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

Dismissed Judges Could Assist in Solving Court Cases

The major difficulty is a huge backlog of cases. There are more than 1.3 million cases, which suffocate the judicial system. There is a lack of judges in many places, so those judges who do not work any longer, or who were dismissed, could be engaged – Croatia has a lively media landscape

Ambassador Peter Semneby, a Swedish diplomat, arrived in Croatia at the beginning of the year and took the lead of the OSCE Mission in our country. We talked to him about the return of refugees and their integration in society, temporary occupied property, rights of national minorities, reform of the judiciary, freedom of media and the closing down of the Mission.

- **What have you identified as the biggest problem in Croatia that is of interest to the OSCE Mission and in which field has the Government achieved the most significant progress?**

The Mission has a broad political mandate and most of what the Mission is doing is related to sustainable return and integration of displaced persons in society in order to remove tensions that are still existent. Another important field of our activities relates to the reform of the judiciary since there are still shortcomings within it, which hamper the return of displaced persons. Apart from that, we are also dealing with the media situation, and we still have a role, although it is much smaller than before, in police monitoring.

When speaking of the results of the return process, it is important to say that there have been positive changes to the legal system, and the Government has adopted a program for the repossession of property by the end of the year, what is a very positive step. Croatia should ensure sufficient resources for the implementation of this project, but also prevent the possibility of it being stalled because of obstacles within the judiciary.

Strategic goals

In general, I am quite optimistic about all the tasks that we have in front of us. One of the main reasons for this optimism is the fact that most of the issues of interest to the OSCE are also mentioned as priorities in the Stabilization and Association Agreement which Croatia signed with the European Union in October of last year. That means that through the work we are doing, we will be able to support the Government in one of its most important strategic objectives.

- **In which segments of the OSCE mandate has the Croatian Government achieved the least?**

There are still tasks that remain to be done within all these fields. As far as the return of displaced persons is concerned, there are two large problems; those are the issues of the recognition of tenancy rights and also the cases of illegal and temporary use of other persons' property and its return.

- **What parts of the Croatian Judiciary need to be changed as soon as possible in order to strengthen citizens' legal protection?**

The major difficulty is the huge backlog of cases, there are more than 1.3 million of such cases, which suffocates the judicial system. This is an issue that the Croatian authorities are aware of, and the President of the Supreme Court recognized the unresolved cases as priority. There is a lack of judges in many places of the country, so the ones who do not work any longer, or those who had been dismissed, could be engaged. A way of efficient implementation of court decisions needs to be found as well. If court decisions were not implemented, the process would be returned to its beginning.

- **Are there laws in Croatia which are hampering the development of democracy?**

I would not form the question in such a dramatic manner. The problems of deficiency in some of Croatian laws do exist and they could jeopardize the security of citizens, but I would like to point out to something else, the fact that many adopted laws are simply not being applied.

- **Are you concerned with the stalling of the process of creation of the new Constitutional Law on the Rights of Minorities and do you consider such a situation to be the result of lack of political will in the ranks of the ruling parties?**

Yes, we are concerned since that issue has been on the agenda for quite some time already. The Council of Europe concluded that the existing Croatian legislation does not represent sufficient insurance for national minorities with regard to their participation and representation in the political system. Let us recall that one of the conditions for Croatia's accession to the Council of Europe referred to the adoption of the new Law on the Rights of Minorities.

However, we are encouraged by the fact that a new working group was established after the withdrawal of the former proposed law, and the goal of the mentioned group is to complete the legal framework in as short a time period as possible. I am of the opinion that we will also be able to give our contribution as well as the OSCE High Commissioner on National Minorities. In that process it is also important to take into consideration the opinion of national minorities in a suitable manner. Although their representatives do not participate in the composition of the working group, we expect that minorities will be thoroughly informed and consulted about the work of that body.

Freedom of the Media

- **Doesn't it appear to you that Croats in the areas of special state concern see the OSCE as "the friend of Serbs" and what will you do in order to stimulate the change of such a perception?**

I would like to say two things. Firstly, in addition to the humanitarian aspects of our work, we are here to support Croatia in the realization of its main foreign policy goals. The second remark refers to field work: our criteria are based on the rule of law and should be applied equally to all citizens.

- **To what extent is the Mission involved in the protection of rights of Bosnian Croats expelled from Republika Srpska and Yugoslavia?**

That is also a very important humanitarian problem and we are closely co-operating with the organizations representing Bosnian Croats, like the Union of Associations of Croatian Settlers (ZUNH). For example, the Mission recently began with the financing of their paper.

- **What kind of assistance can the Croatian Government count on when we are talking about the acceleration of the process of return of Serb refugees and repossession of their property and how sensitive is the OSCE to the problems of providing accommodation for expellees who have to abandon other persons' houses or apartments and are unable to return to their own?**

It is difficult to speculate what kind of support by the international community will be possible. The Croatian Government has already received support in the shape of loans and I believe that there will be more such funds. The international community will give its contribution to the financing of accommodation of those who have to move out of temporarily occupied facilities, but it is very important that the Government also realizes the importance of that issue for the integration and future of society. Croatia should make an effort and ensure money from the budget - it should bear a large part of the burden.

Since funds are lacking, priorities need to be set. When we are talking about people who have to abandon temporarily occupied property, it is natural to give priority and assist those who are socially endangered and those who moved into other persons' apartments because they had lost their former rights.

- **The Croatian Constitution guarantees freedom of opinion and expression of thoughts and prohibits censorship. However, some shows were taken off the programme of the national television, after all, and court decisions are suppressing certain newspaper publishers. The mentioned examples point at the impermissible jeopardizing of the freedom of the media, don't they?**

I think the question is a bit too sharp. I deem that the freedom of the media is not jeopardized in Croatia - it has a very lively media landscape. However, there are still certain laws that need to be corrected. The OSCE is very active and provides advice related to the Croatian laws on electronic media.

Some advice has been accepted, which is also evident from the changes made on the occasion of the appointment of the HRT Council and the HRT Management. I am looking forward to further positive development of events and a total transformation of the HTV into a public service broadcaster, like those in western countries.

As far as the latest “Feral” case is concerned, we will see how things develop, but it seems to me that quite a large fine was imposed on them, which is not an appropriate solution. The sanctions should not jeopardize the existence of the media and, if laws are unreasonable they should be changed.

Broad Mandate

- **Prior to your arrival to our country, you closed the OSCE Mission to Latvia. Will you soon do the same in Croatia, as well?**

That was the first question journalists asked me when I arrived in Croatia. Our mandate is quite broad and there are certain specific tasks that are yet to be fulfilled.

The usual answer to the usual question is: the Mission will be closed when all the tasks have been fulfilled. All the OSCE missions are temporary in nature and I think that we can play a useful role in close partnership with the Government and with the courts.

Croatia has made substantial progress since the opening of the OSCE Mission to date, and I think that it has reached a crucial point after the signing of the Stabilization and Association Agreement with the EU. Your country has made a strategic choice and I am certain that Croatia will also invest a lot of efforts in the areas of interest to the OSCE Mission.