



Organization for Security and Co-operation in Europe

OSCE Mission to Croatia

News in brief

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Prime Minister pays first official visit to Montenegro

On 12 January Prime Minister Ivo Sanader paid his first official visit to Montenegro, becoming the first Prime Minister to do so since the country gained independence on 3 June 2006. The Prime Minister met both with Montenegrin Prime Minister Zeljko Sturanovic and President Filip Vujanovic, and opened the new Croatian Embassy in Montenegro, following the lead of Slovenia and Macedonia.

In a joint statement both Prime Ministers agreed that Croatia and Montenegro are turning a new page in their relations based on neighbourly co-operation and the common goal of joining the European Union and NATO. Prime Minister Sanader said that the past could not be forgotten but Montenegro's decision to distance itself from the attack on Dubrovnik and to apologise for its aggression against Croatia had created conditions for the establishment of good relations. Both the Montenegrin Prime Minister and President congratulated Croatia on the successes it had achieved so far and thanked Prime Minister Sanader for his readiness to support and assist Montenegro on its path to Euro-Atlantic integration.

During discussions on bilateral issues and the broader political stabilization of South-Eastern Europe, it was agreed that the two countries would soon sign a reciprocal agreement on the protection of minorities and a permanent agreement on border demarcation. Prime Minister Sanader hailed current co-operation between the countries' two State Prosecutors in processing war crimes suspects. A protocol on co-operation between the two Foreign Ministries and a protocol on co-operation in the process of European integration were also signed.

Second ECHR ruling finds Government measures for return of occupied property interfere with right to property

On 11 January in *Kunić v. Croatia*, the European Court of Human Rights (ECHR) found that a six-year delay in returning a privately owned property, allocated by the Government to third persons during the armed conflict, violated the owner's right to

peaceful enjoyment of possessions. This is the second ruling of this kind against Croatia in less than a month. The ECHR also determined that various administrative and judicial proceedings for repossession were excessively delayed, thus failing to meet the “reasonable time” requirement.

As in *Radanović v. Croatia*, the ECHR assumed, but did not decide, that the Government’s allocation of Mr. Kunić’s property in 1995/96 was justified. Notably, however, Mr. Kunić’s property included not only residential but also commercial property, a restaurant. The temporary user, who was neither a displaced person nor a refugee, ran a business in the premises. Focusing its inquiry on what happened after Mr. Kunić requested that the Government return his property in September 1997, the ECHR found that the inordinate delay resulting from a series of administrative and judicial repossession schemes imposed an excessive burden on the owner. The Government therefore failed to fairly balance the general interest with Mr. Kunić’s property interest. The ECHR further found that given the six-year loss of control over his property, Mr. Kunić was entitled to €16,000 in order to compensate for lost rent, calculated at the prevailing market rate. It was irrelevant to the ECHR’s decision that Mr. Kunić had rejected the Government’s offer of a lesser amount for the period after November 2002.

Despite the ECHR’s judgment, in Croatia Mr. Kunić remains subject to a claim by the temporary user for investments made in the property for use as a business, which amount to approximately €155,000. The proceedings initiated in 2004 are still pending at the first instance court. In similar cases, courts have ordered owners to pay such claims, including cases in which the occupant received financial gain from a property used rent-free. A Government decision adopted on 7 December 2006, which is reportedly intended to address such situations, is yet to be published or applied to concrete cases such as that of Mr. Kunić.

HoM stresses zero tolerance at Government Anti-Corruption Conference

In recognition of the role of civil society in preventing corruption the Ministry of Justice and the Government Office for NGOs organized on the 18 January an Anti-Corruption Conference in Zagreb. The Conference reflects the Government’s first attempt to actively include NGOs in its National Anti-Corruption Programme for 2006-2008. Ten months since its adoption, this Programme remains at an early stage of implementation. Apart from Government and NGO representatives, members of the Supreme Court, the State Prosecutor, the HoM and the Head of the European Commission Delegation to Croatia were also present.

In her keynote speech, the Deputy Prime Minister and Minister for Family, War Veteran’s Affairs and Inter-Generational Solidarity, Jadranka Kosor, thanked the Mission, the Delegation of the European Commission to Croatia and USAID among others, for their efforts to support and develop civil society in Croatia. Using the positive example of certain EU countries, she pointed out that it was possible to move towards the eradication of corruption. Minister of Justice Ana Lovrin announced that the National Anti-Corruption Programme was well under way and showing clear results. However, the

Head of the Government Office for the Suppression of Corruption and Organised Crime (USKOK) added a cautionary note, stressing that the fight against corruption required the engagement and co-operation of all State institutions not just USKOK and the State Prosecutor.

The HoM highlighted the important role of NGOs in the fight against corruption, stressing that while this scourge is common to many states, Croatia should aim for zero tolerance. He went on to say that one of the Mission's main priorities in Croatia has been to strengthen civil society, noting that the Mission has implemented more than 500 projects with Croatian NGOs, including a recent project dealing with the topical issue of transparent financing of political parties and election campaigns. The Head of the European Commission Delegation to Croatia said that NGOs were instrumental in supporting corruption investigations, protecting the victims of corruption and raising public awareness about the issue.

There was a general consensus among participants that priority areas in the fight against corruption include public tendering, the financing of political parties and electoral campaigns and the health system.

Mission and Ministry of Interior organize roundtable on hate crime

In co-operation with the Ministry of Interior and the Police Academy the Mission organized on 23 January a roundtable discussion on the issue of hate crime. Parliamentarians, representatives from the judiciary, the European Commission Delegation to Croatia and relevant NGOs also took part in the event.

In his opening address, the HoM urged Croatian authorities to establish and implement policies and practices that demonstrate zero tolerance to hate crime. He also encouraged members of the police and judiciary to increase their co-operation on the issue.

The Director General of the Police, Marijan Benko, noted that the introduction of a definition of hate crime in to the Criminal Code in October 2006 represented an important step forward, which would help the police and judiciary more clearly identify, investigate and process such crimes.

Participants concluded that all suspected hate crimes should be thoroughly investigated to ensure that the rights of individuals and groups are protected. The need to establish an effective reporting system, including the introduction of proper statistics was also highlighted. It was agreed that judges at all levels should receive special training on the investigation, prosecution, trial and sentencing of hate crime cases. The need for closer co-operation between law enforcement bodies, prosecution services, courts, educational institutions and NGOs was reiterated. Along with accurate and timely information regarding the results of hate crime investigations, participants said that these measures were necessary to bolster public trust in the police and judiciary.