

## The Topic of the Issue - REGIONAL COOPERATION

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### NOBODY SEES REGIONAL COOPERATION ANY LONGER AS "TREASON"

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Reforms have started and there are very complex problems, so it is unrealistic to hope for a painless implementation of the reform. There is a new Act on Courts which I see as a step forward, but it is insufficient if we want substantial reform changes. I think that some moves of the government are welcome; however, they are not aimed at far-reaching changes. Some of these changes are catchy, like for instance the digitalization of land-ownership records, but when you scratch just a little bit underneath you see that even what the Act prescribed was not fulfilled – these are not genuine electronic land registries.

**Hence, the changes look rather better from the outside than is their effect in substantial change of the field?**

My thesis is that genuine reform demands not only certain investments and providing new equipment, but it demands first of all a reform of minds. When saying this, I have in mind the need to inaugurate the judiciary's bigger responsibility for its work, to make the society more sensitive to obvious problems such as, for instance, the inappropriate duration of proceedings, or some solutions which – to put it mildly – provoke doubts because they do not make impossible what we have now, that is, a certain clannish solidarity of judges to cover up for mistakes. We have excellent judges and layers, but unfortunately the system is established in such a manner that those who could be the engine of changes cannot come to the fore in the way they should. Of course, a comprehensive reform is not a question of a magic wand, nor is it so that everything can be solved over night, but questions must be put in focus more frequently and more accurately than was the case until now.

**To what extent does the reform encompass the two most topical issues – war crimes and organized crime?**

In regard to war crimes progress accomplished is much bigger than is the case with general judiciary. Some criteria became more pronounced probably due to attention of the international community. Courts are being specialized, we had education, a climate both professional and political is being created to have the proceedings organized by highest standards. I would say that the specialized judiciary which is dealing with issues of war crimes is better prepared for this than is the case with the general judiciary.

As far as organized crime is concerned, the situation is not very good. I think we lack the critical mass of readiness to get to grips very decisively with this problem, and those who are directly working on this make the impression to be 'a castle in the air'. For instance, recently there was a change of the leadership of USKOK (Ured za suzbijanje korupcije i organiziranog kriminala – Office for Suppression of Corruption and Organized Crime), but the personal changes alone will not solve the problems. It is necessary that we approach the problem of corruption and organized crime on the basis of a broader social consensus. Unfortunately, I must say that there are indications that organized crime has penetrated quite deeply into important branches of economy and into state structures.

**Maybe regional cooperation on these issues will help to solve these problems quicker. How do the professionals in this field evaluate the cooperation until now?**

We are gradually departing from the times when any cooperation of the once belligerent countries was labeled in advance as treason. This cooperation did not suit some influential circles, not only in regard to exchange of crime related facts, but also in regard to crime that obviously has great influence on both sides of the border. However, times are changing, particularly in regard to cooperation of the state prosecutors in Croatia and Serbia and Montenegro, which is a good path which certainly implies much work and activity.

**Have the national courts on both sides proved adequate to the role that is expecting them, having in mind the "exit strategy"?**

It is obvious that during the war and after it the readiness or non-readiness of the judiciary to face trials for war crimes was determined by political circumstances. Courts could not display high standards if the

preceding work, i.e. the investigation of crimes, was not accomplished appropriately, because of which the indictment, too, could not be well formulated in terms of quality. Although on both sides there still are courts and judges which are maybe not professionally quite ready for such proceedings, the big effort and desire to enhance cooperation are visible. I do believe that proceedings in national courts will be adequately organized. This is obvious in the case of Ovcara which was conducted in Belgrade, but in Croatia also the situation has improved after certain problems that we had with cases of Lora and Karan. Finally, the Supreme Court of Croatia has annulled abolished certain verdicts among those that the competent public has considered to be a farce, and the cases were revised – it seems, under completely different circumstances. It is important to stress that the court must not be impressed by the case if it wants to be just and that for the evaluation of how well in terms of quality the work was accomplished is not essential whether somebody was convicted or released, but whether the proceedings were led from the beginning to their end *lege artis*. Only in this way can the verdict be respectable, what ever it is.

**In terms of regional cooperation the role of the witness has been the most problematic one?**

This is not a problem of legal nature, and due to political reasons for a long time it was not possible to establish cooperation in this field. The problem is not a simple one: here we have a psychological predisposition of the witnesses and their readiness to come to the court of a once hostile state, to the court of the state of those who inflicted harm to them. In any case, it is always the question of a new victimization. This is something that can be solved through care for witnesses, through adequate rules, but even more through a more human and professional engagement.