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**INTERVIEW with Alessandro FRACASSETTI, SPOKESPERSON to the OSCE MISSION TO CROATIA**

## **Sanader's words are encouraging but we're waiting to see what is done**

By Senol Selimovic

We spoke with **Alessandro Fracassetti**, Spokesperson to the OSCE Mission to Croatia on Monday, the day in which the new configuration of the Croatian Parliament was constituted and **Sanader's government** requested a green light to take over the country's steering-wheel. Only a few days earlier in Vienna, a decision was made to extend the mandate of the OSCE Mission to Croatia to the end of 2004.

**Does this mean that for the international community Croatia is still an institutionally and politically immature country?**

It means that Croatia has still not completely fulfilled all its commitments and here I primarily refer to those issues covered by the mandate of the OSCE Mission to Croatia. Our mandate, among others, includes tracking the refugee return process and the adoption and implementation of legislation in the areas of minority and human rights. The mandate of our Mission has developed, from monitoring in the early phases to supporting the implementation of legislation.

## **Full co-operation with The Hague is inevitable**

**Is there a real chance that following 2004 there will no longer be a need for the OSCE in Croatia?**

We should focus on tasks and not on time span. Issues covered by the mandate require a sincere commitment from all of society.

**On the 18<sup>th</sup> of December in Vienna, Head of the OSCE Mission to Croatia, Peter Semneby presented the Mission's report on Croatia which was endorsed by the OSCE Permanent Council. Did Croatia, through its Ambassador Matek, oppose the OSCE report or sections of it?**

To a great extent there was a high level of agreement in Vienna regarding our report.

**Mr. Semneby has announced that the OSCE will soon meet with the new Government. What will you propose and what will you be asking of the new Government?**

Yes, we will be meeting with the new Government at the first available opportunity. We will put together what we expect from the new Government regarding joint interests in areas covered by the Mission's mandate. These are, primarily, refugee return, minority rights, reform of the judiciary and co-operation with the ICTY. Regardless of the configuration of Croatian governments or of their orientation, our message has always been that the issue of refugee return should be one of the main priorities for each government. We expect the new Government to develop an atmosphere which will be conducive to return and concretely, to eliminate all obstacles on the path to refugee return.

**Didn't Prime Minister Ivo Sanader call on all Serbs to return during the pre-election period?**

Correct. We welcomed Sanader's statement which clearly invited refugees to return to Croatia.

**According to the OSCE, what is the biggest obstacle preventing refugee return? Precisely what should the new Government do?**

One of the biggest problems to refugee return is lack of housing. Currently in Croatia there are around four thousand privately-owned homes which are occupied and to add to this, a large number of houses were destroyed. We have a little under 20 thousand reconstruction requests currently pending. The next problem is that former occupancy/tenancy rights holders who wish to return have until now had no access to housing care.

It is necessary to enable fast and effective implementation of the recently adopted Government programmes. Naturally, refugee return depends also on other factors – economic opportunities and employment, as well as psychological factors, which for example, have manifested themselves as fear of living in return areas as minority members. Therefore it is very important that the new Government reiterates guarantees to returnees, creates an atmosphere conducive to return and removes all bureaucratic hurdles in the normal return of people and property.

**Without entering into a discussion as to who was to blame, does the OSCE Mission believe that the HDZ can be considered trustworthy when giving such guarantees considering that this party was in government during the Serb exodus?**

Regardless of who is in power, it depends on concrete measures. In that sense, it is not important as to who, but how government acts. The first signs coming from the new governing body are encouraging but we will wait to see how things further develop.

**There is a Minister in the new Government who until yesterday was the mayor of a town which proclaimed ICTY indictee Gotovina an honorary citizen, kept a picture of the indictee in city hall and publicly displayed a huge poster of the General with**

**the words “Hero, not criminal”. Can a government with such a minister be taken seriously by the ICTY and satisfy political criteria for the accession into the EU?**

I have to reiterate that we will assess the new Government based on facts. The new Government must fully commit itself to prosecute war crimes and co-operate with the ICTY.

### **We train and inform**

Each government, regardless of its composition, must understand that co-operation is one of its most important obligations and tasks, i.e. one of the most important preconditions for the realization of Croatia’s aspirations for entrance into the European Union.

**The OSCE Mission Report criticizes Croatia for insufficient representation of minorities in administration, the judiciary and police force. Does this mean that Croatia adopts laws which are then not implemented, for example, the Constitutional Law on the Rights of National Minorities?**

Significant effort is needed to implement legal provisions. Representation of minorities in state administration, the judiciary and the police force needs to be aligned to the Constitutional Law on National Minorities. To this effect, additional elections will be held at the beginning of 2004 for minority representatives in local and regional self-government units. We also expect that elections for the remaining minority councils will also be held. The OSCE Mission has already begun supporting the Government in implementing this law by, for example, training newly elected minority representatives as well as informing citizens of the May 2003 elections for minority representatives through the NGO GONG. We will also support all efforts by the new Government in implementing the Constitutional Law on the Rights of National Minorities.

**According to the OSCE, double standards are applied to defendants of Serb ethnicity compared to those of Croatian ethnicity standing trial before domestic courts. Can you explain this?**

Currently, the OSCE Mission is monitoring over 70 war crimes cases before Croatian courts. We continue to insist that war crimes trials before domestic courts are heard without prejudice. We are witnesses to efforts made by the State Prosecutor's Office to revise war crimes charges which were filed last year in order to determine their validity. I would also like to raise another problem and that is the large number of trials held *in absentia*. According to statistics, 85% of all defendants who are Croatian citizens of Serb ethnicity were sentenced *in absentia* during 2003. We have suggested that the number of such trials should be limited.

**Your report also mentions that more and more Croatian citizens are seeking justice before the European Court in Strasbourg. What does this say about the Croatian legal system?**

There is a large backlog of cases before Croatian courts, approximately 1.4 million cases. Due to this, many legal cases have been substantially delayed, and in other cases, have become completely inefficient. We believe that the plan to reform the judiciary, which the Government adopted in 2003, will assist in decreasing that large number of backlog cases. The seriousness of this problem for the Croatian legal system is illustrated by the fact that the European Court for Human Rights will only hear cases in which all domestic legal remedies have been exhausted.

## **Pressure on local media**

**It seems that the OSCE views local media as being more problematic than national media, with the latest report noting several examples of political pressure on media freedom in Sinj, Otocac, Zadar and Osijek.**

One of the specific problems when talking about local media is the fact that in some areas local authorities are owners of local media. In this way they can directly interfere with their independence. I believe that the biggest problem with regard to political influence occurs due to this relationship between media and local authorities.

**Within the next three months Croatia can expect the *avis* of the European Commission on Croatia's candidacy for EU membership. How much will this report and the assessment by the OSCE directly influence the speeding up or slowing down of Croatia's European integration?**

Without a doubt, this will mostly be affected by what Croatia has done to date, as well as what is done prior to the European Commission publishing its *avis* (opinion). As far as political criteria for EU accession is concerned, many of these issues are covered both by the European Commission and by the mandate of the OSCE Mission to Croatia. OSCE reports are among those taken into consideration when assessing Croatia's progress, which is why I believe that they will be taken into account. Through its work, the Mission continues to provide support to Croatia in its efforts to integrate into Europe.