



Housing Care

The OSCE Office in Zagreb, which was opened on 1 January 2008, immediately after the closing of the Mission, has a mandate which covers two segments of the six thematic areas which were the scope of OSCE activities since its arrival in Croatia. It involves two parts of the Rule of Law and the Return and Integration chapters, namely the monitoring of war crime trials and the implementation of the housing care programme for returnees. Here we will talk about the second issue.

Once the remaining aspects of the refugee integration process - the property repossession and the convalidation of acquired rights among others - had been generally resolved,

the Permanent Council in Vienna authorized the Office to continue monitoring the residual aspects of the delivery of apartments to returnees who are former occupancy/tenancy rights (OTR) holders.

In the past years, the International Community identified 7,000 refugee families as the beneficiaries of apartments which would be provided to them between 2007 and 2009. Those 7,000 families - about 20,000 people on the whole - are the ones who have not yet been accommodated from among more than 300,000 Croatian refugees of Serb ethnicity that had left the country during the war and decided to return to their homeland.

It is evident that the figure of 7,000 cannot be considered absolutely rigid. Such a figure was reached as a result of the applications filed by former OTR holders who, already finding themselves in Croatia or still in their settlements in Serbia or Bosnia, did not have accommodation in their country of origin, Croatia.

Since we have insisted with the Croatian authorities that there should be no deadline for filing applications, this number of 7,000 could grow if there were more candidates for return, which is something that cannot be excluded, particularly once Croatia has become a member of the European Union and is seen benefited by logical economic prosperity.

Activities

Calendar

Housing Care

Likewise, the figure can decrease for three different reasons:

- Because of the inability to access persons who were candidates for return at one moment, but who subsequently changed their address. It is necessary to make all possible efforts - through Croatian Embassies and Consulates abroad - to determine the whereabouts of these people of whom there can be more than 1,000.

- Because a certain number of applicants are found ineligible for housing care, based on the legislation. However, some inadequacies in the passing of negative decisions have been found. The Ministry for Regional Development, Forestry and Water Management under UNHCR supervision, is currently analyzing those decisions with the aim of correcting the errors and validating as many applications as possible (more than 800 negative decisions have been issued for the programme inside the Area of Special State Concern).

- Finally, there is a certain number of families that changed their plans regarding return, there are persons who passed away in the recent years, as well as cases of repeated/duplicate applications. This would pertain to closed cases, the number of which reaches 600 apartments.

These three groups of applications should be studied with utmost care. The International Community should not stand rigidly by the initial number of 7,000. We should be flexible and not require from Croatia to build apartments that would later on remain empty. The cost of the operation is high and the country, still in full process of reconstruction, has many other obligations to attend to. What also cannot be accepted is that, through bureaucratic and statistical processing, the figure of 7,000 becomes substantially lower.

For the moment the operation

advances correctly: the Office has checked the construction, purchase or reconstruction of 1,000 apartments and houses already finished and delivered to their recipients, the vast majority of whom are Croatian refugees of Serb ethnicity. The apartments have been delivered "key in hand" and now it depends on the tenants to move in at the moment more suitable to their plans.

In this respect, on September 9th I visited some of these apartments accompanying Vice Prime Minister Uzelac and Minister Čobanković in the area of Sisak - towns of Gvozd and Dvor. It included good-quality housing units, with good finish work which proves that Croatia not only wants to provide a roof over the head for its returnees, but wishes to integrate them with respect and dignity throughout the entire territory of the country, of their country. This kind of visits will continue as an incentive in order that the benchmarks for 2007, 2008 and 2009 are respected and that at the end of this period of time all former OTR holders who wish to come back to Croatia - be this group composed of 7,000 or 6,000 families - find their accommodation.

Ambassador Jorge Fuentes
Head of Office



Deputy Prime Minister Slobodan Uzelac and OSCE Office Head Jorge Fuentes at a housing related meeting in Dvor, 9 September 2008.

21/05/08 Meeting with Mr. Dragan Crnogorac, President of the Joint Council of Municipalities, accompanied by two representatives of Serb national minority from his region: Mr. Jovan Ajduković, Deputy County-Prefect of Vukovar-Sirmium County and Mr. Mile Horvat, Deputy County-Prefect of Osijek-Baranja County.

21/05/08 Meeting and lunch with Mrs. Ivana Goranić, Dir. of the Judicial Academy

28/05/08 Guest at morning briefing, Ambassador Vladimir Matek, Advisor to the Minister of Foreign Affairs

29/05/08 Meeting with Justice Minister, Ana Lovrin

03/06/08 Committee Discussion on the 2009 Programme Outline, Vienna

03-07/06/08 Invitation by President Mesic and Mrs. Mesic to Diplomatic Outing in Brijuni

10/06/08 Meeting with SG of RCC, Hido Bišćević

Meeting with Mr. Jose Pedro Torrubia from the Spanish Embassy

16/6/08 Plenary Meeting with DPM Slobodan Uzelac and Development Minister Petar Čobanković

18/06/08 RACVIAC: Lecture by Amb. Fuentes "OSCE Contribution to Regional Security in SE Europe"

18/06/08 Visit to HQ by Ms. Julie Finley, U.S. Ambassador to the OSCE

10/07/08 Lunch with Amb. Salber HoO + key staff members meeting with Amb. Salber in the Office

24/07/08 Meeting with Assistant Minister and Police Director Mr. Marijan Benko

24/07/08 Farewell Lunch for Danish Amb. Berno Kjeldsen and spouse and British Ambassador Sir John Ramsden: in attendance Amb. and Mrs. Bradtke; Amb. Nyroos and Mr. Teemu Kassila

24/07/08 Meeting with Minister of Justice, Ana Lovrin

25/07/08 Meeting Assistant Foreign Minister, Neven Pelicarić

29/07/08 Meeting with Minister of Regional Development, Forestry and Water Management, Petar Čobanković

Meeting and lunch Robert Adams, Head of Democratization Dept. of the ODIHR, Warsaw

30/07/08 signing a children's declaration on democratic guidelines for a better future, in Orahovica

29/08/08 Meeting with Prime Minister Ivo Sanader

02/09/08 Plenary Meeting with Deputy Prime Minister Uzelac and State Sec. Milivoj Mikulić

04/09/08 Meeting with Ambassador Neven Madey, new Head of Cro. Del. in Vienna OSCE

09/09/08 Field trip to Gvozd and Dvor with DPM Uzelac and Minister Čobanković

17/09/08 Fourth "Return Platform Meeting" with Deputy PM Uzelac and Minister Čobanković

19/09/08 On the occasion of the 10th Anniversary of the Beatification of Aloysius Cardinal Stepinac - "The Legacy of Cardinal Aloysius Stepinac - The Historical Context from an International Perspective" conference.

22/09/08 HoO Meeting with Ambassadors of Finland, USA, France, EC, Greece and Mr. Vincent Degert, EC

25/09/08 Farewell lunch given by Ambassador Fuentes for Austrian Ambassador Dr. Helga Konrad

26/09/08 Plenary War Crimes Working Group Meeting with Ministry of Justice

30/09/08 HoO attends 2008 OSCE Human Dimension Implementation Meeting in Warsaw

Practical aspects of housing care programmes

repaired is not always of an equal level. Some beneficiaries tend to report a number of minor problems, while others have serious issues that we hope the contracting companies will amend.

In some areas of Central and Southern Croatia, the availability of housing is quite limited. There, beneficiaries are partly provided housing in older buildings, the quality of which differs. In general, beneficiaries are required to self-invest in small repairs. In other cases newly repaired apartment buildings are being used for housing, for example in Gvozd, Gračac, Udbina and Dvor, where the quality is good and can be compared to some apartment buildings in Eastern Slavonia.

Concerning the resolution of cases where owners of damaged houses should be provided building material for their repair, the delivery of building material has been delayed for a considerable amount of time. The Ministry of Regional Development, Forestry and Water Management (Ministry), with its Directorate for the ASSC, responsible for the implementation of the HC Programmes, informed us that the delivery of material to beneficiaries from the 2007 benchmark started recently.

Nevenka Lukin (right) from the HCU during the visit to a housing care beneficiary in the town of Benkovac, Southern Croatia.

So far the HCU did not manage to meet the greatest number of these beneficiaries, since the addresses of (re)construction sites were found vacant. However, as the legal obstacles that affected the implementation of this part of the Programme are now overcome, it seems that this model of housing, which was presented as the most efficient and fastest way of obtaining housing care, will only now start to function to its full extent.

The HCU visited around 350 beneficiaries outside the ASSC who took the keys for apartments allocated through the 2007 benchmark. Some of the families visited stated that, for example, the Regional Office of the Directorate for the ASSC in Osijek, was very co-operative and listened to their needs. This is particularly characteristic of those families where a family member is ill.

The largest number of the above 350 resolved cases are located in the towns of Osijek and Karlovac. On the contrary, hardly any cases have been resolved in the coastal towns thus far. This issue is now being tackled by the Ministry that recently published new public tenders for purchase of apartments in towns like Zadar, Split, Šibenik and Dubrovnik. The purchase of apartments there would contribute to the better geographical coverage of the 2008 Programme.

Jasmin Mahmić, Housing Care Implementation Unit

Throughout the summer months, the Government continued implementing the two Housing Care Programmes for former Occupancy/Tenancy Rights (OTR) holders - one covering towns outside the Areas of Special State Concern (ASSC) and the other covering settlements within the ASSC.

The Housing Care Unit (HCU) continues conducting field verification of the HC implementation. Based on the Government data, HCU is visiting the beneficiaries and provides them with any advice they might need concerning the two Programmes. The Unit then shares its findings with the Government, with the aim of correcting any mistakes or clarifying any issues that may appear in the process.

The largest number of HC cases visited is located in Eastern Slavonia. There the reconstruction of apartment buildings is progressing rather fast, mostly resulting in large number of good quality housing.

Still, during its most recent visit to Borovo Naselje, near Vukovar, the HCU witnessed that the quality of some of the buildings which had been



Ademi-Norac trial concluded, appeal process underway

The verdict

In late May, the Zagreb County Court (Court) concluded its trial of Rahim Ademi and Mirko Norac for war crimes. Both defendants were charged with ordering indiscriminate artillery attacks and failing as military commanders to prevent crimes or punish their subordinates for the torture and murder of Serb civilians and prisoners-of-war as well as destruction of property during and after the September 1993 'Medak Pocket' military operation.

The Court acquitted Ademi, finding he had no 'operational' command authority and limited knowledge of crimes. In contrast, the Court convicted Norac, imposing a sentence of seven years imprisonment. It concluded that because Norac had full authority over his troops, he must have been aware that they were killing and torturing civilians and prisoners-of-war as well as destroying and looting property. Key to its verdict, the Court determined that neither of the accused was the overall commander of the Operation, finding that Davorin Domazet was in command. Also the Court concluded that many crimes for which the defendants were charged occurred in areas over which neither had command, but were under the command of the Ministry of the Interior.

The Court issued its written verdict in mid-September, starting the clock on appeals to the Supreme Court anticipated by both Norac and the State Attorney. The Court's findings as well as testimony naming individual perpetrators suggest that full accountability for crimes during the 'Medak Pocket' Operation requires further investigation and prosecution.

During the trial, Ademi remained at liberty while Norac was imprisoned, serving a separate twelve-year sentence for war crimes. The trial

was conducted under conditions significantly different than other war crimes trials monitored by the Office, including strict security, special equipment unavailable in most courts, and a special press-room. In particular, the Presiding Judge demonstrated considerable initiative in obtaining inter-state cooperation, to an extent not previously seen in war crimes proceedings. Subsequent to the verdict, the Presiding Judge was appointed to the Supreme Court.

ICTY referral to Croatia and assignment to Zagreb special war crimes court

The ICTY referred the Ademi-Norac indictment to Croatia in September 2005, as part of its 'Completion Strategy.' The ICTY concluded that the case was appropriate for referral given the mid-level status of the accused as well as the adequacy of law and procedures in Croatia for a trial in this case. The ICTY also cited OSCE monitoring as an additional safeguard. At the request of the Chief State Attorney, the President of the Supreme Court referred the case to the Zagreb County Court in late 2005. The indictment was filed in December 2006 and the trial commenced in June 2007.

While Ademi-Norac was the only indictment transferred to Croatia under Rule 11 bis, the ICTY Prosecutor has transferred information in several 'Category 2' cases to the Chief State Attorney for further investigation and possible indictment and trial.

Office monitoring and reporting

The Office followed the Ademi-Norac trial as part of its comprehensive monitoring of war crimes proceedings, but also on behalf of the ICTY Office of the Prosecutor (OTP) consistent with the agreement between the OSCE and the ICTY Chief Prosecutor contained in PC Decision 673. The trial required the full-time efforts of two

staff members - Laura Fernandez and Alan Švarc - for over one year as well as considerable assistance from other legal staff. In order to gain first-hand knowledge of the proceedings, the Head of Office also attended a day of trial. Monitoring involved attending over eighty court hearings as well as reporting to the Permanent Council and OTP. To date, the Office provided 21 reports to the OTP, chronicling developments at regular intervals, accompanied by daily reports on each hearing. The Office will continue to report on the case throughout the appeal process.



Activities

Witnesses, inter-state judicial co-operation, and video link

During the trial, more than ninety witnesses testified, nearly 75 for the prosecution and seventeen for the defense. Most witnesses testified in public hearings. However, testimony was given in closed session by several prosecution witnesses who so requested as well as when prosecution witnesses testified via video link from third countries. Ademi and Norac provided lengthy statements in their defense. Hundreds of documents including reports, videotapes and photographs were also introduced as evidence. However, the Court was unable to obtain some requested documents from the Ministry of Defense.

More than thirty prosecution witnesses were former members of the Croatian armed forces. Many testified that no crimes had occurred or that there were no civilians in the Medak Pocket at the time of the Operation. These witnesses frequently contradicted each other, particularly in relation to the chain of command and the responsibilities of Ademi and Norac. Many of these witnesses were critical of the United Nations peacekeepers that assumed control of the 'Medak Pocket' after a negotiated withdrawal of the Croatian armed forces, most also noting the negative reaction of Croatian troops to the withdrawal after the Operation.

One former soldier, testifying as an endangered witness, spoke of crimes committed by the forces under Norac's command, naming three persons as direct perpetrators.

The vast majority of the remaining prosecution witnesses lived outside of Croatia. As a result, extensive inter-state co-operation with the authorities of multiple states was required to arrange for testimony either in person or via video link.

Among these non-resident witnesses were eight former United Nations peacekeepers from Canada, Denmark, Ireland, and Sweden. Seven came to Croatia to testify in person, while the eighth testified from abroad via video link. Some spoke about the negotiations between the UN and the Croatian Army leading to the withdrawal of Croatian forces from the Medak Pocket. Others testified about what they found after entering the Medak Pocket, including property destruction and loss of life. This was the first time UN peacekeepers appeared in a trial in Croatia.

With a few exceptions, virtually all of the Serb witnesses live in Serbia or third countries and testified via video link. A dozen Serb civilians present in the Medak Pocket during the Operation testified, although few had little direct knowledge of crimes or perpetrators. Several Serb former prisoners-of-war testified about their treatment in the custody of the Croatian armed forces.

Of the nineteen endangered witnesses who testified for the prosecution, all testified via video link and most lived outside Croatia. Endangered witnesses were not named, but referred to by numbers. Even those endangered witnesses who resided in Croatia testified from a location outside the court room with their testimony transmitted into the hearing and displayed on monitors. For all endangered witnesses, the video link equipment permitted measures intended to hide their identity, distorting their image and voice. However, identifying information about a significant proportion of the endangered witnesses was revealed either as a result of statements by the witness or questioning by the Court, prosecution, or defense. Despite these lapses, there is no indication that the security of any endangered witness was jeopardized.

As described above, video link played a key role in facilitating the testimony of endangered witnesses regardless of where they reside and witnesses who testified from Canada, the United States, Serbia, and Norway. Video link testimony by endangered witnesses resident in Croatia was transmitted directly into the public trial. To the contrary, video link testimony by all non-resident witnesses, which involved the participation of authorities from third countries, was conducted in hearings from which the public was excluded, with most of the testimony later read into the public record. In these 'inter-state' video link sessions, the Presiding Judge in Zagreb was in charge of the hearing while the foreign authorities were present with the witness and provided assistance. The closed nature of these proceedings prevented the public from observing these witnesses as well as the cordial and professional co-operation between the Presiding Judge and foreign judicial officers, particularly the extensive co-operation with the Belgrade War Crimes Chamber.

Laura Fernandez, Legak Officer & Mary Wyckoff, Head of RoL Unit



Legal Officers,
Alan Švarc
and Laura
Fernandez

Photo Story

Ambassador Fuentes attends conference on Cardinal Stepinac

On the occasion of the 10th anniversary of the beatification of Aloysius Cardinal Stepinac by His Holiness Pope John Paul II, the Archdiocese of Zagreb organized an international conference entitled: "The legacy of Cardinal Aloysius Stepinac - The Historical Context from an International Perspective". The conference took place in the Theological Seminary premises, in Zagreb, on Friday, 19 September 2008. Amongst others members of Zagreb-based Diplomatic and Consular Corps and representatives of International Organizations attended.

The conference was opened by Cardinal Josip Bozanić, Archbishop

of Zagreb, followed by Ambassadors and Professors from different countries. They tried to give their view on the very important and yet controversial figure of Cardinal Aloysius Stepinac. The speakers underlined that while studying his personality it is indispensable to put it in the complex context of that time. His stand was a clear reflection of the Church's position in the convulsive years of the Second World War and aftermath - a time when Democracy, Nazism and Communism were confronting in Europe. The Cardinal was characterized as a very compassionate person who helped not only Jews and Roma but also many other minorities that suffered prosecution by the Nazi regime.

Yugoslavian authorities tried and imprisoned Stepinac in 1946. In 1951 he was in house arrest until his premature death in 1960.



Ambassador Fuentes with Cardinal Josip Bozanić, Archbishop of Zagreb, at the beginning of the Conference

Performance-based programme budgeting

Following the performance-based programme budgeting (PBPB) introduced in the OSCE, the annual cycle to prepare a unified budget for 2009 began early in 2008.

The first step of this cycle took place on 3 June when Ambassador Fuentes presented our Office's 2009 Programme Outline (PO) to the PrepCom of the ACMF in Vienna. Our PO described the issues we intend to address in

2009 and outlined the strategy (objectives, outcomes, performance indicators and means of verification) to address them.

The second step will take place soon, when Ambassador Fuentes will travel again to Vienna to present, on 7 November, our draft 2009 Unified Budget (UB) describing the outputs and activities to address our stated objectives and outcomes.



The new Head of Housing Care Implementation Unit



Jan Repa from Slovakia, a graduate from the Slovak Technical University (STU) and Slovak State Language School in Bratislava as well as from the International Hydrological Institute in Delft, The Netherlands, is the new Head of the Housing Care Implementation Unit.

He started his professional career as an Assistant at the STU and then a research worker at the Slovak Academy of Sciences. His

first international assignment was with the ECMM in B&H in 1994 where he was Deputy Head of the Coordination Centre in Mostar. Then he spent several years with the OSCE in Macedonia, Montenegro and Nagorno Karabakh. Recently Jan headed the OSCE FO in Karlovac and on 23 June 2008 Repa was appointed Head of Unit with the OSCE Office in Zagreb.

He is married with two children, five dogs and one tomcat.

Activities

Office meets former Head of the Croatian delegation to the OSCE



Former Head of Croatia's delegation to the OSCE Ambassador Vladimir Matek (LEFT) was invited to attend a regular morning meeting of the Office in Zagreb and deliver a lecture to its staff members, 28 May 2008. Ambassador Matek also engaged in a conversation with the Office staff in which he relayed his professional experience as Ambassador in Vienna after years of excellent work at the OSCE that culminated with the closure of the Mission in Croatia.

Ambassador Fuentes meets the new Head of the Croatian delegation to the OSCE, Neven Madey

The new Head of Croatia's delegation to the OSCE in Vienna is Ambassador Neven Madey, an experienced career diplomat who last served his country as Ambassador to Greece. Ambassador Madey is native to Split, holds a Diploma in Economics and started his distinguished diplomatic career in 1970 at the European Community Commission in Brussels.

Ambassador Fuentes met Madey for a working luncheon and discussed the current issues of the Office in Zagreb.



Farewell to our dear colleagues



The OSCE Office in Zagreb said goodbye to two members of their team on 18 June 2008: Leos Javurek from the Czech Republic was Head of the Housing Care Implementation Unit and Dagmara Pilaszek from Poland, a member of the War Crimes Trials Monitoring Unit. Leos and Dagmara portrayed with Ambassador Fuentes during their last day in office.

Photo Gallery



Head of the OSCE Office in Zagreb Jorge Fuentes (right) and senior staff members meet the new Judicial Academy Director, Ivana Goranić (second from left), 21 May 2008. The Office finances war crimes-related projects with NGOs and the Judicial Academy.



US Ambassador to the OSCE Julie Finley, accompanied by US Ambassador Bradtke, visited the Office in Zagreb to get informed about ongoing issues and prepare her country's position for possible discussions in the autumn about the Office's future, 18 June 2008.



The Secretary General of the Regional Co-operation Council, Ambassador Hidajet Biščević (left), visits the Head of the OSCE Office in Zagreb, Ambassador Jorge Fuentes, to discuss ongoing issues in South-Eastern Europe, 10 June 2008.



Head of the OSCE Office in Zagreb, Ambassador Jorge Fuentes (left), and Croatian Prime Minister Ivo Sanader at a meeting on the progress of the Mission's mandate, Zagreb, 29 August 2008.



Bosnia and Herzegovina Presidency Chairman Haris Silajdžić, Croatian President Stjepan Mesić and Montenegrin President Filip Vujanović after signing a children's declaration on democratic guidelines for a better future, Orahovica, 30 August 2008.



Deputy Prime Minister Slobodan Uzelac, Regional Development, Forestry and Water Management Minister Petar Čobanković and OSCE Office Head Jorge Fuentes with staff and local authorities during a housing-related visit to Gvozd, 9 September 2008.