

Government includes international recommendations in draft media law

In February 2004, the OSCE Mission to Croatia joined forces with the European Commission (EC) and the Council of Europe and organized a visit of European media experts to review four media-related pieces of legislation. The three experts provided written recommendations to ensure their full alignment with European standards. The Mission and the Delegation of the EC in Croatia had subsequent meetings with Cabinet Ministers on later drafts of the Law on Media to encourage that the Law would take account of the experts' recommendations.

The main thrust of the experts' recommendation on the draft Law on Media was that it should be amended in order to be brought in line with Article 10 of the European Convention on Human Rights and case law of the European Court on Human Rights. The experts made detailed recommendations for changes to several provisions of the draft related to the concentration of media ownership, programme contents, access to information, privacy rights and registration requirements for publishers. Prime Minister Ivo Sanader requested that both of his Deputy Prime Ministers (DPMs) meet with OSCE and EC representatives on 22 April to ensure that the expert recommendations were incorporated in the draft. The Ministry of Culture included the recommendations in a set of amendments being prepared for a parliamentary discussion.

Reports in media outlets belonging to the media conglomerate *Europa Press Holding (EPH)*, meanwhile, alleged that the OSCE and the EC were preventing the privatization of the daily newspaper *Slobodna Dalmacija* by imposing a fixed upper limit for media ownership in Croatia. The Head of the OSCE Mission to Croatia and the Head of the Delegation (HoD) of the EC in Croatia refuted these allegations on 21 April in a letter to the daily newspaper *Jutarnji List*. They made clear that the privatization of a state-owned asset is the sole responsibility of the Government and that the two international organizations were not responsible or engaged in any way on this issue and that it was up to the Government to set the upper limit of media ownership allowed by a single company.

OSCE Mission and UNHCR office assess problems on property repossession

The OSCE Mission to Croatia and the UNHCR Office in Croatia recently released the fifth Joint Monitoring Report (Report) on the current status, pace and quality of the property repossession process in Croatia.

While progress in the restitution of houses has been observed in central Croatia, the process continues to stall in the southern part of the country where the majority of 3,000 houses that are still occupied are to be found, of which approximately 2,000 have been claimed by their owners. The main reasons for the delays in repossession are the lack of alternative housing and delays in the approval of housing options for occupants by the competent Ministry. Additional elements that hamper the process include the slow delivery of building materials and delays in connecting utilities to newly constructed houses that are to be provided as alternative accommodation. Further delays are caused by deficiencies in the hand-over of cases from the competent Ministry to offices of the State Attorney, and lengthy court proceedings and the failure to execute verdicts on evictions.

Particular attention is paid in the Report to the damages made to houses by temporary occupants before vacating the properties. In some cases, the destruction is of such a magnitude that owners are forced to continue their displacement since their houses have been rendered uninhabitable. The Report notes that current ministerial activities designed to curb the damaging of properties have yet to produce significant results.

The Report concludes that the legal regime for property repossession which came into force in August 2002 has failed to accelerate the repossession process and still does not comprehensively address all types of occupied properties. Furthermore, the self-imposed commitment of the Government to provide all eligible occupants with permanent housing *prior* to their vacation of occupied houses, as well as illegal occupants with temporary accommodation, has placed a significant financial burden on Croatia's budget.

The Report also analyses Government commitments in the *Agreement on Co-operation between the future Government of the Republic of Croatia and the Representatives of the Serb Independent Democratic Party in the Croatian Parliament (Agreement)*. The *Agreement* was signed in December 2003 by Prime Minister Designate Ivo Sanader and the three minority parliamentarians from the SDSS. The Government created a new supervisory body in April to monitor the relevant return-related aspects of the *Agreement* and the deadlines for the restitution of occupied properties. The body has to date conducted a number of field visits to the main return areas of central and southern Croatia where approximately 500 outstanding cases of illegal occupancy must to be resolved before the end of June 2004 according to the *Agreement*. The Report demonstrates that this deadline is very unlikely to be met.

Mission organizes human resource workshop for senior police officials

In co-operation with the Ministry of the Interior, the OSCE Mission to Croatia recently organized a workshop on human resource management. The workshop followed a six-month assessment jointly undertaken by the Ministry and the Mission. Among others, the assessment noted that both the Ministry's career development and its ranking system were under-developed; that there existed a lack of adequate job descriptions and fixed requirements for certain senior police management positions; and that under-representation of women and national minorities existed within the police.

The workshop was held in Sibenik, southern Croatia, and included 11 Ministry officials and the heads of two police unions in Croatia. Lecturers at the workshop included two senior officials from the Ministry of Interior of the Federal State of Saxony-Anhalt in Germany. At the press conference, the Ministry called for further co-operation with the Mission and Saxony-Anhalt as part of the common efforts to create a professional police management system in Croatia, which would improve the level of security across the country.

Latest war-crime issues: Supreme Court upholds Fikret Abdic conviction; Serb defendants released due to lack of evidence

On 21 April the Supreme Court confirmed the conviction of Fikret Abdic, the former leader of the so-called "Autonomous Province of Western Bosnia". In July 2002 the Karlovac County Court sentenced Abdic to 20 years in prison for war and other crimes committed from 1993 to 1995 in the "Bihac Pocket" of Bosnia and Herzegovina. The Croatian proceedings against Abdic were based on an indictment issued in 1996 by the State Prosecutor in Bihac. Croatia refused an extradition request by Bosnia and Herzegovina because he was granted Croatian citizenship after moving to the Rijeka area of Croatia following the end of the armed conflict in Bosnia and Herzegovina.

The Mission has also monitored cases where Serb war-crime defendants were acquitted or released due to lack of evidence.

- The Bjelovar County Court acquitted Savo Gagula on 19 April. The length of the proceeding in this case has been a Mission concern, in particular the one year postponement of the trial pending a response to a request for international legal assistance to Serbia and Montenegro. This case illustrates that interstate co-operation on judicial matters in general and war crimes in particular require significant improvement, particularly in anticipation of an increase of cases being transferred from the ICTY in The Hague for domestic prosecution in the region.
- The Bjelovar County Court also abandoned proceedings against Sasa Orozovic, following the State Attorney's decision to drop charges due to the lack of evidence.
- The State Attorney in Sisak re-qualified war-crime charges against a Serb who was arrested on 14 April to charges of armed rebellion which are subject to application of the Law on General Amnesty. The person was subsequently released.
- Another Serb was arrested on 19 April at the Bajakovo border crossing while entering Croatia but was released with no charges following questioning.

State pays compensation to family of murdered ICTY informant

The State agreed on 23 April to pay approximately €73,000 to settle a compensation claim by the family of Milan Levar who was killed on 28 August 2000. The claim alleged that Levar, who was widely known to have co-operated with the ICTY in providing information related to war crimes against Serbs in the Gospic area of south-central Croatia during the armed conflict, was killed after the State had assumed responsibility for his protection. This case highlights the importance of providing sufficient resources to ensure the full implementation of the witness protection programme that was established in the Law on Witness Protection and in force since January 2004.