

DNEVNIK - Novi Sad based daily, 28 March 2005.

Interview: Head of the OSCE Mission to Croatia, PETER SEMNEBY

## **It's good for the Serbs until they go to court**

By: S. Gluscevic, S Milanovic.

“The status of the Serb national minority in Croatia has improved to a large extent because it represents one of the conditions for Croatia’s accession to the EU. The assessment I presented before the OSCE Permanent Council in Vienna in relation to the status of the Serb minority in Croatia was not a negative one, as some media wrote. I prefer to say that it was rather a balanced one, as this problem has to be observed in the long term,” the Head of the OSCE Mission to Croatia, **Peter Semneby**, told our paper.

“The adoption of the Law on the Rights of National Minorities also contributed to that, as well as the political agreement between the Croatian Democratic Union (HDZ) and the Independent Democratic Serb Party (SDSS), which placed the minority issue in the focus of attention. However, this does not mean that all is perfect; there are quite a few problems that need to be resolved. For example, the documents on refugee return have not been completed yet and there are also parts of the Law on the Rights of National Minorities that are not implemented. I refer to the participation of Serbs in state administration bodies, judiciary, police... This problem has to be resolved. It is not a problem of recognition of their right, their right is recognized pursuant to the Croatian law, but the problem is the implementation of that law. Programs should be elaborated which would encourage Serb representatives to participate in the work of these bodies and this cannot be done overnight. Simultaneously, professional standards must be maintained. I do not say that these programs are accepted, but we offered them to the Croatian authorities,” he says.

### ***How is the return proceeding and what is the OSCE doing to improve that process?***

The return of Serbs is in the focus of political discussions because of the agreement between the HDZ and SDSS and that is a positive thing. It is also positive that the three governments of Serbia and Montenegro, Bosnia and Herzegovina, and Croatia recently met in Sarajevo in order to produce a program that will definitely resolve the refugee issue by the end of 2006. This is the first time after the Dayton Agreement that the three governments agreed in a regional framework on anything related to refugee return. Additionally, there are still numerous problems which need to be resolved, the most important being the provision of housing care for the former holders of occupancy/tenancy rights.

### **It's not perfect, but it's realistic**

***Why did the OSCE accept the provision of housing care as a compensation for the lost occupancy/tenancy rights, when this is contrary to the provisions of the Dayton Agreement and the Agreement on Succession between the former SFRY republics?***

Two years ago we had no program for those who had lost their occupancy/tenancy rights and it is a great progress that the Croatian Government recognized the existence of this category of refugees. The program is not perfect by far. However, if we take a realistic look into the matter, that was a politically possible achievement and that is better than nothing. We would have liked a more generous solution but we are working in a political environment and every decision has to undergo a political process. Bosnia and Herzegovina resolved this problem in a different manner since it is in a different environment, in fact under the international protectorate. If this had been left to local authorities, the process would have been much more difficult. Several thousand applications for housing care have already been submitted and I expect that by the end of the deadline, that is, 30 June this year, the number would be much bigger.

***What if there are only few of them? Will that be a sign for the international community that occupancy/tenancy rights are not a large issue or will it confirm dissatisfaction of Serb refugees with the Croatian Government's offer?***

I hope that as many people as possible who wish to return to Croatia will submit an application. Those who do not wish to return should also be assisted with the provision of a decent life wherever they want to stay. I think that most of them will remain Croatian citizens and they will have the possibility of returning to Croatia in the future, if they wish to. They will not lose their right to return, but maybe in the future they will not enjoy such support as they do now. Deadlines are expiring, and the governments of the three states agreed with the international community to support refugees in their decision whatever it might be, but it needs to be their own decision. This program is not perfect but it is the best thing currently available to refugees and I am afraid that there will be nothing better in the future. People should not gamble by not applying for this program thinking that there will be better offers. They should definitely apply now. It is very important that a large number of people apply because if that does not happen, a message would be sent out to the international community and all organizations which try to assist that this is not such a big problem.

***How many occupancy/tenancy rights were lost? Data from the two governments, as well as those at the disposal of organizations dealing with these problems, differ.***

There are 23,700 cases in the areas which were under Croatia's governance during the war, in which courts terminated occupancy/tenancy rights because of the so-called unjustified absence. We do not have specific data for other areas, but we assume that this is a case of five to six thousand households, which means that in total there are 30,000 households. If we multiply that with three or four household members, we get a number of approximately 100,000 refugees.

***More and more Serbs who live in Croatia address the court in Strasbourg in order to exercise their rights. Does that mean that they are discriminated before the Croatian judiciary and how do you assess the work of courts in Croatia?***

The judiciary in Croatia has problems like all transitional countries do. It is another problem how fair those courts are. In some courts discrimination of Serbs exists, especially in cases pertaining to the property repossession and war crimes. Croatian authorities are aware of that and we wrote extensive reports on this issue, especially on

war crimes. We initiated some programs together with Croatian authorities and the international community in order to correct this problem. Four courts were established dealing specially with war crimes but that is only the beginning as these changes need to be infused into the entire judicial system. In the future, participation of Serbs in the work of judicial bodies should be ensured.

***Returnees to Croatia are still arrested as they are on the list of persons indicted for war crimes. How can those who wish to return get access to those lists?***

I often spoke about this topic with the Croatian Minister of Justice and the State Prosecutor and that resulted in the State Prosecutor's revision of the list of persons indicted for war crimes. The number of persons from the list has been decreased from 4,000 to 2,200. It is the intention of the State Prosecutor to proceed with the revision of lists. We made the proposal and the Croatian Government agreed to forward this list to the Government in Belgrade. This information is officially available to the Serb Ministry of Justice. Those lists are not a Croatian state secret. Naturally, the lists still need to be reviewed, since the majority of those who were arrested were released because the indictments proved unjustified. I believe that this process will be smoother now that Belgrade received the list, since both governments have the same the grounds for discussions. They start with the same documents on the table.

***Do secret lists still exist?***

As far as we know, they do not exist. Almost everybody who was arrested was on the list which is now available to Belgrade.

***The deadline for applications for obtaining the status of permanently residing foreigner for those who used to have permanent residence in Croatia before the war expires at the end of June. Will that deadline be extended taking into account problems which refugees from Serbia and Montenegro are facing in the process of application?***

That deadline has already been extended from the end of last year to 30 June this year. There are places where more documents are required than it is stipulated by law. We are aware of that and we are holding meetings with the Croatian Minister of the Interior on what could be done to facilitate this procedure. However, refugees should attempt to apply within deadline. If some refugees are facing such difficulties, they should address our organization in Croatia.