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Zadar judges prosecute Serbs *in absentia* despite recommendations

In several Zadar publications it is still possible to read reports on refugee return or minority issues which are one-sided and even insulting. Such reports are not helpful in the process of reconciliation and refugee return. The OSCE Mission itself has been often portrayed in some Zadar publications as an organization that only protects Serbs. This is not only a very shallow portrayal but also fails to recognize the extent of the role the Mission plays in assisting Croatia along its path to the EU.

Taking into consideration that recent OSCE reports have criticized Zadar in terms of its judiciary and media, and that these negative views have found their way onto the European Commission's *avis* on Croatia, we spoke to OSCE Mission Spokesperson, Alessandro Fracassetti.

OSCE Monitors, in one of their regular reports, objected to the fact that Zadar journalists sometimes write provocative and inflammatory articles on the return of Serb refugees to villages in the Zadar hinterland. In your opinion, have Zadar journalists altered their reporting style on this topic?

On the whole we believe most Zadar journalists are doing their job correctly and professionally. We had a chance to witness this at the recent OSCE-sponsored IREX workshops where Zadar journalists turned out in the greatest numbers, which is a testament to the dedication to their work. However, in many Zadar publications it is still possible to read reports on the return of refugees or minority issues which are one-sided and even defamatory and in some cases breach a citizen's right to privacy. Such reports are not helpful in the process of reconciliation and refugee return..The OSCE Mission itself has been often portrayed in some Zadar publication as an organization that only protects Serbs. This is not only a very shallow portrayal but also fails to recognize the extent of the role the Mission plays in assisting Croatia along its path to the EU. Only last year, the Mission has invested over one million Euro in projects across Croatia, including supporting media, the judiciary, the civil society sectors, refugees and settlers as well as in providing, for example, psycho-social help to PTSP sufferers in the Zadar County.

Of 28 *in absentia* verdicts, 15 were in Zadar

Zadar judges were reproached for trying Serbs *in absentia*, which particularly angered those at Zadar County Court. Antun Klismanic, President of Zadar County Court, claims that Zadar judges are merely following the law and that those convicted for war crimes have the right to again stand trial, should they appear. Could you be more precise in defining the OSCE's objections in reference to the Zadar judiciary?

The OSCE Mission to Croatia, in a number of reports, has noted that the number of *in absentia* trials has substantially increased in Zadar County Court over the last year. In 2003, there were 28 *in absentia* convictions in Croatia, 15 of which were convicted by Zadar County Court. This is contrary to the trend seen in other courts in Croatia. It is also contrary to instructions issued by the Chief State Prosecutor to local prosecutors not to seek trials in absentia without specific approval. We are not contesting that under specific circumstances *in absentia* trials can be conducted, the question is however why are they becoming a prevailing practice in Zadar. The OSCE Mission questions the effectiveness of such trials considering that a significant number of these *in absentia* convictions do not stand once the accused appears for re-trial and that it duplicates procedures once the person is arrested.

OSCE's negative opinion of Zadar's judiciary was also incorporated into the European Commission's *avis* for Croatia. Can you comment on this?

We are speaking with the Commission about all issues which fall within the competence of our Mission and for the monitoring of which we have been given a mandate. These include minority rights, with emphasis on the return of refugees and their property, reform of the judiciary, treatment of war crimes before domestic courts, the reform of media legislations and police reform. During the last months, the European Union has asked for our advice in several occasions. We presented the Commission with reports on the results in individual segments of our mission and most of those reports you can find on our website.

Zadar residents need time for Sanader's progressive messages

What do you think of the political messages, directed at Minister Bozidar Kalmeta, contained in the graffiti which appeared in Zadar following the Prime Minister's visit of Serb returnees in the Zadar hinterland, alongside OSCE Chairman-in-Office, Solomon Passy?

On numerous occasions, the Croatian Government has noted that only through reconciliation and tolerance can Croatia move forward. This is a message the OSCE Mission shares. The Croatian Prime Minister, Ivo Sanader himself states that visits, such as the recent visit to the Zadar hinterland with current OSCE CiO, Solomon Passy, are aimed at fostering an atmosphere of reconciliation and tolerance and to send a message

that the war is behind us. Understanding that Zadar is certainly one of the hardest hit areas in Croatia, such messages will need some time. However, they are important in building a common European vision of the future for everyone to share, a vision that will eventually allow people to overcome the burden of the past.

Considering that the majority of OSCE reports have negatively assessed Zadar, in terms of its media and judiciary, and the fact that one can feel that the OSCE monitors the return of Serbs to this area with special attention, does this mean that the Zadar area is the ‘farthest’ of all Croatian regions in reference to attaining European standards?

It must be pointed out that Croatia, as a whole, received a positive avis by the European Commission. This avis is not only a great recognition for this country but is also confirmation that Croatia belongs to Europe. Zadar, as an important region in Croatia, has shown itself to be forward-thinking and a leader in its economic development, the results of which can be seen today. On the other hand, it is a region still burdened by the effects of the war. I am convinced that economic development can help in overcoming the burden of the war.