



## MONITORING OF WAR CRIME TRIALS

**Ambassador Fuentes and the OSCE Office in Zagreb staff monitoring a trial in the Sisak County Court**

Since its opening in January 2008, the OSCE Office in Zagreb has centred on two single and large themes, the provision of Housing Care for the returnees and the Monitoring of War Crime Trials. Today we will speak about the latter.

Almost three years ago, when I had already settled down sufficiently at the helm of the OSCE Mission to Croatia, I agreed with Prime Minister Sanader on the need to create - parallel to what was initiated a

short time before in the Integration of Refugees - a Plenary group to work with the Minister of Justice, at that time Vesna Škare-Ožbolt, who willingly accepted to set the group in motion.

On my part, I invited the Head of the Delegation of the European Commission, Ambassador Degert and the Head of the ICTY Liaison Office Thomas Osorio to participate in the meetings. The Croatian Delegation, presided since the first session by the just appointed Minister Ana Lovrin,

included, since its beginning, the Chief State Prosecutor Bajić, the Vice President of the Supreme Court, Ms. Ana Garačić, and a high representative of the Ministry of Interior.

Those were monthly or bimonthly meetings that along the years succeeded in identifying the main problems that affect the processes against war criminals and in general the judicial system problems that can be summarized in the following points:

Activities	Calendar
<p style="text-align: center;"><b>Monitoring of war crime trials</b></p> <p>1. The use of video link in the trials to facilitate its development. In particular, after the Norac-Ademi trial at the County Court in Zagreb, in which video link was repeatedly utilized to receive testimonies from outside the country, this point was considered closed provided that in some months this mechanism is reviewed.</p> <p>2. The interstate cooperation. Although it is a matter of a still pending issue due to the legislative differences in the four countries involved - Croatia, Serbia, Bosnia and Herzegovina and Montenegro - and to the legislative limitations in each country, it remains to wait and see the results of the recent initiative that Prime Minister Sanader has launched in this field that among other things should facilitate the priority issue of the extradition of nationals.</p> <p>3. Provision of an adequate defence by creating a list of attorneys with appropriate skills prepared to follow serious training programmes.</p> <p>4. Witness protection is a fundamental topic to be improved particularly when the trials take place either in the same town where the crimes happened or in too small cities and courts where the security of the judges, lawyers, attorneys or even of some witnesses appears to be far too fragile.</p> <p>These four topics have reached a sufficient level of analysis at the main level, thus, they will be discussed at the second level, a technical preparatory group. The remaining two items that will continue progressing at the higher Plenary level are:</p> <p>5. Revision of the in absentia convictions which affects 111 verdicts involving about 400 persons. Very specific problems such as how new evidence is going to be obtained, or in which way will law errors be addressed, have to be considered.</p> <p>6. The establishment of an objective threshold for prosecution of war crimes avoiding differences in the treatment of victims and perpetrators regardless of their ethnic origin. At the same time the OSCE Office has to continue urging that the war crimes are investigated, indicted and prosecuted far from the communities where the crimes occurred.</p> <p>The Plenary meetings will continue with the new Minister of Justice Šimonović who has in the first days of his mandate given proofs of good disposition to advance in the adequate direction towards the solution of these pending questions. The Chief State Prosecutor has done the same upon recognizing in an Instruction to the county state prosecutors the errors committed in the past and the responsibility for incurring them again if they were not capable of correcting them in the future.</p> <p>The OSCE commitment with the ICTY established in 2005 to monitor the cases transferred to Croatia from The Hague is almost fulfilled as only the Norac-Ademi case was transferred. The Mandate given to the OSCE Office in Zagreb also aims not to ignore monitoring of the approximately 30 cases processed annually by different Croatian courts. In that effort the Office is deeply engaged in travelling tirelessly to the four corners of the country trying at the same time to improve the quality of some courts that have without doubt improved substantially since the independence of the country.</p> <div style="text-align: center;">  <p>Ambassador Jorge Fuentes Head of Office</p> </div>	<p>30 September - HoO attended the 2008 OSCE Human Dimension Implementation Meeting in Warsaw</p> <p><b>10-12 October</b> - Field trip on the occasion of the National Day of Croatia, to Šibenik-Knin County and National Parks of Kornati and Plitvice Lakes, sponsored by the MFAEI</p> <p><b>16 October</b> - HoO Meeting with Mr. Ivan Šimonović, the new Minister of Justice</p> <p><b>17 October</b> - Presentation in the Ministry of Foreign Affairs of the new Minister of Justice Šimonović.</p> <p><b>20 October</b> - HoO participated at a dinner with Mrs Pirkoo Kourula. UNHCR Europe Director.</p> <p><b>21 October</b> - "4 Ministers Plenary Meeting"</p> <p><b>24 October</b> - Ambassador Fuentes attended the funeral of German Ambassador to Croatia, H.E. Hans Joachim Peters</p> <p><b>30 October</b> - Lecture and Gala Dinner with Richard Holbrooke "Strategic role of Croatia in the Southeastern Europe"</p> <p><b>3 November</b> - HoO attended a hearing at the Sisak County Court House where he also met the President of the Court and the judges.</p> <p><b>05 November</b>, Ambassador Fuentes participated at a post-electoral breakfast at the US Embassy. Video-link with prof. Scholler.</p> <p><b>05 - 07 November</b>- HoO presented the Office's Budget in Vienna. Ambassador Fuentes also met with the CiO Representative Turunen and the Greek Ambassador to the OSCE, Mrs Mara Marinaki.</p> <p><b>08 November</b> - HoO gave the opening remarks at Conference of Igman Initiative "Problems of countries in the region on the road to the EU"</p> <p><b>11 November</b> - HoO met with the ICTY Chief Prosecutor Bremmertz in Zagreb.</p> <p><b>12 November</b> - Ambassador Fuentes met with the Supreme Court of Justice, Judge Hrvatin.</p>

## Multiple benefits from Housing Care Programmes

By way of implementing its Housing Care Programmes for Former Occupancy Tenancy Right Holders, the Government of Croatia is fulfilling one of its last commitments towards the international community with regards to the refugee issue. The aim is to provide shelter to the homeless returnees to Croatia and enable them to exercise one of the fundamental human rights - a right to home. More than 5,000 returnee families will receive assistance through this programmes. Some of them have repatriated already, while others still await the allocation of apartments, whereupon they will return to Croatia.

The roof above one's head is only a precondition for return, while the aim of the Government is in the sustainability of the return process. In order to achieve that, other factors, such as social benefits, infrastructure or economic security also play an important role. Therefore, it is necessary that apart from the Government's provision of dwellings, other important actors participate as well and offer their assistance, especially local authorities and communities.

A greater portion of the mentioned 5,000 families has either received or should receive housing care within the areas of special state concern, the region which was occupied during the Homeland War in Croatia at the end of the last century. This is mostly an rural area, where the war damages are still visible. Many roads are in bad condition, electricity network requires renewal, and some apartment buildings are not habitable, while many others have damaged facades as the consequence of combat operations.

Concerning the infrastructure, the Government has invested enormous sums of money already in order to repair or construct new water supply and electricity networks in the rural areas. Some villages which never had running water in the former

Yugoslavia, or roads paved with asphalt, now have both.

Returnee children, along with other pupils, have on their disposal free books and paid transport from home to school. In the remote villages, this transport is occasionally used not only by pupils but also by other inhabitants, both Serb returnees and Croat domicile or settled citizens.



One of the most visible advantages of the Housing Care Programme in the urban areas, is the new look of the apartment buildings. With the implementation of this this programmes the Government of Croatia reconstructed, and is still reconstructing a number of these buildings. Very often they are in bad condition and not properly maintained. Once the reconstruction is completed, these buildings, mostly located next to the main roads, look as if they were newly constructed. There is no need to explain how this affects the entire image of these places. Moreover, it is not just the HC recipients who benefit from these reconstructions but also all other residents in or around the buildings.

Finally, it is very important to mention that the Government adopted several conclusions in order to support its project. Following the Government Decision on Conditions for Purchase of State Owned Houses and Flats inside the Areas of Special State Concern, the income will be kept by the local self-government units. They will be obliged to invest this money in the

further maintenance of infrastructure and housing stock.

Knin itself, a small charming multiethnic town in the Dalmatian hinterland will profit around HRK 100 million. A part of this sum will be used for the economic revitalization.

New apartments in Gvozd.

It is therefore evident that the Government Programmes for Housing Care for Former Occupancy/Tenancy Right Holders, which are primarily aimed at providing shelter to returnees, had a number of consequent results. Perhaps the programme has initially been envisaged as humanitarian, but eventually it supports economically and socially not only the former OTR holders, but the entire community.

Momir Vukmirović  
National Programme Officer



Dvor, building reconstructed in Spring 2008, hosts 11 former OTR holders

# Field monitoring of war crimes proceedings

In 2008, the Office continued its comprehensive monitoring of war crimes proceedings in Croatia, following over 100 cases involving more than 200 persons. Given the closure of all field offices as of 1 April 2008, staff members have adjusted their work methods so that they can continue to follow proceedings before approximately fifteen trial courts as well as the Supreme Court. Staff re-deployed to Zagreb from the field continue to follow the proceedings in their former areas of responsibility (AoRs), which provides for a continuity of knowledge and experience with local officials and cases.

Of the Unit's twelve staff, eight are Croatian and four are internationals (Austria, Italy, Spain, United States). A thirteenth staff member is currently on maternity leave. Staff work primarily in teams of two and have AoRs for which they are the primary responsible. However, the centralization of all staff in Zagreb has facilitated greater flexibility in equitably distributing work assignments. The number of trials and their intensity varies considerably from AoR to AoR. For example, while the Vukovar and Sisak County Courts have conducted the largest number of trials in 2008, the Zagreb County Court has conducted the greatest number of hearings, although in only a limited number of trials. Similarly, the Požega and Rijeka County Courts have conducted a limited number of trials, but with tightly packed schedules. All staff members have shown great flexibility in jumping in to assist colleagues when the work load so requires. Staff travel frequently, often for several days at a time.

Attendance at trials is just the beginning of the monitors' work. Office staff meet regularly with local prosecutors, judicial officials, and defense counsel in order to keep up-to-date with the latest developments. These meetings include discussion of ongoing proceedings as well as

crimes that remain unprosecuted. Staff also frequently interact with members of NGOs who are also engaged in monitoring war crimes proceedings as well as field inquiries from embassies and third parties from abroad interested in individual cases, including those involving extraditions.

Staff members are responsible for producing daily memos on hearings and meetings as well as maintaining and regularly updating an electronic database of all cases in their AoR. This information provides the basis for staff contributions about individual cases and overall trends for the Office's regular periodic and thematic reports to the OSCE Permanent Council. In addition, staff observations provide the basis for reform recommendations discussed during the Plenary with the Minister of Justice, Chief State Attorney and representatives of the Supreme Court and Ministry of Interior.

HoO, War Crimes Unit staff Agnese Andreucci and Nebojša Paunović, interpreter Zvezdana Lalić and judges Snježana Mrkoci and Melita Avedić.



availability of video link equipment and support services for witnesses, adequacy of court facilities, training provided to judicial officials, and the involvement of local media and officials in ongoing proceedings.

In early November, the Head of Office, Ambassador Jorge Fuentes, joined staff members Agnese Andreucci (Italy) and Nebojša Paunović (Croatia) during a hearing in a war crimes trial at the Sisak County Court. Although the hearing had to be re-scheduled due to an administrative glitch in summoning witnesses, Ambassador Fuentes had the opportunity to pay courtesy visits to the President of the Court Ivan Veršić as well as the Presiding Judge in the trial Snježana Mrkoci. He emphasized the OSCE's support for the fundamental principles of rule of law and independence of the judiciary, noting the important role the local judiciary has in ensuring impartial war crimes proceedings.

In order to get first-hand experience, the Head of Office has previously attended hearings in the Zagreb County Court, which as a special war crimes court has conducted several trials referred from local jurisdictions and from the ICTY. Ambassador Fuentes will continue to travel with the Office's legal staff to meet local judicial officials and attend other war crimes trials.

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## *In memoriam*

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The year 2008 has been a painful one for the international community in Croatia due to the sad loss of the two distinguished ambassadors who passed away within a few months of one another.



Ambassador Emilio Ruiz Tagle Orrego

Ambassador Emilio Ruiz Tagle Orrego died in the Santiago de Chile while he was visiting his home during his Christmas leave. He was a victim of an unexpected disease that

surprised even his best friends. This distinguished, hospitable and generous career diplomat, along with his charming wife and their children, adapted very well to the reality of Croatia. One should emphasize that Chile was the first Latin American country with a permanent embassy in Zagreb which can be explained as the result of strong links that exist between both countries and a great Croatian Diaspora in this beautiful Latin American country.



Ambassador Hans Joachim Peters

Ambassador Hans Joachim Peters, after undergoing a long medical treatment in his country, Germany, died in Zagreb during his most intense diplomatic activities. Apart from being an avid reader and passionate cello player, gifted with a fine sense of humour, Ambassador Peters was also a great specialist in the region. He represented his country in sequence in Bosnia and Herzegovina, Slovenia and Croatia, and yet, due to this natural and admirable modesty, he has never been pretentious in his wisdom.

The memory of these outstanding men will be kept alive and they will be sorely missed by their friends and colleagues in Croatia. May they rest in peace!

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## Organised crime attacks disrupt peaceful Croatia in October

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One of the first favourable impressions every visitor gets about Croatia is the immediate feeling of being in an extremely safe country. Minor delinquency and robberies are almost inexistent and are very rarely reported by the millions of tourists visiting the country. On the contrary, tourists use to report to their consulates how safe they felt during their stay. Croatia is a nation where the population does not feel the need to lock the doors of their houses and homes.

However, October have been witness to crimes that are, undoubtedly, of a very different nature and that have spread a big concern among the population. Ivana Hodak, the daughter of General Zagorec's attorney was murdered on 6 October in a mafia-style execution (Zagorec is suspected of embezzlement of Defence Ministry funds amounting to some 5 million USD). On 23 October, a car-bomb killed the co-owner of the weekly 'Nacional', Ivo Pukanic and the Head of Marketing, Niko

Franjic. Ivo Pukanic was a well known and highly praised reporter whose investigative journalism kept him "well connected" with all aspects of Croatia's reality. His writings, often prompting controversy, used to deal with the criminal milieu both in Croatia and in the region denouncing the connection between the business and political world and the world of organised crime in SE Europe.

The event was widely covered by international media and prompted strong condemnation by OSCE Representative on Freedom of the Media and most international organizations. Both the President of the Republic and the Prime Minister, accompanied by four Ministers, addressed the population on the same day of the blast in extraordinary news conferences broadcasted by all national TV channels. The same day, the President called for a session of the National Security Council inviting the presence of all parliamentary political

parties. The Council analysed new measures for the reinforcement of the Judiciary against organized crime and corruption. That same Friday, the Prime Minister addressed the Parliament. All opposition parties unreservedly supported the Prime Minister's cabinet and the conclusions of the National Security Council in the resolute fight against organized crime and to protect the security of citizens.

As soon as 29 October, special police forces detained seven persons. Allegedly the author of the blast was identified following this police action. This swift investigation, that continues in order to identify the brain behind the attack, gave back confidence to Croatian population and restored serenity in peaceful and touristic amiable Croatia.

Enrique Horcajada, Head of Political Unit & Executive Office

## Photo Story

### ODHIR annual Conferences in Warsaw

The annual Conferences on Human Dimension that ODIHR organizes each October in Warsaw are an excellent occasion for maintaining contacts with delegates of the 56 participating States, with NGO representatives, with Leaders of OSCE Institutions and Missions, with ODIHR officials and with important figures of the Polish political and diplomatic life.



Some of these moments are reflected in the photos of the HoO Ambassador Fuentes during the days he spent in Warsaw. The meeting with the new ODIHR Director, Ambassador Janez Lenarčič - who was the Head of the Slovenian Delegation to the OSCE-Vienna before, during and after the Chairmanship of his country in 2005 was, among other things, a reunion between two good friends that co-operated very positively since the moment of the arrival of Ambassador Fuentes in Zagreb.

The conversation pertained to the excellent co-operation between the Office in Zagreb and ODIHR, as much in the annual Human Dimension meetings that we have never missed, as in the control of elections and the OSCE-ICTY co-operation.



Another photo reflects the conversation held with the Head of the Directorate for the Areas of Special State Concern, Ms. Anna Maria Radić, and the new Co-ordinator for the OSCE in the Croatian Ministry of Foreign Affairs and European Integration, Mr. Andrej Dogan.



Once more, a meeting was held with the former Polish Minister of Foreign Affairs Adam Rotfeld and with the former Ambassador to the OSCE and to NATO Jerzy Nowak, both great experts on the Helsinki process since its beginnings in the seventies and old friends of Ambassador Fuentes.

The photo of the hall at Hotel Victoria reflects the atmosphere of the Conference which included - as in the previous years - more than 1000 delegates and in which the exchange of viewpoints was calmer than in the recent assemblies.



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## Croatian Mountain Rescue Service - learning from the best

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*The Croatian Mountain Rescue Service (Hrvatska gorska služba spašavanja - HGSS) is a volunteer, not-for-profit and public organisation. It is specialised in rescuing in mountains, on rock faces, in caves and other unapproachable places where rescuing requires application of special mountain-rescue skills and equipment. HGSS is organized through 16 territorial units - teams. HGSS operations are stipulated by the Protection and Rescue Act and the Croatian Mountain Rescue Service Act. source: [www.gss.hr](http://www.gss.hr)*

Most foreign visitors and hundreds of thousands of tourists that visit Croatia every year perceive Croatia as a safe and pleasant place. Unfortunately, with such high numbers of always welcomed visitors, especially in the summer months, accidents do occur.



Traffic and nautical accidents are dealt with mostly by official institutions like the fireman, police, etc but sometimes the terrain configuration, weather conditions or simply expediency, call for the involvement of another institution that primarily based its activities on the mountain search and rescue operations - the HGSS.

Born within the family of the Croatian Mountaineering Association (HPS, est. 1874), the

HGSS maintains tight links with other HPS services such as the Mountain Guide Service. Last spring one of our Office members, Public Information Assistant, Dorijan Klasnić, participated in one of the Mountain Guide Service training camps on Mt Mosor in the Split hinterland where, among other specialised subject, he also received some basic rescue training by HGSS instructors.

During his hands-on training, Dorijan met S&R specialists and learned more about their service. Most HGSS personell are volunteers and they invest an incredible amount of time and energy in what they do, they have to maintain a certain level of physical and mental stability but also constantly learn new techniques and keep practicing old ones. Receiveng S&R training is a worthwhile experience but also an obligation for future activities and ongoing training.

The HGSS gathers the fittest Croatian rock climbers, speleologists, mountaineers and skiers, specially trained in first aid assistance and in all mountain rescue techniques, including helicopter-aided rescuing and search parties in rugged terrain involving the use of rescue dogs.

Last years have seen an increase in what is called Adventure Tourism in Croatia and it is only natural that proportionally the number of interventions has increased with that. During its existence, the HGSS searched for, rescued, aided or participated in operations with other services to the benefit of thousands of persons, a large proportion of which were foreign nationals. The HGSS personnel work is a major contribution to the overall safety of the country and a great promotion of what Croatia has to offer.



an incredibly hot place to be in summer but a good place to learn absail techniques usefull for anyone who loves the outdoors.

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## Stress releif found in music

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What is one of the best ways to cope with stress and to escape from the seriousness of our everyday life? If you pose this question to Jasmin Mahmic from the Housing Care Implementation Unit, he will answer: music. For that reason, but primarily due to his love for music, he started DJ-ing already at the beginning of the new Millennium. Finding his inspiration in the pioneer disc jockeys as we know them today, Jasmin, under his DJ alias Yas, maintains the old school approach and plays vinyl records

throughout the region as well as abroad (London, Amsterdam...). Recently, Jasmin started producing music of his own. So far he has one digital release, while his first vinyl and CD releases are on the way.

DJ YAS during his performance in one of the best clubs in the World, Space in Ibiza, where he was a guest DJ in the summer of 2008. He was performing at the smallest but coolest floor in the club called Caja Roja (Red Box).



## Photo Gallery



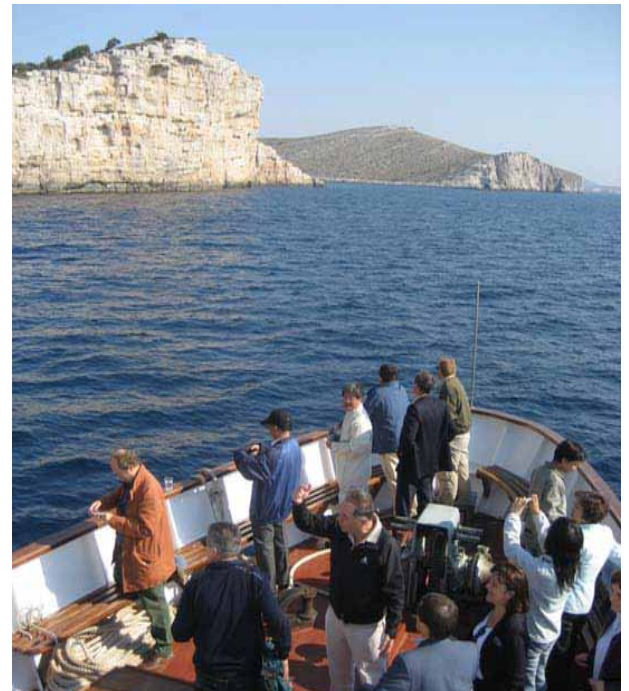
05 - 07 November- HoO presented the Office's Budget in Vienna. Ambassador Fuentes also met with the Greek Ambassador to the OSCE, Mrs Mara Marinaki. Greece is in line to lead the OSCE in 2009.



Ambassador Fuentes also took the opportunity of his visit to Vienna to meet the Finnish Ambassador to the OSCE and representative of the Chairmanship in Office, Antii Turunnen.



Ambassador Fuentes invited for an introduction lunch the newly appointed Minister of Justice, Ivan Šimonović, Zagreb, 16 October.



RIGHT: A field trip was organised by the MFAEI on the occasion of the National Day of Croatia, to the National Parks of Kornati and Plitvice Lakes, 10-12 October 2008.



The Foreign Minister, Gordan Jandrokovic, Justice Minister, Ivan Simonovic, Development Minister, Petar Cobankovic, Construction Minister, Marina Matulovic-Dropulic met a large group of international community representatives led by the Head of OSCE Office in Zagreb, Ambassador Jorge Fuentes and including the Finnish Ambassador, Ann-Marie Nyroos, the French Ambassador, Francois Saint-Paul, the USA Ambassador, Robert Bradtke, the EC Delegation Head, Vincent Degert, Greek Ambassador Ourania Arvaniti and Czech Deputy Ambassador, Petr Stepanek portrayed on the above photos. The two delegations met on 21 October 2008 in a meeting dubbed the *Four Ministers Plenary*.