

# Prohlášení

## Statement

## Déclaration

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### **Permanent Council No. 756**

### **Statement of the European Union in response to the Head of the OSCE Office in Zagreb, Ambassador Jorge Fuentes**

The European Union is pleased to welcome Ambassador Jorge Fuentes back to the PC and thanks him for his comprehensive report.

The EU acknowledges Croatia's good progress in the two mandate-related areas of war crime trials monitoring and housing care programmes since March 2008 when Ambassador Fuentes last addressed the PC. All criteria that the OSCE established in these two areas are covered by Chapter 23 of the framework for accession negotiations and their continued implementation is therefore of keen interest to the EU, confirming an important synergy of respective activities. In this regard the EU recalls its GAERC conclusions of 8 December 2008, which stated that full cooperation with the ICTY, including the access to documents, remains essential in line with the Negotiating Framework.

The EU wishes to commend the Head of OSCE Office in Zagreb for maintaining a constructive dialogue with the host country's authorities including through his participation in ministerial level Plenary meetings. A number of steps have been taken based on Plenary recommendations that confirm the important role this arrangement plays in the reform process.

The EU welcomes the intensification of the Government's reforms in relation to local trials in respect of war crimes accountability during recent months. Most notable was the adoption of the Action Plans by the Government in late 2008 that include the systematic review of in absentia convictions, the revision of all pending cases and a new effort to investigate unprosecuted war crimes. The EU notes Ambassador Fuentes' comments that if measures proposed are implemented fully and in a timely manner, significant progress will be achieved during 2009. Since the Action Plans cover the first half of 2009, the EU looks forward to a mid-year report that should set out the state of implementation and in the light of this experience further refine the strategy and plans for the future.

The EU very much welcomes the recent amendment of the Criminal Code to further protect witnesses' identity and the adoption of a new Criminal Procedure Act. Similarly the EU appreciates the adoption of a new law on a free legal aid in 2008 as well as the establishment of four special Courts, designed to take war crimes prosecutions out of the region where the crimes occurred. However, the EU concurs with Ambassador Fuentes that the Croatian authorities should resort more frequently to these special Courts in order to decrease the risk of potential local bias. The positive trend of elimination of different standards apparently based on ethnic origin and a guarantee of impartiality for both the accused and victims should continue in 2009.

The EU acknowledges the project assistance provided by the Office for NGO activities as well as judicial education. The EU particularly welcomes OSCE's co-financing of the European Instrument for Democracy and Human Rights Project related to war crimes accountability and

reconciliation. Workshops for trial judges and project support to develop NGOs' capacities contribute to sustainability of the whole process.

The EU appreciates that the only case transferred from The Hague, the Ademi-Norac case, was finalized last year and assessed by the OSCE as correctly conducted. The EU hopes that any appeal to the Supreme Court will be decided upon this year. Likewise the EU would anticipate the adequate handling of the trial of parliamentarian Branimir Glavaš and five others, accused of war crimes against Serb civilians.

The EU commends the efforts of the government to speed up implementation of the Housing Care programmes for former OTR holders wishing to return to Croatia. Work will still have to continue to resolve delays in the implementation of the Government's 2008 Benchmarks. The EU points out that, according to Ambassador Fuentes, despite the global economic crisis, implementation of the Housing Care Program is ensured by the Croatian highest political commitment.

The EU encourages the Office to continue its diligent work, in cooperation with the relevant authorities, throughout 2009, in order to facilitate necessary progress on the issues within its mandate.

Ms. Chairperson, in conclusion, let me on behalf of the EU thank Ambassador Fuentes and his team once again for their dedicated work. As this is the last appearance of Ambassador Fuentes to the PC, we would like to congratulate him for his achievements and to wish him all the best in his future endeavour.

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 Association countries and members of the European Economic Area ICELAND and NORWAY, as well as UKRAINE, the REPUBLIC OF MOLDOVA, ARMENIA and GEORGIA align themselves with this statement.

\*The Former Yugoslav Republic of Macedonia continues to be part of the Stabilisation and Association Process.