



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

**News in brief**

**3 – 16 October 2007**

**Prime Minister and Parliament take public positions on ‘Vukovar Three’ ruling**

On 12 October, in the continuing fall-out from the ICTY ruling in the ‘Vukovar Three’ case, Parliament adopted a declaration stating that the verdict puts into question the fulfillment of the Tribunal’s mandate. Parliament also expressed its dissatisfaction over what it terms “inappropriately low” sanctions imposed by the Tribunal, which failed to serve justice and distorted historical truth.

On 15 October, just prior to the ICTY’s presentation of its annual report to the UN General Assembly in New York, Prime Minister Ivo Sanader addressed the merit of the ICTY’s judgment in the ‘Vukovar Three’ case. Striking a more measured tone compared to earlier statements made in Croatia, including a letter sent to the UN Secretary General in the immediate aftermath of the judgment, the Prime Minister said that Croatians had been “deeply hurt” by the verdict. Along with many, including international human rights organizations and members of the European Parliament, he said that Croatians had felt the ruling downplayed the importance of the crimes committed in Vukovar. He went on to question the Trial Chamber’s decision to disregard the Geneva Conventions when determining the responsibility of the former Yugoslav Army Officers accused. He expressed hope that the Appeal’s Chamber would examine the verdict, taking into account important facts that had been ignored during the trial. He underlined the importance of the case to the credibility of the ICTY and international criminal law more generally, stressing that the appropriate and just prosecution of those responsible for war crimes was the best deterrent for the future, opening the way to lasting peace, security and reconciliation.

The Prime Minister concluded by reaffirming Croatia’s determination to continue full cooperation with the ICTY and the country’s readiness to take over all remaining war crimes cases involving Croatian citizens.

**Implementation of Government housing care commitments**

While the Government has satisfactorily resolved the majority of mandate-related issues in the area of refugee return – completion of the Sarajevo Process withstanding – the Government’s main task now lies in the provision of housing care to former occupancy/tenancy right (OTR) holders inside and outside of the Areas of Special State Concern (ASSC).

In terms of the overall housing care caseload, due to be resolved by the end 2009, 8,087 applications inside the ASSC (mainly areas which were formerly occupied or located in the vicinity of the former confrontation line) have been submitted to date. Of these, 3,638 have resulted in the physical allocation of a housing unit, while 3,653 remain pending.

Overall applications outside the ASSC, total 4,425 to date, out of which 1,819 have been administratively processed with 1,112 applications granted. However, in the majority of cases these beneficiaries still await the physical allocation of housing. One of the benchmarks for the completion of the Mission's mandate remains the Government's commitment to provide 1,400 housing units to former OTR holders by the end of 2007. That includes 1,000 units within the ASSC and 400 outside the ASSC. Based on some preliminary field work and an analysis of available data, the Mission estimates that the Government will be able to accomplish this task administratively. However, the physical allocation of housing will need verification before the end of the year.

Inside the ASSC, the Government aims to physically allocate housing to 915 families by the end of 2007. According to official figures issued at the end of September, 489 positive decisions on housing care have already been made. An additional 528 cases are scheduled to be resolved this year. However, of these, only 426 beneficiaries would be able to move in to housing this year as reconstruction on the remaining flats will only be completed in 2008.

Of the 157 flats purchased by the Government outside the ASSC, approximately 120 have been physically allocated to former OTR holders. In an attempt to speed up the purchase of the remaining 243 flats before the end of the year, the Government has enabled more flexible purchase conditions in line with market prices, allowing the purchase of apartments in the more expensive areas of Zagreb and the coastal towns. The Mission will monitor whether swifter purchase will translate into physical allocation before the end of the year.

The Mission's preliminary field checks in ASSC in Central Croatia and Western Slavonia - to be followed by a more systematic review of the whole country - indicated that not all the beneficiaries listed by the Government as physically provided with housing care were in fact provided for. This was particularly the case with those opting for the allocation of building material to repair damaged state-owned or private houses.

The majority are still awaiting the allocation of material making an end of year prognosis difficult to determine.

Field checks conducted so far revealed a notable improvement in the overall quality of housing provided within the ASSC compared to previous years. The condition of flats provided outside the ASSC is adequate if not good, in the case of both newly constructed buildings and older State-owned flats.

### **Parliament action on mandate-related issues prior to elections**

On 12 October, Croatia's fifth Parliament concluded its final nine-day session, dissolving in anticipation of parliamentary elections scheduled for 25 November. During the session, Parliament took a number of decisions related to the Mission's mandate. Adding to the growing number of ombudsman institutions, the Parliament adopted legislation establishing an ombudsman for the disabled, resulting in a total of four ombudsman institutions. These include two other specialized institutions for gender equality and children, in addition to the human rights ombudsman.

The Parliament also adopted a bilateral agreement with Bosnia and Herzegovina which, when ratified, will establish a dual citizenship regime, regulating rights and responsibilities of those with both Bosnian and Croatian citizenship.

Parliament also passed a new law on local and regional selfgovernment, introducing the direct elections of mayors and county prefects for the first time in Croatia. In expectation

of receiving an invitation to join NATO, the Parliament also discontinued obligatory military service for men over 18 effective from 1 January 2008.

Other mandate-related issues remained unaddressed or incomplete and will be postponed until a new Parliament is constituted. Among these is filling three vacancies on the Constitutional Court, which will occur in December. Over the course of 2007, Parliament has been presented with candidates for nine vacancies on the Constitutional Court, six of which have been filled, two of the remaining five during Parliament's last session. As of early December, the Constitutional Court will function with a deficit of three judges.

The Government's Annual Report on implementation of the Constitutional Law on the Rights of National Minorities, including *inter alia* data on the implementation of employment guarantees in the public sector also remained unaddressed by Parliament. Finally, after the Government's proposal for a Law on Free Legal Aid was criticized by human rights' NGOs and legal experts, Parliament withheld final action on the pending law.

## **MISSION ACTIVITIES**

### **Update on re-electrification in war-affected areas**

In a process begun three years ago, the Mission, in discussions with the Government and the Croatian Electricity Company (HEP), helped ensure an increase in the annual expenditure on re-electrification in war affected regions from approximately €2.75 million to €6.45 million.

The Mission estimates that, out of 300 unconnected returnee villages originally identified by the Mission, over half have been included in HEP's *Programme for the Rehabilitation and Reconstruction of Power Distribution Facilities in War Damaged Areas*. The Government has assured the Mission that the current level of investment in the re-electrification of return areas - affecting approximately 5,000 returnee households - will be maintained until finalization of the process due at the end of 2009.

However, Mission fieldwork has established that work in a number of villages due to be reconnected with funds from 2006 has yet to begin and that some villages already reconnected to the electricity grid still require individual connections. In the latter case, HEP claims that delays are the result of lengthy tender procedures for construction companies and suppliers of material, as well as the need to verify that mine-suspected areas have been decontaminated. Delays with individual connections are a result of the lengthy administrative and technical procedures required by HEP.