe in Vienna.</p> <p><b>27 October</b> - Press conference of the Organisation for Civic Initiatives workshop at Central State Office for Administration Training Centre in Zagreb.</p> <p><b>27-29 October</b> - Conference "Setting up the Croatian Press Council", organised by International Centre for Education of Journalists in Opatija.</p> <p><b>30-31 October</b> - HOM attending a Conference on the 2007 Spanish OSCE Chairmanship in Madrid.</p>	<h2 style="text-align: center;">Sarajevo and Palić Processes</h2> <p><b>W</b>hen the decision on the creation of a regional process was made in early 2005 that included Croatia, Bosnia and Herzegovina, as well as Serbia and Montenegro, which intended to resolve the complicated issue of millions of refugees and displaced persons in these three – subsequently four – countries that originated from the war, probably the best approach had to include:</p> <ul style="list-style-type: none"> <li>- Drafting of a Road Map and Matrix in each country that would include the governments will to resolve the issue as well as the mechanisms to be put in place with the aim of reaching that goal, including financial measures.</li> <li>- Creation of working groups in each country to include IC representatives, in particular the OSCE, the EU and the UNHCR, and the Minister responsible for the issue.</li> <li>- Holding of meetings between the nine (soon 12) principals of the IC in the four countries aimed at co-ordination of their standpoints.</li> <li>- In the same manner, organizing meetings between the four Ministers in charge of refugees and reconstruction.</li> </ul> <p>The final objective was to conclude, by the end of 2006, the return of refugees to their country of origin (mainly to Croatia) or their integration in the country in which they have settled (in particular in Serbia) for those who would not wish to return. In order to analyse the current state of the process shortly before arriving at its deadline, the Belgian Chairmanship organized a meeting in Vienna between the Heads of Missions of the four countries and from the exchange of the points of view it was evident that in spite of the progress achieved last year, it would not be possible to consider the mandate completed especially because of the approximately 90,000 refugees who still have to decide if they wish to return to their country of origin or not, the need to construct more than 7,000 new housing units and to ensure economic and social stability for them. The Sarajevo process will, therefore, have to continue in 2007. In parallel, Vienna also evaluated the Palić process between the same four countries aimed at harmonizing the respective judicial systems with a view to resolving by no means less arduous issue of the judiciaries and war criminals. Four expert meetings have been held so far, and a fifth one - in Brijuni in May 2005 - with the participation of seven Ministers of Justice of the three countries (one from Croatia and three from each one of the two remaining countries). Since that meeting did not have decision-making as its objective, and since the level of experts has reached its ceiling, an opinion prevailed concerning the necessity of holding a meeting at the political level again, which was recently proposed by Carla Del Ponte, when she addressed the OSCE Permanent Council in September. Only from good co-ordination of both forums - the one of Sarajevo and the one of Palić - can regional balance arise which would allow, after a successful solution of the war crimes trials, an adequate reconciliation and the return of the refugees who wish to do so.</p> <div style="text-align: right;">         Ambassador Jorge Fuentes, Head of Mission     </div>

## Tolerance

**A**s a continuation of the Cordoba Declaration Against Anti-Semitism and Other Forms of Discrimination (May 2005) and subsequent meeting in Almaty (June 2006), a Tolerance Implementation Meeting took place in Dubrovnik on 23 and 24 of October. Aside from questions about the proper term for the title of the Meeting, because of entailing certain doses of paternalism ("I tolerate you although you are mistaken"), the forum basically focused on: The necessity of education on the Holocaust, to avoid the possibility of repetition of such insanity. The necessity to use pedagogical means in the way that new generations would surpass the resentments steaming from the war. The awareness, however, that education alone – both in the family and at school - will not be sufficient, for which reason the use of political resources are indispensable for reconciliation and understanding. The problem of tolerance was studied from different angles - ODIHR, UNICEF, OSCE - and also from different regional views, including both the governmental perspective (Minister of Science, Education and Sports Dragan Primorac co-presided over the Meeting together with the representative of the CiO, Pierre Chevalier and Ambassador Christian Strohal) and from the aspects of numerous participating NGOs.



Pierre Chevalier, Special Envoy of the OSCE Chairman-in-Office (right), addresses the 2nd OSCE Tolerance Implementation Meeting in Dubrovnik, 23 October 2006. Next to him is Director General of Political Affairs at the Belgian MFA, Jan Deboutte.

# Police Affairs Unit



MHQ Police unit (L-R): Krešimir Čorić, Nataša Roksanđić, Knut Dreyer and Dražen Fočić, 25 October 2006.

In the early days of the OSCE Mission to Croatia, the police component consisted of approximately 150 international police officers as a part of the OSCE Police Monitoring Group (PMG). As the security situation in Croatia steadily improved since the OSCE began its mandate, the number of officers decreased and the Police Unit was established. This also brought a mandate change - from purely monitoring to a more increased advisory role. Currently, the Unit has seven members, four allocated at Mission HQ and three in the field. The Unit's work is managed by the Head of Unit, Knut Dreyer, a senior police officer from Sweden, where he is the Head of a Police Administration. In the field, all police related activities are carried out by Police Affairs Assistants: Maca Ruševljan (FO Sisak), Vladimir Telenta (FO Split) and Krunoslav Katić (FO Vukovar). In HQ, the Police Unit comprises of Nataša Roksanđić, Dražen Fočić and Krešimir Čorić.

The Police Unit works closely with all other units within the Mission, as well with the units at the OSCE Vienna, other OSCE Missions in the region and international actors (EC Delegation in Croatia, ICITAP, DFID and various embassies in Zagreb etc.) who cover police related

activities. The main counterpart of the Police Unit is the Croatian Ministry of Interior (Mol) and its respective organizational bodies such as the Police Directorate comprised of directorates and departments. It is worth noting that cooperation enjoyed with the Mol is excellent on all topics covered in the Mission police portfolio. OSCE's willingness to assist in a transparent and open way is recognized by the respective Mol officials at the highest level and has contributed to that level of mutual understanding and cooperation.

Since the Mol is in the process of reform, the Police Unit provides advice and assistance in terms of capacity building. Numerous training sessions, seminars, workshops and study visits for respective Mol representatives have been organized and facilitated by the Unit. In 2003, the Ministry of Interior began with the implementation of its "Action Strategy - Community Policing" where one of objectives is the reform of operational work of the uniformed police. The Police Unit has been engaged in the training of more than 700 Contact Officers by providing lectures at the Police Academy and giving advice on implementation modalities. Furthermore, several of the workshops were organized in order to exchange the best practices in the area of establishment and work of Communal Prevention Councils (CPC). This is the area where additional efforts need to be undertaken in order to fully achieve the overall goal of the strategy, an area where the Police Unit will continue to provide the assistance and expertise. When mentioning other international actors, it has to be emphasized that the Mission initiated and chairs the International Donor's Group (IDG) meetings in Zagreb. Avoiding the

overlapping of actions, which international partners conduct in conjunction with the Mol is the main goal of these meetings. It is also a medium where interested parties inform and present their activities in the area of police assistance with the Croatian Mol. Supporting the reform process which the Mol has engaged in, the Police Unit has identified the following as areas that, among others, require a rapid structural-organizational revision: internal organization, internal legal and non-legal acts and human resources management. The human resource management system adjusted in a modern way is one of the most important pillars of an efficient and transparent policing system and all its components. In that sense, the Police Unit has organized a series of study visits, seminars and workshops, aiming at sharing best practices and transferring knowledge by bringing the experts to advise and assist our Croatian counterparts. Based on these experiences, the Mol applied for EC PHARE funding with a project focused on the enhancement of the Mol's educational system and reform of human resources management system. It is expected that the project will start in 2007, but the gap for additional assistance provided by the OSCE remains an open question since the future of the Police Unit is coming to an end in recognition of progress made in the police mandate over the past few years.

MHQ Police Unit

## Workshop of Community Policing Coordinators

Between 2 and 5 October 2006, the OSCE Mission to Croatia facilitated a workshop for Community Policing Co-ordinators. This was the first such workshop taking place in Croatia since 2003 when the Croatian police began with the implementation of Community Policing project. The workshop was opened by OSCE Head of Police Unit, Mr Knut Dreyer, and Deputy Head of Uniformed Police Directorate, Mr Dražen Mayka. It gathered 27 participants from all 20 Police Administrations, Uniformed and Crime Police Directorate. Positive discussions in addition to the sharing of best practices led to draft guidelines being formulated for the future work of Contact Officers, which were then presented to senior management of the General Police Directorate.

## "Police and citizens"

At a press conference held in the Osijek-Baranja Police Administration on 4 September, the OSCE Mission, together with the Croatian police presented a project entitled "Police and citizens" whose aim is primarily to enhance cooperation between local communities and the police. During the Police Day celebration in Osijek, OSCE Police Affairs Assistant Krunoslav Katić received the Ministry of Interior's annual certificate of appreciation for his dedication in connection with the implementation of "Police and citizens" currently being implemented in FO Vukovar area. Both the Heads of Vukovar and Osijek Police Administrations praised the excellent cooperation with the OSCE and especially emphasized the active support and assistance received in implementation of Community policing in their areas.

# Photo gallery



Prime Minister Ivo Sanader and close associates speak with the OSCE Mission to Croatia Head, Ambassador Jorge Fuentes on fulfillment of the remaining issues of the Mission's mandate, 8 September 2006. (Photo by: Minister of Culture, Božo Biškupić, who also attended the meeting.)



Almost 40 Ambassadors and representatives of OSCE Embassies in a visit to the Sisak Field Office on 5 October 2006.



OSCE HOM, Amb. Fuentes with Croatian Ambassador to the OSCE, Vladimir Matek and Police Director General, Marijan Benko who had just signed a Memorandum on Hate Speech in Dubrovnik, 23 Oct. 2006.



OSCE HOM, Ambassador Jorge Fuentes, State Secretary Antun Palarić, Academy Director, Branko Bošnjak at the press conference on presentation of the Local Democracy Academy, 27 October 2006.