



Slovensko predsedstvo EU 2008
Slovenian Presidency of the EU 2008
La Présidence slovène de l'UE 2008

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Slovenian Presidency of the Council of the European Union

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EU statement in response to the address by the Head of the OSCE Office in Zagreb, Ambassador Jorge Fuentes

The European Union warmly welcomes Ambassador Fuentes back to the Permanent Council and thanks him for his comprehensive report. We commend Ambassador Fuentes and his staff for the progress they have made in implementing PC decision No. 836 from December 21, 2007.

The EU has acknowledged Croatia's good progress in meeting its OSCE commitments over the last two years. This resulted in the successful completion of most aspects of the Mission's mandate and led to the closure of the OSCE Mission to Croatia in December 2007. However, since some important issues still require further attention, specifically in the area of war crime trials monitoring and housing care programs, the EU also supported the establishment of the OSCE Office in Zagreb. The EU is pleased that the Croatian Prime Minister has indicated his government's willingness to work closely with the new office. The EU will follow this cooperation closely.

The EU agrees with Ambassador Fuentes that, in general, Croatia has continued to improve its track record towards conducting balanced and fair war crimes prosecution. However, we also share his concerns that shortcomings remain in respect of proceedings in individual cases as well as with regard to how the criminal justice system as a whole delivers war crimes accountability.

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The EU commends the observations made in the context of the Office's war crimes trial monitoring, which serve as the basis for recommendations for reform in this area and encourages the Croatian government to agree to them and to implement those recommendations already adopted. In particular, we would like to call the government's attention to the importance of protecting the confidentiality of witness identity and testimony, separating the judiciary and the legislature, eliminating different standards based on national origin and guaranteeing of impartiality for the accused and for victims. The EU regrets that repeat proceedings continue to be frequent, either due to delays during trials or to reversals by the Supreme Court.

The ability of the Croatian judiciary to deliver impartial accountability for war crimes depends significantly on effective and institutionalised inter-state judicial co-operation. Given this regional aspect, the EU supports the collaboration of OSCE Office in Zagreb with other OSCE institutions and field presences. The transfer of evidence between national prosecutors and the fifth "Palič process" meeting in mid 2007 are concrete proof that inter-state judicial cooperation can improve accountability.

The EU acknowledges the project assistance provided by the Office for both NGO activities as well as for judicial education. Co-financing seminars for judges and prosecutors and providing project support to develop NGO capacity are effective measures that should continue.

The EU notes with satisfaction that ongoing reforms related to the adequacy of state financing for Croatia's human rights institutions, the foreseen establishment of a free legal aid system for civil cases, and the first steps taken aimed at implementing legal provisions for proportional employment of national minorities in the public service were deemed sufficiently self-sustaining at the end of 2007 to permit the discontinuation of Mission activities in these areas. Nevertheless, further progress on

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several of these rules of law issues will be discussed when negotiations begin between the EU and Croatia on Chapter 23 of the EU acquis. At the same time, the EU supports the continued engagement of the High Commissioner on National Minorities on issues relating to the protection of the rights of persons belonging to national minorities in Croatia.

The EU appreciates that the Government has resolved six out of eight aspects in the Sarajevo Process. On the two remaining open issues, the EU looks forward to a specific decision by the government to settle the convalidation of working years spent in formerly occupied areas and welcomes the fact that the government fully accepts its responsibility for a fair settlement for former OTR holders not willing to return to Croatia. We note that the government has declared its good will in trying to identify a feasible solution and urge the government to continue its efforts to resolve this outstanding issue.

The EU welcomes the government's willingness to speed up the implementation of the Housing Care programs for former OTR holders wishing to return to Croatia, but more work needs to be done to resolve existing backlogs relating to the delivery of all 1,400 housing units the government pledged to provide by the end of last year, to process the remaining housing care applications in a transparent and efficient way, and to allocate housing to all those entitled to receive it within the deadline set by the Government for 2009.

Mr. Chairman, in conclusion, we would like to thank once again Ambassador Fuentes and his team for their dedicated and successful work.

The candidate countries Turkey and the former Yugoslav Republic of Macedonia*, the countries of the Stabilisation and Association Process and potential candidate countries Albania, Bosnia and Herzegovina and Montenegro, the European Free Trade

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Association countries and members of the European Economic Area Iceland and Norway, as well as Ukraine, the Republic of Moldova, Armenia, Azerbaijan and Georgia align themselves with this statement.

* The former Yugoslav Republic of Macedonia continues to be part of the Stabilisation and Association Process

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