

ANTE ZELJKO
President of the Vukovar County Court

Thanks to His Excellency, Sir John Ramsden
and Caroline Austin

CRIME VICTIMS / WITNESSES SUPPORT

Vukovar, January 2007

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I. INTRODUCTION

From the receipt of a summons until the court hearing, crime victims/witnesses have no adequate care to be protected from concerns when responding to a summons, at a questioning during hearing, where they make statements on violence or jeopardising personal or property rights, respectively they inform on crime and perpetrators as well as other relevant circumstances. Difficulties are especially experienced when crimes are of sexual nature, against marriage, family and youth, war crime, etc. Victims/Witnesses are particularly affected but the problems they have to overcome are relatively simple, e.g. location the courthouse, how to get there, who is going to meet them, where to stay until they are called as a witness, the court procedure, who will escort them to the courtroom, who to contact after the hearing for additional support or counselling they may need, who will take care of their children, or anything else they may require due to personal circumstances.

The problem occurs at the time of a summons to a hearing, but it can also be applied to investigation call-ups and to prior investigation, because the problems of victims/witnesses are always the same.

II. LOOKING FOR A SOLUTION

Through the following two stories and two experiences, I will show how the understandings of the problem as well as possible solutions were concluded:

The First Story

Working through years as a first instance judge first covering the cases in competence of Municipal courts then in competence of County courts, I just could not help but notice the confusion, fear and concern of victims/witnesses. That is why I used every opportunity to advise Judges the constant need to avoid the heartless rigmarole very often expressed by arrogance, rudeness and exaggerated formalism by exceeding the rules.

¹ British Ambassador in the Republic of Croatia

² Consultant for Crime Victims/Witnesses Protection services at the British Embassy in the Republic of Croatia

The First Experience

A couple of years ago, I received a summons for a hearing as a victim/witness. Having arrived at the courthouse, we all stood in front of the courtroom door in a really small space without the slightest possibility to step out. Out of three defendants, two were taken from their prison cells from Lepoglava prison. They were whispering, focusing eyes on me and insulting me. Although I was an experienced judge and it stands to reason that I was supposed to be ready for such situation, I still felt uncomfortable and I admit I could hardly wait to enter the courtroom expecting the judge who was having the case to have everything under control.

The Second Story

A year or two ago, a colleague of mine dropped by and complained that he was visited by British Embassy representatives to Croatia Republic and that they were kneading him with stories of crime victims/witnesses, volunteers³, a room in courthouses and so on in the middle of his numerous duties.

The Second Experience

Not long after, Ms Caroline Austin, consultant for crime victims/witnesses support at the British Embassy to Republic of Croatia, visited me and described in details the work of volunteers for crime victims/witnesses protection which took me by surprise in a positive sense because immediately I saw the way out of a stalemate position.

III. CRIME VICTIM/WITNESS PROTECTION SERVICES

After my above experience matured through two stories and two experiences concerning solution finding, establishing Crime Victims/Witnesses Protection Services at the Vukovar County Court went incredibly fast. Fifteen volunteers were gathered quickly, directed to the Volunteer Centre in Zagreb⁴. Seminars were organized at the Vukovar Club of Judges (20 and 22 February 2006 entitled Juvenile Crime Prevention and Crime Victim/Witness Support, and On 25 and 26 April 2006 a seminar entitled Crime Victims-Trauma Impact and Assistant Approach as well as Volunteer Management). A room has been equipped in the court (furniture, PC,

³ A person who carries out a certain job with no charges. It could be said that volunteering exists ever since man's appearance. It is human to help other people (help people in need, group activities...). In the western civilization, voluntary work can be looked at in a close connection with Christian religion where one of the main values is to help to neighbour. Institutional approach to the voluntary work started in 1920 when pacifists Pierre Cerosolo and Hubert Parris organized the first international team for rebuilding the village Esne in France which was devastated in the First World War. The until 1945, voluntary camps were established in Switzerland, England, Sweden, Spain, the Netherlands, Italy and some other countries. Later voluntary work was introduced into a community: hospitals, old people homes etc. In 1948 UNESCO established CCIIVS (Co-coordinating Committee of International Voluntary Service) which has become head organization of all volunteers. Before the Second World War, various human societies existed in Croatia within Catholic church, political parties (Croatian Farmers' Party), as well as the ones organized by citizens. Voluntary work in today's sense was not recognized in SFRY. After recognition of the Republic of Croatia, a civil society has been developed including voluntary work. Today a value of the voluntary work is good for the government as well as for volunteers. In 1996 European Voluntary Service was established. European Council signed Convention on promoting international long-term voluntary work for youth.

⁴ Founded in Zagreb 1998 of address: Baščanska 11, Zagreb, President Jela Tomanjik (Ms). Project started by assistance of Service Civil International (SCI) along with arrival of the first foreign volunteers to Pakrac to help rebuilding devastated areas. By the end of 2001, the Centre became associated member of SCI. It is non government, non profitable organization promoting voluntarism and its values, teaching people how to solve their problems and develop their community.

internet access, web site⁵, phone and a flier is printed). In a short period of time, everything was ready and the Services could begin their role.



The Vukovar Club of Judges – workshop for volunteers

Who can volunteer? All people can be volunteers, students, retired people and other reliable persons in a community. A volunteer does not have to be specially qualified, there is no need for any kind of procedural knowledge, but he has to have free time. A volunteer must not be too formal, must never be challenged to give legal advice or to discuss the case, trust is undoubted, he must not offer his opinion, he has to ask for assistance if needed and has to take pleasure of new challenges.

Because of the importance of the first steps, it is necessary to mention names of the first volunteers of the Crime Victims/Witnesses Support Services: Ksenija Jovičić, Marijana Klarić, Dario Madjaroš, Danijela Malečić, Tamara Manojlović, Branka Matanović, Srdjan Milaković, Ognjen Plavšić, Antonija Probojčević, Nataša Salak-Hochbaum, Martina Suljada, Vanja Suman, Branislava Šimak, Darko Vicković and Vlatka Vilhelm.

On 22 March 2006, a work room at the Vukovar County Court was formally open in the presence of His Excellency, Sir John Ramsden (British Ambassador to the Republic of Croatia) and other notables.

⁵ www.zupsudvu.hr (from 1 January to 31 December 2006 16,271 visitors)



A work room at the Vukovar County Court was formally open in the presence of His Excellency, Sir John Ramsden

Services function in a way that volunteers gather information on hearings scheduled for the following month via the Court website, and then they find the court files and crime victims/witnesses and contact them, as well as the Judge that has been assigned to the case. Once contacts were done, it is a matter of mutual agreement what has to be done for the victim/witness to make the whole situation easier. There were cases that parents were asking for assistance of the Services with no regard how old their children are. The job of the Services is entirely covered by 'on-call' duties arranged by them.

Naturally, job of the Services can be arranged differently, for instance Judges or other court staff can assess if Services need to be engaged and along with the summons a flier can be attached.

It was not long after; Crime Victim/Witness Protection Services at the Vukovar County Court justified its existence especially dealing with war crime cases where affected victims are particularly demanding in 47 cases so far, or 242 offenders by indictments.

IV. VOLUNTEERS SOCIETY FOR TRIALS VICTIMS / WITNESSES SUPPORT

When the job of volunteers became unavoidable and noticed by the public, an idea emerged to extend their activities to Municipal courts in jurisdiction of the Vukovar County Court, which are Ilok, Vukovar, Županja and Vinkovci. A necessary transformation of the Services was needed and after considering a few possibilities, a decision was made to form an association. It needs to be said that the volunteers did the transformation on their own and County Court only initiated

Municipal Courts. It is how the Volunteers Society for Trials Victims/Witnesses⁶ in Vukovar was created.

V. CONCLUSION

More or less, we are all aware that something had to be done for crime victims/witnesses protection especially regarding certain crimes. The British Embassy to the Republic of Croatia, Zagreb made recommendations and suggestions, which resulted on the best solution being found. If we had not recognized the seriousness of the situation, and the suffering of the victims/witnesses, the association would not exist in Vukovar today, and for that we thank His Excellency and his colleagues. Enthusiasm to create something new is very important, more because there is no legal requirement in Croatia for such or similar solution. In addition, it is important to note that the Republic of Croatia has no such legislation in place.

With no regard to difficulties, crime victims/witnesses protection will live in those places and in those courts where court presidents realise and really want, or let me put this simpler if court presidents are inert, uninterested there will be no crime victims/witnesses protection and victims/witnesses will suffer the biggest damage.

At Vukovar 11 January 2007.

Website by: **Renata Bradvica, M.Sc. and Nikola Živković, Data processing service at the Vukovar County Court.**

⁶ Society for Crime Victims/Witnesses Support formation assembly held On 19 June 2006 at the Vukovar Club of Judges.