

Ms Kolinda Grabar-Kitarović
President of the Republic of Croatia
Office of the President of the Republic of Croatia
Pantovčak 241
10000 Zagreb
Croatia

Brussels, 20 April 2015

Re: Concerns regarding the death of a lawyer, Mr Vlatko Vidakovic, and the situation of lawyers in Croatia

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further thirteen European countries' bars.

The CCBE places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to express its shock over the death of Mr Vlatko Vidakovic, a lawyer who was killed in Osijek on 23 March 2015.

According to our information, Mr Vidakovic was shot down in his office by one of his former clients, Viktor Tolj. The shooter, Mr Tolj, had previously been sentenced to 3 years for the kidnapping of another lawyer and a retired judge. Mr Vidakovic had been in charge of his defence during the trial. After having shot down the lawyer, Viktor Tolj killed himself.

According to the information the CCBE has received from the Croatian Bar Association, since 1972 nine attorneys and one legal trainee have been killed in Croatia. During the same period, 15 lawyers have been subject to physical attacks, including having explosive devices planted in their premises, fire set to their flats and other similar offences.

The CCBE has been informed that, prior to the killing of Mr Vidakovic, on 6 March 2015, the Croatian Bar Association had submitted a proposal to the Ministry of Justice regarding amendments to the Croatian Criminal Act. In its proposal, the Croatian Bar had suggested that the Criminal Act be amended so that criminal protection of lawyers while performing their duties would be increased.

In this context, the CCBE wishes to draw to your attention the following Principles of the United Nations Basic Principles on the Role of Lawyers (1990):

Principle 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Principle 17 says that:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

In view of the above, the CCBE respectfully urges the Croatian authorities to take immediate and effective steps to guarantee lawyers' rights, in order to preserve the independence and integrity of the administration of justice. All necessary measures should be put in place in order to ensure that lawyers in Croatia are able to carry out their professional activities in all circumstances. In addition, the CCBE asks the Croatian authorities to take all necessary actions to guarantee the physical and psychological integrity of lawyers in Croatia as well as their ability to perform their professional duties without fear of reprisal, hindrance, intimidation or harassment.

A copy of the present letter has been sent to the President of the Republic of Croatia; the President of the Government of the Republic of Croatia; the President of the Croatian Parliament; the Minister of Justice of the Republic of Croatia; the Permanent Representation of the Republic of Croatia in Brussels; the High Representative of the European Union for Foreign Affairs and Security Policy; and the Committee of Ministers of the Council of Europe.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. ŚLAZAK', enclosed within a large, thin, hand-drawn oval.

Maria ŚLAZAK
President