



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

**News in brief  
6 December – 20 December 2005**

**Tensions between HDZ and HRT peak over TV programme on late President Tudjman**

Relations between the ruling Croatian Democratic Union (HDZ) and Croatian Radio and Television (HRT) have deteriorated drastically following heated Parliamentary debate about the content of a current affairs programme dedicated to the legacy of the late President Tudjman.

The Parliamentary debate began on 13 December, the day after the weekly programme *Latinica* aired the contentious episode, eclipsing a planned debate on HRT's bi-annual financial and programme reports. The programme was attacked by both HDZ and Croatian Party of Rights (HSP) MPs as scandalous, anti-Croatian and based on opinions rather than facts. Speaker of Parliament Vladimir Šeks said that the broadcast was "obviously tendentious" and breached "all the rules of professional journalism".

On 15 December, an HDZ motion to reject HRT's financial and programme reports was adopted by a slim majority in Parliament. The conclusions highlight a drop in revenue and extra budgetary spending in addition to criticisms that the HRT Programme Council failed to act professionally in light of false and biased TV journalism. HDZ MP, Andrija Hebrang, said this was a serious warning to the politically biased Programme Council and Management at HRT.

President Mesić characterised the debate as an attempt to a purge of HRT and establish a "State-dictated TV," contrary to national interests. An MP from the main opposition party, the Social Democratic Party (SDP), said the HDZ conclusions constituted "further pressure on the freedom of public speech and the freedom and independence of HRT", in addition to violating the Law on HRT. These sentiments were echoed by the Croatian Association of Journalists (HND) and the Croatian Helsinki Committee for Human Rights (HHO), the latter pointing out that it was illegal for Parliament to supervise HRT programme policy. Both the Mission and the EC Delegation have voiced concern at the tone of the Parliamentary debate, with the Mission no longer able to confirm adequate respect for the independence of HRT.

On 16 December, Prime Minister, Dr. Ivo Sanader, expressed regret at what he termed "inappropriate claims" made during the HRT debate in Parliament. He said the Government will do all it can to promote freedom of the media, adding however that responsibility must be taken for what is stated or written.

On 15 December, the HRT Programme Council concluded that professional principles had been breached in the programme under debate and the responsibility lay with the editor and anchorman of *Latinica*, Denis Latin. Both Latin, and one of the guests in the contested

programme, Zrinka Vrabec Mojzeš, editor of Radio 101, have received death threats and been placed under police protection.

The Mission believes this debate confirms the need for a revision of the Law on HRT, in line with proposals made by the Council of Europe, the EC Delegation and the Mission. The proposals call for improved mechanisms to avoid political interference in the work of the public broadcaster. In addition, sanctions taken against journalists in the past few weeks indicate a need to revise HRT's professional and ethical evaluation system. The Mission believes that decisions on professional and ethical behaviours should be attributed to a collegial body that would follow pre-defined criteria.

### **OSCE roundtable on Draft Law on a State Election Commission held in Parliament**

On 13 December, the Mission and the Central State Administration Office (CSAO) organized a roundtable to review the Draft Law on a State Election Commission (SEC), prior to its second reading in Parliament early next year. The roundtable, held in the Parliament, gathered together representatives from the Government, Parliament, the judiciary, political parties, non-governmental and international organizations and academia. The establishment of a permanent SEC was unanimously supported by all participants

Opening the debate, along with the Prime Minister, Dr. Ivo Sanader, and the Speaker of Parliament, Vladimir Šeks, the Head of Mission stated that support for electoral reform in Croatia was one of the Mission's priorities. As such, he welcomed the willingness of the Government and Parliament to have a public discussion on the draft law.

PM Sanader said that the number and ranking of participants drawn from the political, diplomatic and public spheres was testimony to the importance of the topic, "I think this is a big step forward for Croatia towards full democratization of the electoral system". He pointed out that a professional SEC would assume a number of new competencies, including the sensitive issue of administering and updating voter registers. Speaker Šeks underlined the importance of establishing the SEC as a permanent, independent and professional body responsible for the administration of parliamentary, presidential, local and minority elections in Croatia.

The draft law was outlined by the State Secretary of the CSAO, Antun Palarić. Representatives from the OSCE/ODIHR and the Council of Europe/Venice Commission presented their views and suggestions, along with a number of key domestic stakeholders, including the President of the Supreme Court and the Chair of the Parliamentary Committee for the Constitution, Standing Orders and the Political System.

The profile and competencies of the future SEC were discussed, with a general consensus that such a body should be independent, impartial and transparent in its work. It should relieve the judiciary of its present burden of administering elections and have wider regulatory powers than at present. This would enable it to deal more effectively with sensitive issues such as voter registers, campaign financing and media coverage.

The drafter of the law, State Secretary Palarić, said suggestions brought forward by participants, including those of the OSCE/ODIHR expert, would be extremely useful in preparing the final text of the Law. The Head of Mission concluded that the OSCE/ODIHR remained ready to assist Croatian authorities in addressing other key electoral reform issues,

such as regulating campaign funding, modernizing voter registers and clarifying minority representation.

### **Media campaign on return launched by the Government and the Mission**

At a press conference in Zagreb on 30 November, the Government and the Mission jointly launched a media campaign aimed at raising awareness about the return process. The campaign forms part of a broader venture entitled *Public Awareness Campaign on Reconciliation and Sustainable Return in Croatia*, initiated in 2003 by the Government, the Mission, the EC Delegation, UNHCR, and USAID. The campaign was composed of TV spots, radio jingles, a website ([www.povratak.hr](http://www.povratak.hr)) and billboards displayed and broadcast across the region.

With the slogan, *Croatia is Home to All its Citizens*, the campaign which ended on 15 December primarily focused on providing factual information to Serb refugees living outside Croatia – mainly in Serbia and Montenegro (SaM) and Bosnia and Herzegovina (BiH) - but also displaced persons within Croatia. In addition, by raising awareness among the domestic receiving population and the Croatian public more generally, the campaign hoped to create a climate more favourable to sustainable return.

Talking at the launch, Croatian Minister for Foreign Affairs and European Integration, Kolinda Grabar-Kitarović, reiterated the two-fold purpose of the campaign and stressed that the Government will continue to pursue its legal obligation to facilitate the return of refugees. Speaking at the same conference, Minister for Maritime Affairs, Tourism, Transport and Development, Božidar Kalmeta said that the State had the task of ensuring equal conditions of return for all.

The media campaign was met by resistance from some interest groups in SaM. The Commissariat for Refugees in the Republic of Serbia issued a statement on the poor timing of the campaign. They pointed out that talks were still underway between Croatia, SaM and BiH regarding the Sarajevo Declaration on return. In a stronger statement, the Belgrade Association of Croatian Serbs called the Government campaign “hypocritical and disgraceful” as the Croatian authorities are, in their views, doing all they can to prevent the return of Serbs.

Visiting Zagreb on 13 December (see below), the SaM President Svetozar Marović said it was the responsibility of all in SaM to inform refugees that Croatian institutions are not intent on deceiving anyone. He expressed his conviction that the campaign demonstrated the Croatian Government’s genuine desire for the return process to succeed.

### **President of Serbia and Montenegro pays ‘working visit’ to President Mesić**

On 13 December, Serbia and Montenegro (SaM) President Svetozar Marović met with his host and counterpart, President Stjepan Mesić, in Zagreb. Mesić said at a news conference that Marović's working visit represented further progress in the normalisation of bilateral relations and added "the most significant thing about today's meeting is that it's unspectacular."

Both Heads of State expressed interest in maintaining the visa-free regime between the two countries into 2006. A joint European perspective was confirmed with reassurances from

President Mesić that Croatia did not want to run away from the region. President Marović said the SaM's priority was to complete negotiations on a Stabilisation and Association Agreement with the European Union as soon as possible. He alluded to rational solutions in relation to the future status of Kosovo and announced that Montenegro would assert its right to hold a referendum on independence in 2006.

During their talks, the two Heads of State were joined by the Head of Mission who presented the public awareness campaign for refugee return and integration (see above), created jointly by the Government and the Mission.

Responding to criticisms from some refugee associations in SaM, President Marović reassured refugees wishing to return to Croatia that the "campaign doesn't reflect a hypocritical position". President Mesić said he supported all efforts to encourage return but added that the will to create a tolerant environment for return at the local level was not always forthcoming.

### **Accelerated pace of development in War Crime prosecutions relating to Croatia**

Following the arrest of Ante Gotovina and his arraignment before the ICTY, discussion in Croatia has shifted to whether or not investigations should continue to determine who assisted Gotovina elude authorities for over four years. While Prime Minister Dr. Ivo Sanader considers the Government Action Plan for achieving full co-operation with the ICTY now complete, President Mesić has stated that those who helped Gotovina must be identified and held accountable for violating the law.

Meanwhile, the Government has reiterated its intention to provide assistance to Croatian indictees before the Hague Tribunal. The Minister of Justice has met with the defence counsels of Gotovina, Ivan Čermak and Mladen Markač, to discuss legal assistance that would be made available by the Government, including its participation in the proceedings as *amicus curiae*. The Ministry has re-affirmed its intention to challenge the indictment's definition of a joint criminal enterprise. The ICTY Prosecutor confirmed her intent to request that Gotovina, Čermak and Markač be tried together.

On the day Gotovina made his first appearance before the ICTY, the Special War Crimes Court in Belgrade issued its verdict in the 'Ovčara' case. The court convicted 14 Serb defendants of war crimes against prisoners of war related to the execution of more than 200 Croats taken from Vukovar Hospital by Serbian forces in November 1991. Most of those convicted received the maximum sentence permitted under the applicable domestic law. Two of those convicted are alleged by the ICTY to be part of a joint criminal enterprise together with Mile Mrkšić, Miroslav Radić, and Veselin Šljivančanin, the so-called Vukovar three. Their trial, as commanders alleged to be responsible for the murders at Ovčara, is currently ongoing in The Hague.

On the day following Gotovina's arraignment, the ICTY commenced the trial of Milan Martić, the former Croatian Serb leader of the so-called 'Republika Srpska Krajina,' accused of numerous crimes against non-Serbs in both Croatia and Bosnia and Herzegovina between 1991 and 1995. In relation to the charges involving Croatia, Martić is accused of being part of a joint criminal enterprise, which involved the forcible removal of the non-Serb population from approximately one-third of Croatian territory. The indictment also relates to the May 1995 shell attacks on Zagreb.

In mid-December the ICTY initiated a formal inquiry with the Ministry of Justice regarding the public identification of persons co-operating with war crime investigators by Osijek Mayor and President of the Croatian Party of Rights, Anto Djapić. They are concerned with its possible negative impact on the recently transferred Norac/Ademi case. The existence of adequate witness protection measures – deemed an essential element in a fair trial - was an explicit factor supporting the ICTY's decision to refer the Norac/Ademi case to the Croatian judiciary.

### **Owner faces loss of property due to reimbursement claims by former occupant**

On 15 December, the Municipal Court (MC) in Daruvar, Western Slavonia, publicly auctioned the house of a Croatian Serb who was unable to reimburse unsolicited investments made by a former occupant.

Investments to the property in question were made by the occupant without the owner's consent while the property was under State administration between 1996 and 2003. During this period the occupant was exempt from paying rent to the owner following an authentic interpretation by the Croatian Parliament of art. 14 of the Law on the Status of Expelled Persons and Refugees.

On 5 July 2002, the MC in Daruvar ordered the owner, Stevo Zabrdac, to pay 44,000 KKN to Romeo Tunic, the temporary user, following the user's claim for reimbursement of investments he made in the property. Unable to pay the court order, the MC offered Mr. Zabrdac's house for sale as his only valuable asset. During the third auction attempt, the former occupant offered to purchase the house for less than half its current market value. If this amount is paid to the court within 15 days, it will result in Mr. Zabrdac losing ownership of a house he repossessed in the course of 2003.

Court decisions ordering reimbursement by legal owners to former occupants clearly run counter to efforts to ensure the repossession of private property. With returnees exposed to the loss of their properties for a second time, the Government will face further potential cases of forced displacement. This highlights a gap in the current legal framework. In May 2004, the Mission proposed draft amendments to the Code on Civil Procedure, which would foresee a ban on such investment claims by former occupants.

In the most recent meeting between the Minister of Maritime Affairs Tourism Transport and Development (MMATTD) and International Community (IC) partners held on 9 December, the Assistant Minister of Justice and the Deputy State Attorney for Civil Affairs stated that a trilateral out-of-court settlement between the State, the occupant and the owner of the property would be the most likely legal solution to this case. Unfortunately, no such legal solution has presented itself, despite the case being mentioned regularly in meetings with the MMATTD since November 2004.

In light of the 15-day deadline facing Mr. Zabrdac, IC representatives sent a letter to the Minister for MMATTD on 16 December advocating a speedy solution to this case. In addition, IC Principals stressed the urgency of a concrete legal remedy, bearing in mind that 24 such cases are currently pending before various courts in Croatia.

### **Local Councils of National Minorities exchange 'best practices' at regional seminars**

The Government Office for National Minorities (GONM) and the National Council of National Minorities (NCNM) organised three regional seminars in Rijeka, Osijek, and Split in November and December this year. The seminars aimed to promote the work of local Councils of National Minorities (CNMs) and facilitate the exchange of best practices. The seminars were financially supported by the Mission and received the technical assistance of its field offices. Each seminar pooled between 40 and 60 minority representatives from neighbouring counties.

The capacity of CNMs to advise local government in relation to minority issues – as outlined in the 2002 Constitutional Law on National Minorities – continues to go unrecognised by the majority of local authorities. Although progress has been noted in Eastern Slavonia and some urban areas, in the main CNMs still lack a clear understanding of their role and struggle to obtain premises and basic funding. The seminars were seen as an initial step in breaking the isolation of CNMs, who were able to compare their activities, concerns and aspirations. It was noted that local authorities needed to institutionalise their relations with CNMs. Government efforts in this direction would be beneficial ahead of the next CNM election due in early 2007.

During the conclusion of the Split conference, Independent Democratic Serb Party (SDSS) MP Ratko Gajica welcomed the fact that minority issues were finally a subject for public discussion in Croatia. He advised local minority representatives to remain persistent in their efforts but also patient. The Head of the GONM, Milena Klajner, noted that tolerance for minority issues in Croatia had improved considerably. However, she asked CNMs to refrain from making unrealistic requests. President of the NCNM, Aleksandar Tolnauer, advised CNMs to avoid confrontation with local authorities and instead concentrate on establishing constructive dialogue.

### **SDSS councillors join Knin Town Council after seven month boycott**

After a seven month boycott, councillors from the main Croatian Serb party, the Independent Democratic Serb Party (SDSS), decided to re-join the work of Knin Town Council at a session held on 14 December. This followed moves by the HDZ-led ruling coalition to meet some of the demands made by the SDSS, currently the strongest single party in this important area of return.

In the May 2005 local elections, SDSS won a relative majority in the Town Council. Despite relying on the tacit support of the SDSS to maintain a majority in the previous four-year term, the Croatian Democratic Union (HDZ) decided to sideline SDSS representatives in favour of forming a ruling coalition with the far-right Croatian Bloc (HB) and Croatian Party of Rights (HSP). SDSS requests for two seats in the executive Council and the position of Deputy Mayor were ignored leading to the SDSS boycott. This left the Town's Serb minority - about 40 per cent of the population - without a voice in the municipal assembly. The HDZ candidate for Mayor justified the coalition as the only appropriate one in the year Croatia celebrates the tenth anniversary of Operation Storm.

The decision sparked off protests from SDSS MPs who denounced the coalition as "nationalistic". The move also drew criticism from President Mesić who declared in June that "no project based on ethnicity can succeed". The Mission invested considerable effort at the local level in order to convince the two sides to find a compromise. Finally, at the 14 December session, two SDSS councillors were appointed members of the Town Executive

and the Town Statute was amended allowing for more than two deputy mayors and entitling Serb minority citizens to employment in the Town Administration. The Mission welcomes the renewed partnership between the HDZ and SDSS in Knin as a factor that will contribute to the reconciliation process and sustainability of return.

### **Senior police officials on study visit to Sweden and Denmark**

The Mission organized a study visit to Sweden and Denmark for six senior officials from the Croatian Ministry of Interior in December. The visit aimed to support efforts by the Croatian Police Force to modernize its human resources management system. Danish and Swedish police officials shared best practices in the application of modern human resource management tools with their Croatian colleagues. Subsequently, the Croatian police officials will produce a report with recommendations on how to improve both the human resources management system of the Ministry of Interior and Community Policing initiatives in the Croatia.