



**International Covenant on  
Civil and Political Rights**

Distr.: General  
2 August 2011

Original: English

---

**Human Rights Committee**

**Consideration of reports submitted by States  
parties under article 40 of the Covenant**

**Croatia<sup>\*</sup>**

**Additional information received from Croatia on the implementation of  
the concluding observations of the Human Rights Committee  
(CCPR/C/HRV/CO/2)**

[30 June 2011]

---

<sup>\*</sup> In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

**Response from the Republic of Croatia on the implementation of the Committee's recommendations under paragraphs 5, 10 and 17 of the concluding observations of the Human Rights Committee on the second periodic report of Croatia dated 29 October 2009 (CCPR/C/HRV/CO/2)**

**Response to the recommendation contained in paragraph 10 (b) of the list of issues (CCPR/C/HRV/CO/2)**

1. The "Strategy for the investigation and prosecution of war crimes committed from 1991 to 1995" was adopted by the Minister of Justice on 11 February 2011. The Strategy represents a framework document containing the fundamental principles and guidelines, criteria for determining priorities, capacities for investigation and prosecution of yet unprosecuted war crime cases. In order to implement the Strategy, the Ministry of the Interior and the State Attorney's Office have in coordination prepared two operational documents (on 28 February, the Ministry of Interior adopted the Implementation Plan, while the State Attorney's Office adopted the Operational Program on 4 March 2011). The documents set out in more detail co-ordination between competent bodies, the resources to be used and the responsible persons for the operational tasks.
2. Methods and coordination have been specified for the priority cases at the national level, as well as for the priority cases at the regional level. Of the 127 crimes identified as priorities, eight were at the national level. County State Attorney Offices established the priorities in their jurisdictions and coordination teams were established to work together in identifying, locating, and prosecuting the perpetrators. Eight coordination teams were formed around the national priorities and 12 teams for regional priorities. The working and criminal investigation teams formed around the 8 national priorities are operating in conformity with the Strategy and the Plan of the Ministry of the Interior. The teams comprise a total of 50 police officers, as well as 15 state attorneys and their deputies. Similar teams have also begun operating on regional priorities and comprise a total of 70 police officers and 45 state attorneys, their deputies and advisors. Control of the quality and pace of work of these teams has been centralised in the seat of the General Police Directorate and the SAO. Further, special attention is given to areas that have a disproportionately high number of outstanding war crimes cases, giving these teams additional administrative guidance and resources.
3. Numerous activities were taken on daily basis with the purpose of accelerating the investigations and prosecution, and in general bringing to justice the perpetrators of war crimes as well as to resolve the regional discrepancies in investigations and prosecution.
4. The Ministry of Justice (MJ) and the Ministry of the Interior (MOI), with the support of the State Attorney's Office of the Republic of Croatia (SAO), have prepared the first Report on the Implementation of the Strategy for the Investigation and Prosecution of War Crimes Committed in the Period 1991 to 1995 on 7 April 2011 and submitted it to the Government of the Republic of Croatia. The first Report lists in detail the strategic and operative documents of the competent institutions, defines the basic concepts and shows the overall extent of the issue of war crimes. The Report also gives a review of the key activities undertaken so far in defining the national and regional priorities, in setting up the required infrastructure and the additional mechanisms for investigation and prosecution of war crimes and also in engaging the required resources primarily for the work on the priority cases.

5. The Government of the Republic of Croatia, by its Conclusion dated 8 April 2011, supported the Strategy for the Investigation and Prosecution of War Crimes Committed in the Period 1991 to 1995 of 11 February 2011 and accepted the first Report on the Implementation of the Strategy in its entirety. The significance of investigation and prosecution of war crimes has been stressed again in the Conclusion, regardless of the affiliation of perpetrators and victims, and an impetus was given to the competent institutions to intensify the efforts in that area and to implement all necessary measures in order to ensure the efficacious implementation of the Strategy.

6. The Second Report on implementation of the Strategy containing data on further progress made, on implementation of the activities as defined by Conclusion of the Government of the Republic of Croatia dated April 8, 2011, was submitted to the Government of the Republic of Croatia on behalf of the relevant institutions, providing also with an overview of the state of affairs of priority cases. By means of Government's conclusion dated May 12, 2011 this Second Report was approved and once again emphasised the necessity of systematic and consistent implementation of the Strategy.

7. The focus and the objective of the Second Report is to show the improvement made in investigation and prosecution of war crimes which have been defined as priority ones at the national and regional level, with the detailed information on the status of the mentioned cases and also the capacities engaged to work on them. Other achievements have also been presented in accordance with the strategic and operative documents and also with the Conclusion of the Government of the Republic of Croatia of 8 April 2011, important for investigation and prosecution of war crimes.

8. Coordinative and monitoring mechanism has been established, in order to ensure the implementation of strategic guidelines and priorities in prosecution the Republic of Croatia. Coordination of activities of the State Attorney's Office of the Republic of Croatia and the Ministry of the Interior concerning war crime cases will be implemented by competent persons within the State Attorney's Office, the Criminal Police Directorate, and the General Police Directorate. The coordinators will meet once a month and more frequent where necessary, and at those meetings they will analyse achieved results and agree upon further tactics and working methodology.

9. The amendments to the Act on the Implementation of the Statute of the International Criminal Court and the Prosecution of Crimes against the International Law of War and Humanitarian Law were adopted by the Croatian Parliament on 18 May 2011. The amendments to the said Act, besides amendments related to the exclusive competences of the four specialised courts, stipulate that the evidence collected by the bodies of the ICTY is admissible in criminal proceedings in the Republic of Croatia, provided it is presented in accordance with the manner prescribed by the law and that it is admissible in proceedings before the ICTY.

10. By the Amendments to the courts rules of procedure, systematic use of specialised war crimes chambers were established in the four biggest county courts in Croatia: Osijek, Rijeka, Split and Zagreb during March 2011 that will be made exclusively responsible for handling all future war crimes cases and they are already adequately staffed. Systematic use of specialized courts will be enforced according to previously mentioned Government Conclusion.

11. In addition, during March 2011 following the war crimes chambers, special war crimes divisions have been established at those four county state attorney offices as well. Deputy state attorneys specialised in processing war crimes and with suitable experience in this field of criminal law has been assigned to these divisions.

**Response to the recommendation contained in paragraph 10 (c) of the list of issues**

12. With the amendments to the Book of Rules for Courts (OG 34/11), specialised war crimes chambers are being established in the four biggest courts in Croatia: Osijek, Rijeka, Split and Zagreb and these four courts will be solely responsible for handling all future war crimes cases.

13. A witness and victim support system has been established in the Republic of Croatia through a project carried out by the Ministry of Justice in partnership with the United Nations Development Programme (UNDP). The Sector for Victims and Witnesses Support at the Ministry of Justice and seven regional centres established under the Project at county courts are fully operational, providing comprehensive support to witnesses and victims in war crimes cases and other serious crimes. The first four offices were opened in the county courts in Osijek, Vukovar, Zadar and Zagreb during the years 2008 and 2009. On the 1st January 2011 three new offices in Rijeka, Split and Sisak began with their work. Offices provide emotional support and practical information to witnesses who testify in judicial proceedings.

14. Support and information given to witnesses and victims are free and content of statements remains confidential. Small professional teams work in the offices and they are assisted by over 100 specially trained volunteers.

15. From the second half 2006 until 30 April 2011 a total of 1923 witnesses were given support of which 1449 were domestic witnesses before national courts, 404 were domestic witnesses before foreign courts and 70 were foreign witnesses before Croatian courts.

16. In scope of implemented support, psychological aid was provided in 1031 cases, additional legal aid over telephone in 457 cases, witness support in courts in 186 cases, sessions were held with witnesses in 223 cases, organization of transport in 170 cases, organization of physical protection in 149 cases, organization of hotel accommodation in 39 cases.

17. From 2008 until 2011 regional centres gave support to victims and witnesses of war crimes in Zagreb (298 in total, 30 in 2011), Zadar (31 in total, 13 in 2011), Osijek (151 in total, 19 in 2011), Vukovar (551 in total, 168 in 2011) and since 2011 in Rijeka (27), Split (1) and Sisak (2).

18. By the end of April 2011, the Sector for Victims and Witnesses Support had conducted 1,923 supporting activities, while regional centres gave support to 1,061 witnesses and victims in war crime cases.

**Response to the recommendations contained in paragraph 5 of the list of issues****1. The measures taken to provide victims of discrimination and of physical and verbal attacks against minorities with access to effective remedies**

19. The Republic of Croatia has improved the protection of human rights and in particular has established a track record on the implementation of the Anti-Discrimination Law and the Law on Hate Crimes. Further, Croatia has ensured that law enforcement authorities deal effectively with these cases and has strengthened the Office of the Ombudsman.

**(a) Implementing the Anti-Discrimination Law and Law on Hate Crimes**

20. The Croatian Parliament on 9 July 2008 passed the Anti-Discrimination Act, which subsequently entered into force on 1 January 2009. By this Act, Croatia proclaimed the Ombudsman's Office as the central body responsible for coordinating efforts aimed at the eliminating discrimination. To allow potential target groups easy access to important information concerning the Act, the Government published "A Guide to the Anti-Discrimination Act". The Guide provides material on the Act, including procedural provisions, penal provisions, and other aspects of implementation; on European anti-discrimination legislation; and on directives related to non-discrimination guarantees, such as outlining the legal basis within the Croatian system.

21. In December 2009, the Government passed a decision by which the Office for Human Rights became central body responsible for monitoring the implementation of the anti-discrimination Action Plan. A Progress Report on the implementation of the Action Plan for the implementation of the National Anti-Discrimination Programme 2008-2013 for the period 2008-2009 was adopted by the Government on 17 December 2010.

22. Also during 2009, in co-operation with the Ombudsman's Office and the Centre for Peace Studies, the Office for Human Rights implemented a project within the Community Programme for Employment and Social Solidarity-PROGRESS, "Supporting the Implementation of the Anti-Discrimination Act". The primary objective of the project was to build capacity of key institutions responsible for implementing the Anti-Discrimination Act. Consequently, a number of training sessions was held.

23. In 2010, two additional projects were implemented that were designed to support the implementation of the Anti-Discrimination Act. The first, implemented by the Centre for Peace Studies, aimed to increase the capacities of judges, prosecutors, and attorneys on the implementation of anti-discrimination legislation. In addition, the project sets up a joint reporting system on discrimination cases, which will enable non-government organisations helping discrimination victims to report to Ombudsman Office using standardised templates. The second, implemented by the Croatian Employment Service, conducted a study, "Research on Discrimination in the Croatian Labour Market", and presented its findings publically. According to the study, the most common type of discrimination is age discrimination, followed by gender, ethnic and religious discrimination. By analysing different aspects of discrimination, the study revealed that discrimination in the employment process is more common than discrimination in granting equal salaries and equal progress opportunities on the workplace.

24. A compendium of best practices in promoting diversity and implementing anti-discrimination measures in the labour market and guidelines for combating discrimination and promoting diversity in the labour market was also published as part of this project. The Republic of Croatia has established a strong track record of results in the implementation of the Anti-discrimination Act and in the implementation of the legal provisions on hate crimes. Regarding monitoring of the hate crime cases in courts, during 2009 there was no unified way of monitoring since the relevant institutions were collecting data separately. Altogether, 19 cases of hate crimes were identified. In 9 of these cases, prosecution resulted in indictments against the suspects. Five judgments have been passed in 2009.

	<i>Type of judgement</i>	<i>Punishment</i>
1.	Final judgement	One defendant: Imprisonment for 10 months, suspended for 4 years The other defendant: Imprisonment for 8 months, suspended for 3 years
2.	Final	One defendant: Imprisonment for 2 years,

<i>Type of judgement</i> <i>Punishment</i>	
judgement	The other defendant: Imprisonment for 1 year, The 3rd and the 4th defendant: Imprisonment for 2 years, A proposal for the issuing of a correctional sentence against a minor.
3. Final judgement	The 1st and 2nd defendants: Imprisonment for 1 year, suspended for 2 years
4. Non-final judgement	Imprisonment for 3 months, suspended for 1 year
5. Non-final judgement	Imprisonment for 3 months, suspended for 2 years

25. To get unified data on hate crimes, in January 2010, the Government established an inter-ministerial Working Group tasked with monitoring efforts related to identifying, reporting, and processing hate crimes, coordinating activities related to collecting statistical data, assessing any shortcomings, and preparing proposals to enhance inter-ministerial coordination further.

26. In addition, in accordance with the Protocol on Procedures in hate crime cases, which the Government of the Republic of Croatia adopted in March 2011, the Office for Human Rights is defined as the central body for the collection and publication of data on hate crimes, and for cooperation with civil society organizations and international organizations. Accordingly, the Office for Human Rights organizes prevention-oriented campaigns to raise the awareness of the public and prevent the spread of hate crimes. Furthermore, the Office for Human Rights will coordinate the work of the Steering Committee for monitoring hate crimes, and encourage inter-institutional cooperation in the system of monitoring hate crimes.

27. According to harmonized statistical data on hate crimes cases, it was concluded that during 2010, a total number of 34 hate crimes were reported to the Ministry of Interior. Of these, the State Attorney's Office prosecuted 13 cases, while in 7 cases the reports were rejected or withdrawn. There were in total 6 judgments regarding hate crime cases in 2010.

<i>Type of judgement</i> <i>Punishment</i>	
1 Final judgement	Imprisonment for 4 months, suspended for 1 year
2 Final judgement	Imprisonment for 10 months, suspended for 2 years
3 Non-final judgement	One defendant: Imprisonment for 18 months, suspended for 4 years  The other one: Imprisonment for 8 months, suspended for 2 years
4 Final judgement	Imprisonment for 4 months, suspended for 1 year
5 Non-final judgement	On defendant: Imprisonment for 6 months (the sentence was replaced by community service for the duration of 60 working

	<i>Type of judgement</i>	<i>Punishment</i>
		days).
		The other one: Imprisonment for 6 months, suspended for 3 years
6	Non-final judgement	1st and 2nd defendants: Imprisonment for 7 months

**(b) Monitoring the effectiveness**

28. As part of its effort to improve the protection of human rights, the Republic of Croatia established a network to monitor the implementation of anti-discrimination and hate-crime legislation. For maximum effectiveness, information and data are collected by the Ministry of Interior, the Ministry of Justice, the State Attorney's Office, and the Ombudsman's Office.

29. The Ministry of Interior collects the data related to the number of crimes and misdemeanours with elements of discrimination or discriminatory behaviour. In August 2010, the Ministry issued a formal Instruction to the Police that included a precisely defined set of measures to be followed to advance the implementation of the Anti-Discrimination Act. The Ministry also issued an Instruction related to monitoring and establishing a positive track record on hate crimes. Following the issuance of these Instructions, statistics collection improved significantly. In the second half of 2010, the number of reported hate crimes rose roughly 30 percent in comparison to the same period in 2009.

30. Using data collected from the courts, the Ministry of Justice keeps records on criminal, civil, and misdemeanour cases related to the implementation of the anti-discrimination legislation. An appropriate database for anti-discrimination cases was established. Analysis of the data shows a marked increase in the number of court proceedings involving discrimination or discriminatory practices.

31. In 2009, the Ministry recorded 9 court proceedings (7 criminal and 2 civil). In 2010 there were 54 court proceedings (7 criminal, 36 civil, and 15 misdemeanours), of which final judgments were made in 2 criminal cases, 3 civil cases, and 4 misdemeanour cases.

32. The State Attorney's Office collects data related to the prosecution of criminal cases of discrimination and discriminatory acts. The State Attorney has issued an internal instruction to all its offices to process all cases of hate crimes with expedience and special diligence.

33. As the central body responsible for coordinating efforts to eliminate discrimination, the Ombudsman's Office is responsible for collecting complaints on discrimination and discriminatory practices and analysing this statistical data. The statistical data can be analyzed based on the ground of discrimination, the type of discriminatory act, and the authoritative body that received the complaints, as well as the group and type of alleged perpetrators and victims. The Office is authorized to report alleged offences to the State Attorney's Office.

34. Beyond these efforts, under the auspices of the Working Group on Monitoring of Hate Crimes, a specific Protocol on Monitoring of Hate Crimes, designed to develop the system further, has been elaborated. The Protocol envisages periodic quarterly exchanges of statistical data between relevant state bodies using a standardised reporting form. To ensure the maximum possible accuracy of the collected data, the Protocol puts in place a sequence for completing the forms that mirrors the usual phases of criminal procedure in Croatia—

starting with the Ministry of Interior, followed by the State Attorney's Office, and then the Ministry of Justice. The Protocol was adopted by the Government on 2<sup>nd</sup> April 2011. (For unified statistics of hate crime cases in 2010- see above.)

**2. Results of the plans and legislation implemented by the State party for the economic development of the regions mainly inhabited by returnees of Serb origin**

35. Since the beginning of the programme that allows for the return of refugees and displaced persons, the Republic of Croatia has enabled the return for more than 348,000 persons. The state budget has allocated 5.3 billion Euros for this programme, about 5 percent of which is funded by international donations.

36. The Republic of Croatia has made substantial progress regarding the return of refugees, particularly through the implementation of the Action Plan for the accelerated implementation of the Housing Care Programme within and outside the Areas of Special State Concern (ASSC) for Refugees - Former Tenancy Right Holders (FTRH) who wish to return to Croatia. The objectives of the Housing Care Programme within and outside Areas of Special State Concern for 2007 and 2008 have been fully met, while the objectives for 2009, based on the revised Action Plan of June 2010, will be fully met by the end of June 2011. A considerable progress has also been observed when it comes to resolving applications for housing care in respect of all other successful applicants. Moreover, backlogs in resolving existing complaints on rejected requests for housing reconstruction are almost completely eliminated.

**(a) Housing Care Programme – the state of play in meeting 2009 benchmark and the 2011 plan**

37. The Action Plan for the accelerated implementation of the Housing Care Programme within and outside the Areas of Special State Concern for Refugees - Former Tenancy Right Holders (FTRH) wishing to return to the Republic of Croatia (hereafter referred to as RAP) was revised in June 2010. The target group of the Housing Care Programme comprises 4,915 FTRH families, whose situation is expected to be resolved pursuant to the 2007-2009 plan.

**The implementation of the Revised Action Plan (RAP), resolved under the 2007-2009 benchmarks through 11 May 2011**

		<i>2009 benchmark</i>		
	<i>2007 benchmark</i>	<i>2008 benchmark</i>	<i>2 070</i>	
			2009 benchmark (resolved cases)	2009 benchmark (pending cases)
TOTAL	1 418	1 427	1 921	149
benchmark implementation (in %)	100	100	93	7

**Rental subsidy payments**

38. The Ministry of Regional Development, Forestry and Water Management (MRDFWM) offered financial support to cca 300 beneficiaries who were not provided with housing. The support is renting flats pursuant to the Conclusion of the Government of the Republic of Croatia of 17 July 2008, allotting 25 kn per family member per day until they are provided with housing. All beneficiaries were sent information and the necessary forms



to receive their financial support payments. On 15 th of June 2011, cca 100 beneficiaries were applied for support, and the procedure of payment is currently under way.

39. The beneficiaries will be able to move into the allocated housing unit after the reconstruction work is completed, during the period from June to September 2011.

(i) *New measures available*

40. On 2 September 2010, the Government of the Republic of Croatia adopted the Decision on the sale of State-owned flats so as to provide the housing care beneficiaries (former tenancy right holders outside the areas of special state concern) with the buy-off option. Pursuant to the very Decision, the beneficiaries can buy-off the flats under favourable conditions, that is, at favourable price that is significantly lower than the market price. The buy-off price is additionally reduced on the grounds of the length of one's refugee status, meaning, the amount of discount is calculated in line with the years spent in the status of refugee.

41. The Government of the RoC, at its session on 3 March 2011, adopted the Decision on the housing care of returnees/FTRH outside the ASSC. The very Decision entered into force on the date it was published in the Official Gazette No. 29 of 9 March 2011. On these grounds, former tenancy right holders who missed the deadline for applying for housing provision have another opportunity (deadline of 9 months) to submit their requests in the course of the year 2011.

42. The information campaign related to the adoption of these Decisions of the Croatian Government began with their publication on the website of the MRDFWM. The Ministry published on its website information on the Decision on the sale of State-owned flats in December 2010, so the beneficiaries can find out the information about the price of a flat and an explanation how to determine the personal discount which depends on the time period they have spent in a status of a refugee, displaced person or a returnee. On 28 March, the information on the Decision on the provision of accommodation to returnees, FTRH outside the ASSC, together with the corresponding forms for applying for housing, was published on the website of the MRDFWM as well.

43. The cross-border campaign strategy guidelines have been made in cooperation with the UNHCR and 7 000 leaflet-brochures were printed and sent in order to be distributed to:

- (a) Diplomatic Missions and Consular Offices of Croatia in the Republic of Serbia, Bosnia and Herzegovina, and the Republic of Montenegro;
- (b) UNHCR Offices in the RoS, B&H, RoM;
- (c) National institutions responsible for refugees in the RoS, B&H, RoM; and
- (d) Regional Offices of the Directorate for the ASSC.

The text of the leaflet-brochure was published on the website of the MRDFWM.

(ii) *Improving the climate for the social and economic reintegration of returnees*

44. Since much of the area to which refugees return remains underdeveloped compared with the national average development index, the Republic of Croatia, measures designed to balance regional development and create conditions for a sustainable return process are being implemented. In June 2010, the Republic of Croatia adopted the Strategy for Regional Development of the Republic of Croatia, 2011-2013. The adoption of the Strategy followed the adoption of the Act on the Regional Development of the Republic of Croatia (OG 153/09) and other relevant sub-laws. The Strategy provides more detailed objectives and priorities for regional development of the Republic of Croatia. One of the three strategic

objectives of Croatia is the development of the ASSC, the areas to which the majority of the refugees are returning.

45. Significant funds are being invested in the construction of utility and social infrastructure in the units of local self-government within the ASSC. In 2010 about 24 million euro were invested. In the Republic of Croatia, the Programme for Social and Economic Recovery was implemented from 2005 to 2010 in 13 counties within the ASSC, with funding of about 60 million euro. The purpose of the programme was to increase social cohesion and the economic recovery of these areas. Through this project, 447 subprojects were financed, of which 425 were successfully completed and about 1 billion HRK was invested in the ASSC.

46. To improve the conditions and climate for social and economic reintegration of returnees and to facilitate the acceptance of returnees by receiving communities, the Ministry of Regional Development, Forestry and Water Management drafted the Project "Assistance in development of communication strategy for management and implementation of housing care programme for refugees and returnees". The Project was prepared under IPA 2009 Instrument for Project preparation and the strengthening of administrative capacity. The Project's purpose is the development of a communication strategy and action plan for the implementation of the communication strategy for management and implementation of housing care programme for refugees and returnees, as well as the development and implementation of a survey among the citizens of the Republic of Croatia and refugees in the Republic of Serbia on issues related to the return of refugees. The project was given preliminary approval for funding by the EU Delegation in Zagreb.

### **Response to the recommendation contained in paragraph 10 (a) of the list of issues**

#### **1. The total number and range of war crimes committed, irrespective of the ethnicity of the persons involved**

47. The War Crimes Database of the State Attorney's Office (SAO) is the core resource for analyzing the Republic of Croatia's established track record in investigating and prosecuting domestic war crimes cases. The Database compiles information on all 490 known war crimes, of which 179 have yet to be prosecuted.

48. Analysis of the data shows that 393 of the total known cases (80 percent) were committed by what was then known as the Yugoslav People's Army (YPA) or military and paramilitary groups assembled by the organization calling itself the Republic of the Serbian Autonomous District-Krajina (RSK). In addition, 86 cases (18 percent) were committed by members of Croatian army or police units, 2 (less than 1 percent) by members of what was known as the National Defence of the Autonomous Province of Western Bosnia. Another 7 (1.4 percent) were committed by units that have so far not been identified.

49. From 1991 to 31 December 2010 proceedings were initiated against a total of 3,655 persons, and as of 31 December 2010 proceedings were pending against 969 persons (see the total of columns 2, 3 and 6 of the table below):

THE STATE ATTORNEY'S OFFICE OF THE REPUBLIC OF CROATIA	Filed requests for investigation, persons indicted and convicted for war crimes as of 31 December 2010															
1	Initiated criminal	2	Investigati on under	3	Suspended	4	Investigati on	5	Indicted	(total of columns 6,	6	No judgment	7	Convicted	8	Acquitted, proceeding

THE STATE ATTORNEY'S OFFICE OF THE REPUBLIC OF CROATIA	Filed requests for investigation, persons indicted and convicted for war crimes as of 31 December 2010								
	1	Initiated criminal 2	Investigati on under 3	Suspended 4	Investigati on 5	Indicted (total of columns 6, 7	No judgment 8	Convicted 9	Acquitted, proceeding
Bjelovar	645	15	0	213	417	149	9	259	
Dubrovnik	210	39	3	150	18	13	3	2	
Gospić	95	12	0	20	63	9	41	13	
Karlovac	123	44	0	33	46	11	33	2	
Osijek	808	3	0	423	382	147	89	146	
Požega	190	1	9	119	61	7	31	23	
Rijeka	21	2	0	4	15	1	6	8	
Sisak	471	24	15	186	246	64	58	124	
Slavonski Brod	88	4	35	29	21	17	3	1	
Split	155	7	0	33	115	36	74	5	
Šibenik	196	91	0	41	64	5	45	14	
Varaždin	8	0	0	0	8	0	7	1	
Vukovar	323	10	20	41	253	92	77	84	
Zadar	285	20	8	111	146	32	78	36	
Zagreb	37	11	0	3	23	13	9	1	
TOTAL	3,655	283	90	1406	1,878	596	563	719	

## 2. Prevention of intimidation and attacks on journalists

50. The Croatian Journalists' Association compiled a list of cases of assaults on journalists and media owners in the period from 1992 to 2008 (hereinafter: the list). On the basis of that list, the Ministry of Justice collected data from various institutions including the State Attorney's Office of the Republic of Croatia and the Ministry of the Interior, both engaged in the investigation and processing of cases relating to journalists.

51. The above-mentioned document lists 40 cases of assaults relating to 46 journalists. In this statement, a reference number of each case in the list is attached to the name of each journalist.

52. Upon the examination of the gathered data we have determined that 14 of the cases, which make up 35% of the listed cases, have never been reported to the Police or the State Attorney's Office, no charges have been filed, and therefore no actions were taken by the institutions of competence. The cases in question include the following journalists: Drago Hedl (1), Marinko Jursić (2), Edita Vlahović (3), Zrinka Vrabec Mojzeš (4), Goran Flander (11), Slavica Lukić (12), Goran Malić (14), Denis Latin (15), Ivana Petrović (16), Sandra Križanec Medić (18), Helena Puljiz (23), Hrvoje Appelt and Orlando Obad (27),

Ivana Veličković Dragičević (33), Ivica Đikić, Heni Herceg, Viktor Ivančić and Predrag Lucić (40).

53. Further analysis showed that judgment was passed in 7 cases, or 18% of all cases, 2 of which were acquittals, in cases of Toni Paštar (7) and Anđelko Erceg (28). As regards Toni Paštar case, the criminal offence of violent and impertinent behaviour in a public place put the injured person, mr. Paštar, in a humiliating position. As regards Anđelko Erceg (28) case, the county state attorney office of competence filed a complaint against the acquittal and the County court has to reach final decision.

54. In the 5 remaining cases, those of journalists Jadran Kapor and Mateo Rilović (8), Željko Peratović (10), Branko Škorić (31), Željko Malnar (32) and Danijela Banko (34), perpetrators were convicted. As regards cases of mr. Kapor and mr. Rilović, criminal charges against perpetrators were filed on the grounds of offences of serious bodily injury and violent behaviour. During the course of procedure, the court rejected part of the charges and the perpetrators got suspended sentences. In mr. Malnar's case, perpetrators got suspended sentences for the offence of attempted bodily injury. In the 3 remaining cases of criminal offences of threat, suspended sentences were issued.

55. Judgments in cases of journalists Toni Paštar (7), Jadran Kapor and Mateo Rilović (8), Željko Peratović (10), Željko Malnar (32) and Danijela Banko (34) are final.

56. In 6 cases, or 13 % of all cases, expired by limitation. In case of threatening to journalist Renata Ivanović (17), who wrote about the course of a trial, the perpetrator was convicted, but the judgment was reversed on the grounds of violation of provisions of the Criminal Code and returned to retrial by the Supreme Court of the Republic of Croatia. In the meantime, the statue of limitation has run out and therefore the conviction was declined. In case, criminal charges were filed against an unknown perpetrator who put a threatening message in the mailbox of journalist Drago Hedl (25), and no other trace of evidence was found. The statue of limitation has run out in the meantime and the proceedings have been terminated.

57. During the course of years, continuous crime investigations have been conducted, and despite the extensive investigation, informative interviews, checks and inquests, the identities of perpetrators still remain unknown and, subsequently, criminal prosecution entered statue of limitation.

58. The cases of Robert Frank and Ronald Drmalj were transferred to the jurisdiction of the Prosecutor's Office of Bosnia and Herzegovina since the assault on those journalists took place in the Mostar and Široki Brijeg areas.

59. Two cases were transferred to misdemeanour courts because they were not criminal offences. The cases of journalists Hrvoje Zovko and Filip Brale were transferred to misdemeanour courts because they involved misdemeanours against the Public Order and Peace Act (Article 6, Violent and Impertinent Insults) and against the Riots at Sport Competitions Act. In case of Mariano Malčević (26), Municipal state attorney office in Zagreb informed the injured person that on the basis of the investigation results, it had been determined that the offence in question was subject to private prosecution.

60. As a part of the police action ŠOK 3, aimed, among other cases, at the disclosure of circumstances of offences committed against journalist Dušan Miljuš (38) in December 2010., criminal investigation on two male person for the charges of attempted murder is ongoing and suspects are in placed in detention.

61. As regards all other listed cases, the state institutions conducted all pre-investigative and investigative procedures but the perpetrators still remain unknown. A report for every individual case has been submitted to the state attorney office of competence and the

investigation has been conducted but as the perpetrator remains unknown, the case is still open and the search for the perpetrators is still underway.

---