

INTERVIEW: Peter Semneby, Head of the OSCE Mission to Croatia

By Sanja Despot

**Croatia is not ready for
a great number of cases from The Hague**

An intergovernmental regional conference on refugee return was held last Monday in Sarajevo. We spoke with the Head of the OSCE Mission, Peter Semneby, about the results of this conference and the refugee return process.

Are you satisfied with the return process?

Undoubtedly, progress was made, which is partially the result of the Croatian Democratic Union (HDZ) – Independent Democratic Serb Party (SDSS) Agreement, but we are still not in a situation when all refugees can freely return and repossess their property, while housing care programs in the parts of the country outside the Areas of Special State Concern are facing constant delays. The issue of infrastructure should be resolved as well. There are a large number of villages that don't have electricity, even 10 years after the war. I visited the village of Lovcar in Gornji Kukuruzari next to Kostajnica. Inhabitants in that area do not have electricity although they never left their villages. The repossession of occupied property has not been completed – temporary occupants are still living in more than 1,000 housing units. We are also faced with the problems of looting and damaging of property before temporary occupants vacate, leaving it in a condition not suitable for living. Owners are sometimes ordered to pay compensation for alleged investments made into the house by temporary occupants. In Korenica we had a case in which the local court ordered the owner to sell his property which he was to repossess on 24 February. There were articles in the past about the “Sara” restaurant case. The court ordered the owner to pay EUR 30,000 in compensation, regardless of the fact that the temporary occupant used the house without compensating the owner in any way and ran a successful business in that house. The owner is not able to pay such an amount of money, so his house would be sold at an auction, only two hours after the anticipated take-over. Such practice is impermissible. This is an example of unjust legal regulations applied by a biased court.

Governmental representatives of three countries agreed at the regional conference on refugee return that the return process would be completed by the end of next year?

All problems related to refugees in that triangle are so closely connected that a regional approach is necessary. I am of the opinion that this was the first time after the Dayton Agreement that the governments indicated the manner for resolving this issue. The adopted joint declaration represents the beginning of hard work. Free choice of every individual must be respected – all war victims must be able to return to a safe environment and have access to their homes. The wish of those who want to stay where they are also needs to be respected. The greatest problem for Croatia is the provision of housing care to former holders of occupancy/tenancy rights. Apart from the humanitarian

aspect, there is also a political aspect here – the refugee issue needs to be removed from the political agenda once and for all.

Has Croatia moved closer to the EU since the time of your arrival?

Absolutely. I arrived to Croatia only a few weeks after the Croatian Parliament ratified the Stabilization and Association Agreement, when the HDZ left the parliament session. Euro scepticism is still quite strong in Croatia, but there is also a consensus among the major political parties that Croatia's future is within the EU. There are still some outstanding issues related to the past, but the vision of the future is quite clear – and that is the most important thing.

How do you assess problems with The Hague Tribunal?

We are not the ones assessing whether Croatia fully co-operates with The Hague Tribunal. What we do take part in are other aspects related to the so-called Completion Strategy of the Tribunal - we are in a position to say whether Croatia fulfils the conditions for taking over cases from The Hague. It is not only important to provide for special departments for war crimes, but also to enable adequate training for the entire judiciary so that they can try war crime cases in a fair manner. We are concerned with the manner in which trials are handled here. When we were asked by The Hague whether Croatia is capable of taking over the responsibility for trying cases from The Hague, our answer was: yes, Croatia could take over a limited number of cases if judges undergo appropriate training. However, a great number of cases would instantly suffocate the Croatian judiciary. Another important aspect is interstate co-operation in relation to witnesses living in other countries, etc. Therefore, I am happy that the agreement on co-operation has been reached between the state prosecutors of Croatia and Serbia and Montenegro.

“DEAD SOULS”

ELECTORAL SYSTEM SHOULD BE CHANGED

What is your opinion on the conducted presidential elections and the voting of “dead souls” in Herzegovina? Should the election law be changed?

It has been a recommendation of the OSCE for several years already that the electoral system needs to be changed. The most important measure would be the establishment of a permanent body for conducting elections, because by comprising this *ad hoc* commission prior to each elections, the system remains vulnerable.