

**INFORMAL EXTEMPORANEOUS WORDS OF AMBASSADOR ENRIQUE  
HORCAJADA-SCHWARTZ, HEAD OF THE OSCE OFFICE IN ZAGREB, AT  
THE ROUNDTABLE SESSION DURING THE OSCE PARLIAMENTARY  
ASSEMBLY MEETING IN DUBROVNIK**

First of all, I would like to thank the Speaker of the Croatian Parliament, the President of the Republic and the President of the Government of Croatia for their very nice words about the work of the OSCE staff in Croatia.

Thank you Roberto! Thank you for this very good initiative of holding a roundtable among the Ambassador Heads of the OSCE Missions in the SEE and discussing challenges and concerns of the region.

Indeed, this year, 2011, is already the 15<sup>th</sup> year of the OSCE's presence in Croatia and a close co-operation of our organization with several Croatian governments.

During these 15 years, during which there were ups and downs, we have seen the progressive building, advancement and strengthening of democratic institutions, and the accomplishment of benchmarks that the OSCE proposed Croatia should meet in order to overcome the legacy of the war and achieve reconciliation.

In 2007, the OSCE Permanent Council decided that most of the programmatic activities of the OSCE Mission to Croatia could be considered finalized since Croatia had met all the suggested OSCE benchmarks in the field of media freedoms, development of political institutions and state bodies, political parties, electoral campaigns and fair elections, democratic police, civil society and NGOs, and other topics. The Mission was closed and an Office opened with the task of continuing only with monitoring of 2 remaining aspects: the allocation of houses and apartments to a specific category of refugees (the former occupancy tenancy rights holders) and the monitoring of war crimes trials that were being conducted and would continue taking place for many years to come.

Now in 2011, we can only certify that democratic normality is a current characteristic of political and social life in Croatia. You only have to look around in this nice city of Dubrovnik to realize that Croatia has reached standards of the most developed countries among the OSCE nations. Just being anecdotic now! The wedding of the 85-years-old Duchess of Alba dancing flamenco received more attention in the media of Croatia, than this meeting of 300 parliamentarians of the OSCE Assembly. That is very sad but, in the end, also a sign of normality!

And this full normality, after a war, is what Croatia has achieved with the help of the OSCE.

This year we are about to reach a point when all 56 OSCE nations could possibly agree that the OSCE mandate has been accomplished and the organization will be ready to celebrate such a success accordingly.

When can a mandate of the OSCE be considered fully accomplished? Well, that is not something to be declared easily. Some could always say that the mandate has been

fulfilled but not entirely completed because, for example, war crimes trials are going to continue for another decade probably, or as long as evidence for conducting fair trials are being gathered by the police and prosecutors - and we all know that this is a long-lasting and not an easy job at all. However, it would not be logical that the OSCE continues monitoring trials until the last verdict in the last war crimes trial has been passed. The OSCE will consider its mandate accomplished when a fair judicial system is in place and working. And this has been recognized by most of the OSCE nations as something that is already happening in Croatia. A judicial system is in place in Croatia and a dynamic civil society and judicial NGOs are following every judgement passed in a war crime trial.

Some could say that from time to time a controversial decision by a specific judge in a specific regional court could still take place, but controversial decisions by judges take place from time to time even in some of our most advanced and democratic countries. What is important is that a solid judicial system is in place and that appeals can remedy any controversial verdict. In this sense, I have to say that the Supreme Court of Croatia has served an example during all these years by way of rejecting every decision that was considered unfair.

I already said that there are up and downs and you have probably seen these days in the news one of such difficult situations that may affect regional judicial cooperation between Croatia and Serbia. We are faced these days in Croatia with front pages discussing about the convenience of the Government to motion urgent discussion in the Parliament about a draft Law annulling the indictments for war crimes issued by Serbia from the 1991-1995 conflict. Today, at noon (that is, in few moments) the Parliament could vote about this draft Law being adopted. The political parties in the Croatian Parliament have very different views. The HDZ defends its views that these Serbian indictments are old, weak and even without any serious evidence supporting them. Other parties defend their views that we have to let the system and regional co-operation do their work without introducing new and specific Law. Other analysts say that all these things are happening now due to internal electoral or political reasons both, in Croatia and Serbia. The President of the Republic of Croatia and the two Chief State Attorneys, from Croatia and Serbia respectively, have criticized this draft Law.

I am confident that the good judicial co-operation which we have witnessed between the two prosecutors will be resumed and that the exchange of evidences against all war crimes suspects will continue at the technical level as it was the case to date

With regard to the other residual aspect monitored in the course of my mandate, the allocation of apartments to former OTR holders, I am very happy to announce that the last quantity of apartments, the final part of the housing care benchmarks, agreed with the OSCE was accomplished 2 months ago by placing all these apartments at the disposal of beneficiaries. Around 150 beneficiaries have not picked up their keys yet but their apartments are there.

Ups and downs, yes, but nobody can say that a steady progress in Croatia has not been achieved. Up to the point that most of our 56 nations could be ready to trust the system which is now in place in Croatia and according to that also discuss if, the OSCE mandate could be considered accomplished.

As every year, discussion about this possibility will take place in Vienna in December. The Office in Zagreb will submit his annual technical report on 17 November. Based on this report, the Participating states will initiate their annual discussion, under the leadership of Lithuanian Chairmanship in Office, in order to agree if the mandate could be considered accomplished. Some nations could think that some monitoring by the Office could not do any harm and could still be helpful to Croatia. However, many other nations, and I dare say the overwhelming majority, will be ready to recognize and to commend Croatia for a job well done, by way of acknowledging that all benchmarks can be considered fully met and that the system has to be trusted.

Based on my technical work, I personally believe that this year in December, on the 15<sup>th</sup> anniversary of the presence of the OSCE in Croatia, the successful declaration of an OSCE mandate being accomplished could finally take place: the declaration on the completion of the OSCE mandate in Croatia.

Thank you very much