



**Organization for Security and Co-operation in Europe  
OSCE Mission to Croatia**

**News in brief  
29 March – 12 April 2005**

**Mission concerned that an increasing number of Croatian Serb returnees may lose their properties due to court-ordered compensations to temporary occupants for investments made without the owner consent.**

Local courts continue to order auctions of Serb property to compensate temporary users for investments in property, that the users claim to have made, including those made for business purposes. These investments were made without the consent of the owner while the temporary occupied properties were formally administered by the State. This practice continues to be an impediment to refugee return and violates fundamental human rights standards.

The recent case of Stevo Zabrdac, a Croatian Serb returnee living near Daruvar in Eastern Croatia is the latest of several similar cases of concern to the Mission. Mr. Zabrdac, who repossessed his house in September 2003 after a long legal battle, is facing the loss of his property since he is unable to pay a court-ordered compensation to the temporary user who lived in his home since 1992. On 9 March, the Daruvar Municipal Court scheduled a court auction for 14 April to sell the property of Mr. Zabrdac to recover approximately 5,800 Euro of compensation that the Court had awarded to the temporary user for alleged investments made in the house without the consent of the owner. Immediately prior to issuing this report, the Mission learned that the court auction had been postponed.

In a press release issued on 8 April, the Head of Mission expressed concern that an increasing number of Serb returnees in Croatia may lose their homes due to unfair and incomplete legal regulations and biased decisions by some local courts.

Until now, the Government has declined responsibility for compensating temporary users for their investments, even though the State originally assigned the properties to temporary users. Several recent Court rulings have upheld the practice of making the owners responsible for such compensation rather than the State.

In addition, some local courts continue to join the owner's repossession claim and the temporary user's claim for investment made in the house. This Court practice contradicts the September 2004' Constitutional Court decision upholding the validity of local court decisions ordering the eviction of temporary users despite pending claims for investments against the owner. Such a practice not only delays the property repossession process but also restricts the free disposal of the house by those owners who repossessed their houses through an administrative procedure.

**The Mission joins the Government in intensifying public awareness efforts related to the Government's housing care programme for former OTRs holders**

The Mission has joined the Government in intensifying public awareness efforts related to the Government's housing care programme for refugees who used to live in apartments with occupancy / tenancy rights (OTR) *outside* the so-called Areas of Special State Concern (ASSC) and who wish to return. In December 2004, the Government extended the application

deadline for this programme from 31 December 2004 to 30 June 2005. The purpose is to encourage all former OTR holders who have an interest in returning to avail themselves of the possibilities offered by this programme. So far, only a small number of applications have been filed. This appears largely to be the consequence of a widespread lack of confidence among the refugees that the programme will eventually deliver benefits.

Although the programme was adopted in June 2003, it was only in October 2004 that the Government initiated a long-awaited information campaign on this programme for potential beneficiaries. The campaign mainly includes advertisements containing information on procedures and deadlines for application on mainstream printed media in Serbia and Montenegro and Bosnia and Herzegovina.

Former residents of socially owned apartments are the largest remaining category of refugees and displaced persons without a housing option. Government housing programmes for this group are still largely unimplemented. The geographic area covered by this programme *outside* the ASSC includes most of Croatia's urban centres, and its implementation would enable the urban refugee population to return, which would contribute to the reestablishment of a more vital and diverse Serb community. The European Partnership with Croatia highlights the resolution of the housing problems for former OTR holders as a priority for action by the Government.

By the end of February 2005, the Government had received a total of 2,336 applications for housing care from former residents of socially owned housing outside the ASSC. There are 23,700 documented court cases during and immediately following the war where households outside the ASSC had their OTRs terminated because of unjustified absence of more than six months.

On the regular Serbian public service television's programme *Povratak* ("Return") on 20 March, the Head of Mission stated that the housing care option is the only one available and encouraged refugees and displaced persons to file an application. The HoM will participate in this programme again on 17 April.

In addition, the Mission is funding a project of the Serb Democratic Forum (SDF), a leading domestic NGO in human rights protection and reintegration of returnees, to further publicize the Government's housing care programme. The SDF will organize a set of public debates to provide displaced Croatian Serbs with information on the housing care facility, modalities, procedures, opportunities and deadlines for application as well as legal advice. These debates will take place in 11 municipalities in Serbia and Montenegro and Bosnia and Herzegovina in the coming months.

### **The Mission organizes a visit of Croatian Police representatives to Lincolnshire Police in the United Kingdom**

The Mission organized a visit for four Croatian Police officers and the spokesperson of the Ministry of Interior to Lincolnshire Police in England from 13 to 20 March. The purpose of the visit was to assist the Croatian Ministry of Interior in the refinement of its "Action Strategy Community Policing," and to afford the participants the opportunity to view various community policing initiatives. In addition, the visit provided the Spokesperson with the opportunity to observe the UK National Police Press Officers course. The visit was jointly funded by the Embassy of UK in Zagreb and the Mission.