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## **The OSCE Mission to Croatia is not satisfied with the pace of restituting property owned by Serb refugees**

### **MANY OBSTACLES TO RETURN**

Speaking of the problems faced by Serb returnees in Croatia, the Head of the OSCE Mission to Croatia, Jorge Fuentes Monzonís-Vilallonga, stated that the issue of terminated occupancy/tenancy rights (OTR) was just one of many obstacles to refugee return.

“Only now, when the resolution of other issues such as property repossession and reconstruction of war-damaged houses is coming to an end, this issue [terminated OTR] is becoming increasingly important. It is now one of the main topics in talks between Croatia, Bosnia and Herzegovina and Serbia and Montenegro within the framework of the Sarajevo Declaration process, which should provide for the closure of the refugee chapter in the region,” said Ambassador Fuentes.

He stated that there was “a pressing need to resolve the OTR issue” through the full, speedy and transparent implementation of the housing care programmes for former OTR holders as well as the repossession of formerly owned apartments where possible.

“There is also a request, primarily by the Serbian government but also by the other participants in the process, for the provision of fair settlement mechanisms to all former OTR holders. In doing so, one must also take into consideration those OTR holders who do not wish to return to Croatia because they are not entitled to housing care. Whether the Croatian government will adopt these suggestions within the Sarajevo Declaration process remains to be seen,” said the OSCE Mission Head.

Commenting on assessments that lost OTR cost refugees a billion euros, and that this estimate doubled if the value of property such as furniture, livestock and vehicles was also included, Ambassador Fuentes reiterated that no compensation had been foreseen for lost or damaged movable property. He added that ethnic Croats were also not compensated for their loss, so one could not say that such provisions were discriminatory.

“Recognising employment records from territories formerly controlled by Serbs is constantly on the agenda of the international community, the Croatian government and is one of the topics in Croatia’s Road Map, i.e. the Sarajevo Declaration process. It was suggested that the Croatian government resolve this issue by setting a new deadline for applications on the validation of war-time documents and promptly resolve all such pending cases,” said Ambassador Fuentes.

The issue of war crimes prosecution is an extremely important topic in relations between Serbia and Croatia.

“Croatia and Serbia have to develop a mechanism for the resolution of all pending war crime cases against Serbian residents wanted by Croatia. The result would be such that Croatia rejects cases with insufficient evidence, and that substantiated cases would be tried in Serbia. This is what the OSCE Mission advocates,” he said.

Ambassador Fuentes notes that a recent example of co-operation with Croatia could be seen in the so-called “Ovcara” trial, which was held in Belgrade. Croatia also co-operated with Bosnia and Herzegovina in the trial of a former member of the *Scorpions* paramilitary unit. However, this co-operation should be enhanced by making necessary amendments in the legal framework.

“Victims and witnesses should be provided with full logistical and psychological support by their governments. In the end, the overall process cannot succeed without the political support of judges, state prosecutors and witnesses from the highest levels of authority and the repeated commitment for the establishment of individual responsibility for war crimes,” said the Mission Head.

He emphasised that the OSCE Mission to Croatia, through its monitoring of domestic war crime trials, has seen that despite improved conditions, there are still some flaws in the trials conducted locally.

“These problems indicate the absence of a unified standard of criminal responsibility in war crimes trials, the result being a system that still displays ethnic bias,” reiterated the Ambassador, adding that the four special courts trained to conduct war crimes trials - Zagreb, Rijeka, Osijek and Split - should be better utilized.

“However, it is of utmost importance that co-operation between authorities in both Croatia and Serbia is improved in order to put an end to the impunity of those that committed war crimes,” concluded Ambassador Fuentes.

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