

## Croatia

Croatia made modest improvements in human rights in 2008, motivated by its desire to join the European Union, but it has yet to fully address obstacles to the return and reintegration of Serbs. The impartiality and effectiveness of domestic war crimes prosecutions remains in doubt. The closure of the Organization for Security and Co-operation in Europe mission in December 2007 created a human rights monitoring gap.

### Return and Integration of Serbs

Despite government declarations expressing commitment to the issue, Serb returns to Croatia slowed to a trickle. Most of the 231 displaced persons and 610 refugees who returned to their home areas during the first half of 2008 were ethnic Croats. According to United Nations High Commissioner for Refugees, around 125,000 ethnic Serbs who fled the 1991-1995 conflict are registered as having returned to Croatia, of whom around 55,000 remain permanently.

Serb returnees continue to suffer violence and intimidation, particularly in north Dalmatia, although at a declining rate. Most attacks were directed at property rather than people. Police generally increased their presence at the scene following such attacks and opened investigations, but did not identify the perpetrators. The most serious incident occurred in March, when a group of young men stoned a house of a Serb returnee family in the area of Benkovac, injuring a family member. Police arrested the alleged perpetrators, who are on trial for ethnically-motivated violent assault charges at this writing.

Serbs continue to face difficulty repossessing occupied homes, despite court judgments in their favor. Repossession cases sometimes linger in the courts. There is still no effective remedy for those seeking the return of occupied agricultural land.

At this writing, there are 7,743 pending appeals (mostly from Serbs) against rejected applications for reconstruction assistance.

While the two existing government-sponsored housing care programs enable those who wish to return to apply for and receive housing, there was no progress toward a viable solution for Serbs stripped during the war of the right to occupy socially-owned property (an impediment to Serb return to urban areas). The government fell short by around 100 units on its pledge to provide 1,400 housing units for Serb returnees by mid-2008.

The government adopted a procedure in May to allow Serbs to register periods of work in formerly occupied areas (an impediment to Serbs qualifying for Croatian pensions). Increased government funding for legal aid for the general population has partly benefited displaced and returnee Serbs in housing and other wartime-related disputes.

### **War Crimes Accountability**

The trial of Croatian generals Ante Gotovina, Ivan Cermak, and Mladen Markac began in March at the International Criminal Tribunal for the former Yugoslavia (ICTY). The three are accused of war crimes and crimes against humanity, including persecution and murder committed during a 1995 military operation against rebel Serbs in Krajina, during which around 200,000 ethnic Serbs were forced out of the region. While Croatia has handed over all its indictees to the ICTY, it was criticized by the tribunal in June for failing to deliver all requested documents related to the Gotovina case, a charge rejected by Croatia.

In May the Zagreb county court sentenced Gen. Mirko Norac to seven years' imprisonment for war crimes against ethnic Serb civilians in the "Medak pocket," and acquitted Gen. Rahim Ademi of the same charges. The case was the first transferred from the ICTY to Croatia. The prosecution has appealed against Norac's sentence and Ademi's acquittal.

In September delays in the prosecution of Branimir Glavas, caused by the summer recess and wrangling over a co-defendant's legal representation, led to a breach in

prosecution time-limits and forced a retrial in the Osijek county court. Glavas and six others are charged with war crimes against Serb civilians. Glavas, who is at liberty, remains a sitting member of the Croatian parliament.

Serbs continued to make up the majority of defendants in war crimes trials. According to the OSCE, during the first nine months of 2008 there were 20 active war crimes trials across eight county courts, involving 72 defendants, 45 of whom are Serb. Nine of the trials (involving 17 defendants) reached final verdicts, with 14 defendants convicted (eight Serbs and six Croats) and three acquitted (two Serbs and one Albanian).

In absentia prosecutions against Serbs continued in Vukovar, Sisak, and Osijek, despite opposition from the State Attorney's Office. A similar trial in Rijeka appears to have been suspended indefinitely. Retrials began in three cases involving a total of four Serbs, after the Supreme Court overturned the previous in absentia convictions because of insufficient evidence or poorly reasoned judgments.

In September the government indicated a willingness to extradite its citizens to neighboring countries to face trial on war crimes and other charges, "if other states were prepared to do the same." Despite regional mechanisms for judicial cooperation, Croatia and Serbia currently prohibit the extradition of their citizens, widely seen as an impediment to war crimes accountability.

## **Media Freedom**

In July the Association of Croatian Journalists threatened a general strike in protest at pressure and intimidation of journalists reporting on war crimes and other sensitive topics. The protest came after threats in February against Drago Hedl, a reporter with *Feral Tribune* newspaper, apparently related to his coverage of wartime abuses in Osijek, and a violent assault in June on Dusan Miljus, a well-known journalist covering organized crime and corruption. At this writing, the police have yet to identify Miljus' assailants. The government condemned both incidents.

On October 28, Ivo Pukanic, a well-known editor of the prominent political weekly *Nacional*, and his marketing director Niko Franjic, were killed by a car bomb in

Zagreb. The killings, and the murder in Zagreb two weeks earlier of Ivana Hodic, a prominent lawyer's daughter, shocked Croatia and prompted a crackdown on organized crime, including dozens of arrests within Croatia and in neighboring states.

## **Migration and Asylum Policy**

A new law on asylum and another on foreigners entered into force on January 1, 2008, intended to harmonize Croatian legislation with EU law. According to the Croatian Law Center, there continue to be shortcomings in Croatia's asylum practice. Although the law on asylum prescribes that asylum seekers will not be punished for illegal entry, in practice asylum seekers still risk administrative sanction for misdemeanor for doing so. Some asylum seekers lack access to legal advice or interpreters during misdemeanor proceedings, which can lead to them being given expulsion decisions and deported before there is any consideration of the asylum claim.

Asylum seekers are subject to detention if facing misdemeanor proceedings for illegal entry, rather than being transferred to appropriate conditions at the Kutina asylum center. Detention conditions for such asylum seekers are often inadequate, with overcrowding, instances of inadequate heating, and limited space for movement. This is especially the case in the Jezevo migrant facility near Zagreb, where some detainees threatened a hunger strike in September in protest at conditions.

## **Children's Rights**

The European Court of Human Rights ruled in July 2008 that Croatia did not discriminate against Roma pupils by placing them in separate classes at school, pointing to the fact that separate classes for Roma took place within mainstream schools and were temporary in nature (until pupils' Croatian language skills improved). Roma organizations expressed their disappointment at the decision.

## **Human Rights Defenders**

Human rights groups continue to be viewed with suspicion, but remain largely free to operate. The positive work of the Human Rights Ombudsman was undermined by the

frequent failure of national and local authorities to respond to its recommendations and information requests.

The closure of the OSCE Mission in Croatia on December 24, 2007, created a significant human rights monitoring gap in the country. Although the OSCE retains a residual presence in Zagreb, primarily to monitor war crimes trials, it lacks the capacity to engage effectively with the Croatian government across the range of human rights issues affecting the country.

### **Key International Actors**

The European Union remains the most influential international actor in Croatia, an official candidate for EU membership. In March 2008 Croatia received an entry target date of 2010. An EU Council decision in February identified among the priorities refugee return, adequate housing for tenancy-right holders, recognition of Serb wartime working time for pensions, and the reconstruction and repossession of property. In response, the Croatian authorities are developing action plans containing deadlines by which clear progress should be attained. The European Commission (through its annual progress report) and the European Parliament (through its Croatia rapporteur) reiterated the need for Croatia to address these priority issues and to ensure that legal and institutional changes on housing and pensions deliver practical benefits to affected Serbs.

In July NATO ambassadors in Brussels signed accession protocols allowing Croatia to join the alliance at a later stage, possibly as early as spring 2009.

Croatia signed the Council of Europe Convention on Action against Trafficking in Human Beings in February 2008.