



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

**News in brief  
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**Central and Eastern European leaders hold summit in Zagreb**

The presidents of 14 Central and Eastern European countries<sup>1</sup> gathered in Zagreb on 13 -15 October to take part in a two-day summit, focusing on how to complete the process of European integration and choosing the right social and economic model for a united Europe.

Commenting on the reasons for calling the summit, Croatian President Stipe Mesic said, “The failure of the referendum on the European Constitution in the Netherlands and France, as well as struggles prior to opening the negotiations with Turkey, clearly demonstrates that the situation is ripe for raising questions about the ways to complete the uniting of Europe. The disappointment with the neo-liberal methods and its consequences need not be commented on at all”. While the first day was devoted to the issue of the completion of European unification, the final day’s agenda focused on economic issues, participants debating whether the neo-liberal model was the only framework within which to seek answers to the economic issues that contemporary Europe was facing.

The summit participants sent a unanimous message of support for the project of European unification. They also concluded that the start of Croatian EU membership negotiations had been a positive and welcome signal to the region, attesting to the readiness of the EU to continue the process of enlargement. This was the most important summit Croatia has held since independence in 1991, proving that the country is well prepared to host further high profile events.

**Mission Conference Examines Three Years of Implementation of Constitutional Law on the Rights of National Minorities**

On 18 October, the Mission held a well-attended conference to assess the implementation of the Constitutional Law on the Rights of National Minorities (CLNM), on the occasion of the third anniversary of its adoption. Participants noted positive developments as well as shortcomings and discussed further measures to be taken in order to fully implement the CLNM.

Conference chair, the Head of Mission noted that the CLNM provided a comprehensive framework for the protection of national minority rights but observed that full implementation would require further time and effort. In a keynote address, the Head of the European Commission’s Delegation to Croatia stated that the EU attached great importance to the protection of minority rights, explicitly mentioned by the 1993 Copenhagen political criteria. He added that specific benchmarks would be set on these issues and that CLNM implementation should be speeded up, not slowed, during EU accession process. The EU highlighted the importance of minority protection in light of the Council Directive on Non-

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<sup>1</sup> Albania, Austria, Bosnia and Herzegovina, Bulgaria, Czech Republic, Italy, Hungary, FYROM, Moldova, Poland, Romania, Slovakia, Slovenia, Serbia and Montenegro. The presidents of Germany and Ukraine were unable to attend.

Discrimination and also emphasised the regional importance of several bilateral agreements, including those with Serbia and Montenegro.

In a second keynote address, Furio Radin, the head of the Parliamentary Committee for Human Rights and the Rights of National Minorities noted that the CLNM remained only partially implemented, highlighting the need to clarify the procedure for the compilation of voting lists for minority representative elections.

The Ombudsman noted that the law had not been sufficiently implemented particularly by the administration, which falls under his oversight, and that the Administrative, Supreme and Constitutional courts had as yet issued few decisions related to the protection of minority rights. Noting positive developments, participants also identified shortcomings in the implementation of the CLNM, in particular in the areas of national minorities' political rights, their participation in the state administration and judiciary. Open questions were identified in relation to the lack of clarity regarding calculating levels of minority representation in local elections, as well as the capacities and financing of the local councils of national minorities.

The importance of developing reliable statistics, which is a precondition for remedying the under-participation of minorities in the state administration and judiciary, was underlined. At the same time the absence of provisions in the CLNM guaranteeing minorities' adequate participation in other public sector employment was observed. Participants in particular noted the relation between the CLNM's guarantee of minority representation and the need to combat discrimination and hate crime. The still pending adoption of the National Strategy for Combating all Forms of Discrimination that *inter alia* is intended to address some aspects of CLNM implementation, the issuance of which was announced in late 2004, was also discussed. A Ministry of Justice official indicated that a revised draft Strategy would likely be presented to the Government in late October.

On education, participants encouraged promotion of understanding the positive contribution of minorities to the country's culture in the general curriculum. Concern was once again expressed over the physical separation between Serb and Croat pupils in Eastern Slavonia. On media, participants suggested the development of contacts between the National Council of National Minorities and the Radio and Television Programme Council to improve the coverage of minority issues. It was mentioned that some local media continue to depict minority issues with sensationalist language and negative stereotypes.

The conference and issues discussed received extensive coverage by the national media. The Mission will compile and distribute the observations and conclusions that were reached during the discussion. The Government has not submitted one annual report to parliament on implementation of the CLNM in the three years since its adoption, even though Article 37(3) of the CLNM stipulates this.

### **Government accepts inclusion of some IC proposals to the Croatian Road Map**

The Minister of Maritime Affairs, Tourism Transport and Development met with the principals of the three organizations (OSCE, UNHCR and EC delegation) of the so-called Sarajevo regional process on refugee return on 20 October in order to discuss the suggestions to the Croatian Road Map put forward by the three organizations.

The Minister accepted to include a consistent number of benchmarks proposed by the international community and in particular: clear implementation timeframes and financial commitments in regard to the housing care applications filed by former occupancy tenancy rights holders and implementation of the compensation scheme for devastated private

properties under State Administration as adopted by the 22 July Government Conclusion, and the creation of a legal framework for the local integration of refugees of non-Croatian ethnicity.

In regard to three outstanding benchmarks proposed by the international community on 22 July, the Minister informed the participants that inter-ministerial consultations are currently ongoing and that the final position of the Government will be announced in the course of the forthcoming meeting of the so-called Sarajevo Task Force which is supposed to prepare the Ministerial Conference of the Sarajevo Declaration where the three National Road Maps and the Regional Operational Matrix are to be adopted.

Finally the proposals to the Croatian Road Map which had been made by the Government of Serbia and Montenegro and in particular the sensitive issue of restitution and just compensation for lost occupancy/tenancy rights were discussed. Both parties agreed that this benchmark should be considered in the framework of the implementation of Annex G of the Succession Agreement which was ratified by Croatia in 2004 and the forthcoming judgment of the Grand Chamber of the European Court of Human Rights on the case *Blecic v. Croatia*.

### **Developments related to ICTY Contempt Indictments against Croatian journalists**

Since April 2005, the ICTY has indicted five Croatian print journalists as well as the former head of the Croatian secret service for contempt of the Tribunal for allegedly revealing the identity of a protected witness as well as the testimony of that witness. In mid-October, the last of the indicted journalists the editor of the Croatian daily *Slobodna Dalmacija*, entered a plea of not guilty before the ICTY. In contrast to the other journalists, his appearance before the ICTY took place only after he was arrested and detained for nearly a week by Croatian authorities as a result of his failure to respond to the ICTY summons for a hearing in late September. The editor has been indicted for multiple publications in 2000 of the identity and testimony of a protected witness as well as for violating an order of the ICTY from 2000 to cease such publication. All of the journalists have returned to Croatia pending trial.

In early October, the ICTY rejected challenges submitted by the former head of the Croatian secret service and a journalist for the weekly *Hrvatski List*, in which they contended that the ICTY lacked jurisdiction to prosecute them for contempt. The Trial Chamber concluded that the defendants confused the ICTY's authority to prosecute them with whether the elements of the crime of contempt were established, an issue that would be decided at trial. These two defendants will have a status conference before the Trial Chamber on 26 October at which time it is anticipated that a trial date will be set.

A request by the ICTY Prosecutor to join the indictments against four of the journalists, namely one from *Slobodna Dalmacija* and three from another weekly publication *Hrvatsko Slovo*, remains pending. While the publications at issue in these four indictments occurred in 2000 and 2004, respectively, the common issue is that all four were allegedly subject to specific orders from the ICTY to cease publication in relation to the protected witness testimony, which were not heeded.

The ICTY's indictments and particularly its issuance of an arrest warrant that was executed by the Croatian authorities has been subject of increasing media discussion, including in the international press. Indictees, some media, and some media advocates contend that the charges as well as the arrest of a journalist for failure to comply with a court order to appear constitute undue pressure on the media and that publication was in the public interest. Media advocates have presented their views through open letters to the ICTY President and press releases calling for, among other things, the release of the *Slobodna Dalmacija* journalist and revision of the ICTY's rule on contempt to exclude application to journalists who publish

leaked information. To date, no media advocacy groups have sought permission to present their views formally to the Trial Chamber considering the contempt charges against the journalists.

These contempt indictments occur amid heightened concerns about witness protection in the context of the ICTY Completion Strategy under which cases like Norac/Ademi are being transferred to Croatia and other states.

### **Government Office for Associations presents a Draft Strategy for Civil Society Development across the country**

In September the Government Office for Associations began a series of presentations of its 'Draft Strategy of the Support and Promotion of Civil Society Development in the Republic of Croatia' (the Draft). OSCE supported this initiative by attending the presentations in war-affected areas across the country. Although participants were invited to comment on the Draft at each event, the response was limited. However in Osijek and Split *ad hoc* NGO forums had a voice.

Concern was expressed that the process could be more transparent and that the strategy could be more balanced in its presentation of values and structure, rather than prioritizing the 'right to life' and 'associations stemming from the Homeland war.' The events served the purpose of educating traditional associations about civil society, who mainly used the platform to present current problems and request financial assistance.

This initiative to involve NGOs across the country is an encouraging democratic move in the context of the opening of EU negotiations and Croatia's integration into Europe. However this process also highlights the inefficiency of NGO work in influencing the formation of social policy issues. Croatian civil society does not yet have a distinct voice before the Government as is the case elsewhere in Europe.

### **Fierce debate in Parliament over election of five HRT Programme Council members**

The appointment of five new members on 14 October to the Programme Council of the public broadcaster Croatian Radio and Television, which caused a heated debate in parliament focused on the appointment of Suzana Jasic, the president of Croatia's leading election monitoring NGO, GONG, who was one of the two candidates proposed by the opposition. She proved controversial due to previous criticism of a high ranking HDZ MP, Andrija Hebrang, a former deputy prime minister, accusing him (and the party) of trying to gain political control over the public broadcaster.

The HDZ backed out of the prior inter-party agreement and refused to support Jasic. This sparked a barrage of criticism from the opposition. After hours of squabbling Ivo Sanader, the prime minister and also HDZ president, had to intervene to resolve the problem, urging his party colleagues to support Jasic, which they did, with the HDZ MP in question abstaining from the voting.