



**GUIDANCE FOR
RETURNEES
TO CROATIA**

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INTRODUCTION

Dear readers,

The OSCE Mission to Croatia has recognized the need for additional return related information to be provided through the distribution of guidance for returnees, refugees, expelled and displaced persons.

The intention of this brochure is to address the main issues faced by these categories of people, however the information provided within is not exhaustive. Therefore we encourage you to approach any local State institutions or OSCE offices, UNHCR mobile teams (the lists of ODPR, OSCE and UNHCR offices are attached at the end of this brochure), or local non-governmental organizations for further clarification.



Figure 1. Croatian Prime Minister and Head of OSCE Mission to Croatia visiting returnees

STATE HOUSING FOR FORMER HOLDERS OF OCCUPANCY/TENANCY RIGHTS OUTSIDE THE AREA OF SPECIAL STATE CONCERN ¹

I was the holder of an occupancy/tenancy right over an apartment in the areas outside the Areas of Special State Concern. Will the occupancy/tenancy right be returned to me so that I can purchase the apartment under favorable conditions from the 1990s?

No, an occupancy/tenancy right can not be returned to you and you can not be compensated for its lost.

The occupancy/tenancy right as a legal institute does not exist in the legal system of the Republic of Croatia anymore. The 1995 Law on Lease of Apartments abolished the institute of occupancy/tenancy rights and granted the status of a lessee to those who have not privatized their apartment due to different reasons.

However, the only available option is to **apply for housing care** that will be provided outside the Areas of Special State Concern. See next question.

I was a holder of tenancy rights for an apartment outside the Areas of Special State Concern and would like to apply for housing care. Who is eligible, what is the procedure, what type of housing is available and will I be able to obtain housing in my pre-war place of residence?

Eligibility

A *Conclusion* adopted by the Government (12 June 2003) and a subsequent *Implementation Plan* (24 October 2003) have created a mechanism for the provision of State housing to former holders of occupancy/tenancy rights (OTR) outside the Areas of Special State Concern (ASSC).

¹ Refer to the map of the areas of special state concern in annexe

Although the documents do not have the status of a law, they currently provide the most tangible opportunity for former occupancy/tenancy right holders to secure housing in Croatia. They are relevant for individuals who are displaced and currently residing outside of Croatia and who would like to return and to stay, as well as for those former occupancy/tenancy right holders whose occupancy/tenancy rights were terminated, but who never left Croatia and would like to stay.

Further preconditions for eligibility are that the applicant does not own or co-own another family house or apartment on the territory of the former Yugoslavia, or did not sell, give away or alienate it after 8 October 1991 and has not obtained the legal position of a protected lessee. Only one request is permissible on behalf of all members of the former household. The current deadline for application is 31 December 2004².

The Government of Croatia has decided to extend the deadline for application until the **30 June 2005**. It is supposed that the decision will soon be published in the Official Gazette.

Procedure

Requests for housing care on completed application form have to be submitted in person to the Regional Offices for Displaced Persons, Returnees and Refugees, or to the Croatian Embassies/Consulates or to the UNHCR offices or to the NGOs that collect the applications for the UNHCR or have to be sent by registered mail to the Ministry for Maritime Affairs, Tourism, Transport and Development/ Directorate for Displaced Persons, Returnees and Refugees (10 000 Zagreb, Radnicka cesta 22/I), or via Embassies/Consulates.

The format of the request has to be on a standard form on an A3 paper format. However, the Ministry for Maritime Affairs, Tourism, Transport and Development/ Directorate for Displaced Persons, Returnees and Refugees will also accept and process requests submitted in A4 format in case that the content of such request corresponds to the standard form as well as that all papers are bound, sealed and authorized by a public notary or if each paper is authorized by a public notary.

² The extension of the application's deadline is being considered. Please contact one of the Regional Offices for Displaced Persons, Returnees and Refugees or one of our OSCE offices or the UNHCR field teams for updated information on the deadline for application.

Supporting documentation to be submitted includes:

- Copy of Identification Documents for adults, or copy of birth certificate or citizenship certificate (*domovnica*) for minors
- Proof of former residence in an apartment for which occupancy/tenancy rights were terminated (contract/decision on allocation of occupancy/tenancy rights that can be, upon request, obtained from the archive office, court decision on cancellation of occupancy/tenancy rights, etc.)
- Statement expressing the applicant's wish to return and live in Croatia
- Statement that applicant does not own property in the former SFRY

Note: the applicant's statement must be certified by a Public Notary.

Public notary fees

All applicants are exempt from paying the public notary fee in accordance with the LASSC. However they must pay the public notary award unless the applicant proves his/her unfavourable social status (with a tax office certificate, unemployment office certificate or pension certificate etc.)

Please note that if you own property, you will not be exempt from paying the award.

Type of housing available

Beneficiaries can have the following options:

- Obtain a state-owned apartment for lease. The lease agreement will be concluded between the MMATTD/ODPR and the beneficiary of the housing care for an indefinite period of time, although the possibility of concluding a lease agreement of limited time also exists. The amount of rent corresponds to the so-called 'protected rent' from the Law on Areas of Special State Concern - LASSC (1.52 kunas per m²).

- Purchase an apartment under favorable conditions according to the Law on Subsidized Housing Construction (POS). (Note: the price of such apartments is higher than 60 per cent of the market value. It is, however, much higher than the price paid by former occupancy/tenancy rights holders who purchased their apartments during the 1990 according to the Law on Sale of Apartments on which Occupancy/Tenancy Rights existed).

The Law on Socially Subsidised Housing Construction offers the possibility to purchase an apartment under more favourable than market conditions (meaning that the right to purchase an apartment from the so-called POS programme have all financially secured citizens of the RoC whose monthly income is three times higher than the monthly credit instalment). The buyer immediately pays 15% of the estimated apartment value and 85% is credited by the bank, the State, local self-government through a bank loan. The maximum length of credit payment through instalments is 30+1 year with an average interest rate of 4%. It is also possible to delay payment of credit for one year.

The amount of square meters that will be granted to a housing care beneficiary, both for lease and purchase option, will be determined in accordance with the provisions of the Law on Reconstruction meaning 35 m² plus 10 m² for each additional family member.

Possibility of obtaining housing in pre-war place of residence.

Based on the adopted legislation by the Government of Croatia, most of the beneficiaries will be granted housing in the pre-war place of residence, but there could be a few exceptions. This means that there is no *guarantee* that housing will be provided in the pre-war place of residence. This refers mainly to municipalities in which, for different reasons, the construction of apartments in line with the POS Law is not intended/ foreseen. The Implementation Plan stipulates that housing will be provided “primarily in those areas of the Republic of Croatia (cities and municipalities) where those persons had resided, i.e. used socially owned apartments.” If that is not feasible, housing will be provided in other areas of Croatia.

If an eligible beneficiary does not want to be accommodated outside the mu-

nicipality or town of former residence, he can opt to wait for housing care to be provided in the area of former residence.

Do I have to have Croatian citizenship in order to be eligible?

Croatian citizenship limits eligibility with regard to the type of housing which the beneficiary can obtain, i.e. lease or purchase of the apartment. For the purchase option, citizenship is required, but **not** for the **lease option** and all those who are either Croatian citizens or have the status of permanently residing foreigner in the Republic of Croatia can apply. The right to purchase an apartment, however, according to the POS law is limited to Croatian citizens only. The Mission is advocating extension of this right also to those who have permanently residing foreigner status or who re-established this status in accordance with Art. 115 of the Law on Foreigners.



Figure 2. POS apartment buildings in Sisak

STATE HOUSING FOR FORMER HOLDERS OF OCCUPANCY/TENANCY RIGHT AND OTHERS INSIDE THE AREA OF SPECIAL STATE CONCERN³

I am a young returnee without any habitable property on the territory of former Yugoslavia or I was the holder of occupancy/tenancy rights for an apartment inside the Areas of Special State Concern and would like to apply for housing care. Who is eligible and what is the procedure?

Eligibility

The Law on the Areas of Special State Concern (LASSC) stipulates that persons or members of their household (i.e. several requests per prewar household are permissible if it refers to newly established families) are eligible for housing care if they do not own or co-own another habitable family house or apartment on the territory of the former Yugoslavia (Art 38 LASSC), or if they have not sold, given away or alienated it after 8 October 1991 and if they have not obtained the legal position of a protected lessee. Although former occupancy/tenancy right holders are not given priority in relation to different groups of eligible beneficiaries (after temporary users of other persons' property, residents of collective centers, and returnees/settlers to/in the ASSC), the Government stated that special funding would be made available to provide apartments to former occupancy/tenancy right holders inside the ASSC.

Procedure

Requests for housing care on completed application form have to be submitted in person to the Regional Offices for Displaced Persons, Returnees and Refugees, or to the Croatian Embassies/Consulates or to the UNHCR offices or to the NGOs that collect the applications for the UNHCR or have to be sent by registered mail to the Ministry for Maritime Affairs, Tourism, Transport and Development/ Directorate for Displaced Persons, Returnees and Refugees (10 000

³ Refer to the map of the Areas of Special State Concern in annexe

Zagreb, Radnicka cesta 22/I), or via Embassies/Consulates. The deadline for submitting applications for housing care inside the Areas of Special State Concern is not prescribed by Law i.e. it is open without a final deadline.

Type of housing available

Applicants can apply for either:

- Lease of a state-owned family house or apartment,
- Lease of a state-owned damaged family house and the allocation of building material,
- Allocation of state-owned construction plot and building material for the construction of a family house, or
- Allocation of building material for repairs/reconstruction or construction of a family house or apartment.

Do I have to have Croatian citizenship in order to be eligible?

Croatian citizenship is not a precondition for eligibility for the provision of housing care **inside** the ASSC for returnees who used to reside in those areas prior to the war (Art. 7 LASSC).

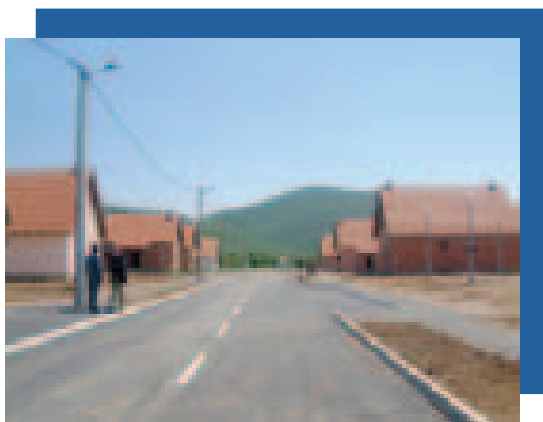


Figure 3. A new settlement in Gracac

REPOSSESSION OF PROPERTY

My house is occupied and I applied for repossession a few years ago but nothing happened after that. What can I do to repossess it as soon as possible?

If your house is legally occupied (the temporary user has a decision on the use of your property) the temporary user must first be provided with an alternative housing solution if he is entitled to housing care, according to the Law on Area of Special State Concern. Depending on which model of housing care the occupant is provided with, the delay to move out of your property varies. If the occupant received the right to:

- Lease a state-owned family house or apartment: the occupant must move out of your property within 15 days from the day of conclusion of the lease agreement.
- Lease a state-owned damaged family house and the allocation of building material: the occupant must move out of your property within 90 days from the day of the last shipment of the building material.
- Get a state-owned construction plot and the building material for the construction of a family house: the occupant must move out of your property within 90 days from the day of the last shipment of the building material.
- Get building material for repair, reconstruction or construction of a family house or apartment: the occupant must move out of your property within 90 days from the day of the last shipment of the building material.

Within 15 days from the day of expiration of the deadline for moving out, the State Attorney's office shall initiate a lawsuit for eviction against a temporary user who fails to move out.

You should approach RODPR to get information on the status of your case.

The GoC promised that all owners will repossess their properties before the end of 2004, but it expects to face difficulties in some municipalities such as: Knin, Vojnic, Sunja, Karlovac, Gracac, Obrovac and Benkovac.

I am in the process of repossessing my property and heard that in some repossession cases the RODPR has encouraged owners and temporary users to conclude lease agreements, so the occupant can stay in the property. What are the implications for my future rights regarding my property?

The OSCE Mission is aware that ODPR encourages private agreements between owners and occupants in cases of occupied properties. In the area of Benkovac, a number of owners agreed to let their properties to the current occupants and Caritas committed to pay the rent until State housing is made available to the occupants. In Knin, the Mission is aware that owners agreed in writing to the continued stay of the occupants in their property. The ODPR considers such cases as “resolved” and issues a PP11 form. Since ODPR considers itself no longer responsible for such cases, owners of the properties in question should be aware that they can not rely on any assistance by the ODPR if any dispute arises in the future regarding the arrangement with the occupant or the owner’s de-facto repossession of the property (the Law on Lease of Apartment applies).

I presented evidence to the ROPDR that the TU (temporary user) who occupies my house owns property in BiH. Why is the TU still occupying my house?

If a TU owns habitable property in BiH, which is accessible to him (not occupied, damaged or destroyed) he/she is not eligible for housing care in Croatia, but could still be eligible for temporary accommodation as long as the GoC has no evidence of this. If this is the case, he/she will not be requested to move out before the MMATTD/ODPR provides temporary accommodation. In general,

however, the MMATTD/ODPR still largely relies on the written statements of the applicants for housing care/temporary accommodation regarding property ownership on the territory of the former SFRY (such as BiH) and at present does not make verification a priority.

If you have or can get reliable evidence of the facts you claim, inform the ODPR accordingly. Keep us abreast of the outcome.



Figure 4. OSCE mission member advising a returnee

HOUSING CARE FOR OWNERS OF DAMAGED PRIVATE PROPERTY

I repossessed my house, but it is damaged and not habitable? What can I do?

Regardless of whether the damage was caused by the temporary user or otherwise, you probably qualify for assistance from the State. By taking over the administration of your property pursuant to the Law on Temporary Take-Over of Specified Property, the State is responsible for the protection of the property. We do not recommend that you claim compensation payments from the temporary user, even if you believe that he/she is responsible for the damage. No legal relationship exists between you and the TU and the fact that he/she stayed in your property is a result of a legal act between him/her and the State.

- You should apply for housing care according to the Law on the Areas of Special State Concern. You should apply for the allocation of building material for repairs/reconstruction or construction of a family house or apartment in RODPR's office. For that purpose, you should ensure that the PP11 form, filled during repossession and signed by the owner, describes **all the damage** at the property.
- If the damage exceeds the value of the assistance possible under the abovementioned laws and you would like to claim compensation for the damage, you can file a lawsuit for compensation against the State.

I repossessed my house, but it is damaged. I have applied for housing care, but expect that it will take some time before I will receive benefits. Can I expect to be reimbursed by the State if I invest in urgent, basic repairs in the meantime in order to be able to live in the house?

If you applied for housing care, then you can only receive construction material from the State, but no financial compensation.



Figure 5. A repossessed house

LOOTING

How can I prevent the TU (temporary user) in my house from removing furniture and fixtures?

The RODPR should take an inventory prior to the moving TU out and warn the TU not to remove or damage fixtures and installations. You should also request the RODPR to warn the TU that he can be held accountable under the LASSC for damage that he caused, and that the State Attorney can initiate a lawsuit against him for compensation for such damages.

If looting occurs, the police should be called immediately and be requested to prevent damage and removal of fixtures. In case of “theft” or “malicious mischief” (see below), the police are obliged to start an investigation and submit charges to the State Attorney’s Office. Furthermore, the police can be requested to initiate a court procedure for securing evidence. This might deter the temporary user from further demolition of the house. The police can also be requested to initiate court proceedings for misdemeanor for Disturbance of Public Peace and Order. In case the police refuse to comply with your request, you may want to initiate disciplinary complaints against the police officer in charge, based on Art. 6, Law on Police.

Please note: The TU has to leave all fixed items behind, even if he installed them himself, as they become legally an integral part of the house and the property of the owner of the house once they are installed. Such items include doors, windows, water pipes, toilets, sinks, water boilers, electric meter, etc. By removing them, the TU commits “malicious mischief”, which is a criminal offence. If moveable objects (for example furniture), that belong to the owner, are removed, this is considered “theft”.

I repossessed my house, but it was looted. What are my remedies?

See under “housing care for owners of damaged property” page 17.

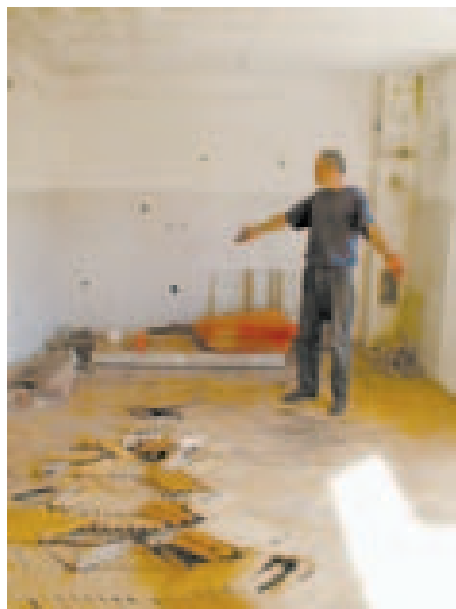


Figure 6. Looted property

STATE OBLIGATION TO COMPENSATE USE OF PRIVATE PROPERTY

Are owners of occupied property entitled to compensation for the period during which their property was taken under administration by the State and assigned to third persons for temporary use?

The Croatian Constitution and the Law on Ownership stipulate that ownership rights can be restricted by law or taken over in the interest of the Republic of Croatia, but in that case an owner is entitled to compensation (Constitution, Art. 50, Law on Ownership, Art. 33). Owners who want to claim compensation from the State, because their property was taken over in 1995 or later and assigned to a temporary user, have to file individual lawsuits. The claim for compensation will refer to the period starting from the LTTP decision **until the 30 October/ 31 December 2002**.

Apart from the above, amendments to the Law on the Areas of Special State Concern from July 2002 (Art. 27, para. 4) provide for compensation payments for a specific limited period. They refer to the period **after 30 October/31 December 2002** and compensation that has to be paid by the State for failure to return occupied properties after these dates. The “nagodba” form was created to facilitate compensation payments in line with the Law on Areas of Special State Concern and foresees a compensation of 7 HRK per square meter of living space. An owner who signs the “nagodba” does not renounce his constitutional right for compensation for the period not covered by the “nagodba”.

How can I receive compensation?

You can request compensation according to the Law on the Areas of Special State Concern for the period from 1 November 2002 until the date of physical repossession of your property by filling out the “nagodba”.

- If you claimed your property **prior to 1 August 2002** and the property was not returned to you **by 30 October 2002**, you are entitled for compensation for the period starting **from 1 November 2002** until you repossess your property.
- If you claimed your property **after 1 August 2002** and the property was not returned to you **by 31 December 2002**, you are entitled for compensation for the period starting **from 1 January 2003** until the repossession of your property.

If you did not request compensation before the date of repossession, you can still submit your request for compensation for the period from 1 November 2002/ 1 January 2003 until the physical repossession of the property.

I recently repossessed my property and I heard that I am entitled to receive compensation for the period from 1 November 2002 until the date of repossession but have not been contacted by MMATTD/ODPR so far.

To receive compensation you should contact your local ODPR office or the MMATTD directly. You will then receive a special contract called the “nagodba” to sign.

I received a form for a settlement (“nagodba”) for compensation from the MMATTD/ODPR. Should I sign if I do not agree with Art. 4, Para 2 (“The owner accepts this compensation and renounces his right to claim interest or any other damage on the basis of damage compensation as per Paragraph 1 of this Article, due to his inability to repossess his housing facility and is obliged to withdraw the claim if he had already submitted it”)?

By signing the *nagodba* the owner waives his/her right to claim any (additional) compensation only for the period covered by the *nagodba* (i.e. starting from 1 November 2002/1 January 2003, ending on the day of physical repossession). Article IV, Para 2 in no way limits the owner’s right to claim compensation payment under normal legislation (Constitution, Art. 50, Law on Ownership, Art. 33) for the period beginning with the date of allocation of his/her house for temporary use in 1995 or later and ending with the date of the first compensation payment by the Croatian State according to the July 2002 Law on Amendments of the Law on Areas of Special State Concern (1 November 2002 or 1 January 2003 respectively).

I participated in the “anketa” conducted by ODPR, but indicated that I do not want to receive compensation for the period between 1 November 2002/ 1 January 2003 and the date of repossession. Can I still request compensation?

Yes. Even if you stated that you did not want to receive compensation for the period between 1 November 2002/1 January 2003 and the physical repossession of your property, you do not lose your right to compensation and can still submit your request. Approach the local ODPR office.

Is it necessary to obtain power of attorney from co-owner(s) before signing the “nagodba”?

Yes, power of attorney should be submitted unless all co-owners sign the *nagodba* in person. The MMATTD/ODPR might suggest that one co-owner receives payments on behalf of all co-owners. Please note that as of 1 December 2003, power of attorney can only be given to a lawyer, a co-worker or a blood-relative in straight line, brother, sister or spouse, (amendments to the Law on Civil Procedure, Art. 45).

What is the difference between receiving compensation and renting out (=letting) the house to the MMATTD?

The point of departure is fundamentally different for these two concepts.

Compensation

The State is obliged to pay compensation because it took private property under (temporary) State Administration without the consent of the owner. The Croatian Constitution foresees such a possibility if in the interest of the Republic, but only “against indemnity equal to its market value” (Art. 50). The provision for compensation in the LASSC (Art. 27, Para 4) only refers to the period after 30 October/31 December 2002 and the State’s failure to return such properties after these dates, and therefore addresses the constitutional requirement only partially.

Rent/lease

A lease contract constitutes an agreement between two parties the terms of which (duration of use, amount of rent, etc.) are determined by mutual consent. The Ministry for Maritime Affairs, Transport, Tourism and Development has so

far not concluded any lease contracts with owners of houses to the Mission's knowledge. Owners should be aware that rent payments which they receive might be considered as taxable income.

RECONSTRUCTION OF DAMAGED AND DESTROYED PROPERTIES

My house was damaged/ destroyed during the war and I still have not requested reconstruction assistance. Can I still apply?

No, the deadline to submit an application for reconstruction expired on 30 September 2004. You should apply for the allocation of building material for repairs/reconstruction or construction of a family house or apartment in RODPR's office if the property is located within the Area of Special State Concern. Nevertheless, be aware that you will only receive reconstruction material, according to the Law on Area of Special State Concern, in order to reconstruct 35 m² + 10m² per person.

My house was damaged/destroyed during the war and has not been reconstructed. Does the State have the right to demolish the damaged property?

The State has the right to demolish a property without the owner's consent ONLY if the damaged property constitutes a security or health hazard for the public. In that case, the owner could be billed for the costs of the demolition. If the damaged property poses no concrete hazard, the State cannot demolish it without the consent of the owner. The Ministry for Public Works, Reconstruction and Construction of the previous government launched an initiative for the "reconstruction and sanitization of the areas along the main tourist roads" in the spring of 2003, which included plans to demolish destroyed properties.

Questionnaires to owners of damaged properties were prepared and distribution through SDF started. To the Mission's knowledge, however, the initiative has

not led to any significant demolition activities, neither under the previous nor the current government.



Figure 7. Reconstruction site in Smilcic

COMPENSATION FOR DAMAGE CAUSED BY ARMED FORCES AND POLICE AND FOR DAMAGE CAUSED BY TERRORIST ACTS

How do the laws on compensation for damages related to the war, which were passed in June 2003, affect lawsuits related to damage caused by terrorist acts, armed forces or the police?

Three Laws addressing the extent of the GoC's liability for damages incurred by individuals related to the armed conflict and succession from the former SFRY came into effect on 1 August 2003.

- Persons who have not already filed suit for compensation for terrorist acts (prior to January 1996) or damage by military or police (prior to November 1999) will not be able to do so under the new legislation because the statute of limitations has already expired.
- Persons who filed a lawsuit and were dismissed by the Court in line with the above mentioned Laws, have the right to apply for reconstruction assistance (the expiration of the deadline on the 30th September 2004 does not apply to that category of beneficiaries).
- With regards to pending lawsuits for compensation, the "Law on Responsibility for Damage caused by Terrorist Acts and Public Demonstrations" limits compensation to personal injury and thereby significantly reduces the State's responsibility for damages caused by terrorist acts as envisaged by the 1996 Law.

Property damage, which presumably constitutes the majority of cases, is no longer covered by new laws and such cases will be dismissed by the Courts. As the Law on Terrorist Acts stipulates that material damages are to be compen-

sated pursuant to the Law on Reconstruction, the injured parties, therefore, should such claims relay to the Ministry for Maritime Affairs, Tourism, Transport and Development to be processed by the relevant Offices of the State Administration in the County, Office for Zoning, Housing Communal Affairs, Construction and Environmental Protection, Sub-department for Reconstruction.

Unfortunately, criteria in the Law of Reconstruction exclude certain types of cases, which mean that certain number of injured parties whose property does not fall under criteria stipulated in the Law on Reconstruction will not have any legal remedy available.

The “Law on the Responsibility of the Republic of Croatia for Damages caused by Members of the Croatian Armed Forces and Police during the Homeland War” narrows the previous definition of damage as envisaged in the 1996 Law on Obligatory Relations and thus also limits the State’s responsibility for damages caused by the Croatian Army or Police.

CONVALIDATION/PENSION ISSUES

I have paid contributions to the Farmer's Pension Fund for 11.5 years, but the minimum period for contributions to qualify for a pension is 15 years. Could I either get my previous contributions back or a pension based on 11.5 years of contributions?

This question could affect many people, as the possibility of contributing to the Pension Fund for Farmers was introduced in 1980. This is why many contributors who are/were farmers only paid for 11.5 years (1980-1991) before the conflict started and then stopped their contribution because the area was no longer under the control of the Croatian authorities. In order to qualify for pension payments, however, the minimum contribution period is 15 years and the minimum age is 65 years for men and 60 years for women.

Contributors who submitted applications for convalidation for the period from 1991-1995 between 10 April 1998 and 10 April 1999 were requested by the Pension fund to make an additional single installment payment in order to reach the minimum requirements. Those who failed to submit their requests for convalidation during the above period, have to pay contributions on a monthly basis. The amount is determined by the Pension Fund based on their income, number of family members, and so on.

I was a pensioner before the war. During the war I remained in Knin and did not receive pension payments. Am I entitled to retroactive payments for this period?

If you submitted a request **before 1 January 1999**, then you are entitled to **three years** of retroactive payments (counting back from the date of submission of the request). However, if your request was submitted **after 1 January 1999**, you are entitled only to retroactive payment for the previous **12 months**.

As for the retroactive payment of pensions from 1991 until the date of submission of request for continuation of payment from the Croatian Pension Fund, please note the following:

If pensioners received any payments from the “RSK” authorities so called “para funds”, they will probably not be considered eligible for back payments from the Croatian Pension Fund for the previously mentioned period.

Furthermore, the European Court of Human Rights (ECHR) refused to review a complaint by three Croatian Serb pensioners whose requests for retroactive payments for the conflict period had been rejected by the Croatian Pension Fund. The key to the ECHR’s decision is that while the right to a pension is included within the guarantee for “possessions” of the European Convention on Human Rights, that right does not extend to a right to insist on a particular amount of pension. The ECHR decision could lead to negative rulings on many similar claims currently pending in the Croatian courts and pension fund.

STATUS RIGHTS

I was a habitual resident in Croatia before the war, have still not returned to Croatia and have not managed to regulate my status so far. How does the Law on Foreigners, which was passed in July 2003, affect my situation?

Those who acquired the status of **permanent resident** in Croatia on **8 October 1991** (proclamation of the Republic of Croatia, Law on Movement and Stay of Foreigners) have to request renewal of their status of permanently residing foreigner **by 31 December 2004**, according to the **Law on Foreigners**. If they fail to do so, their status of permanent resident will cease *ex lege* on 31 December 2004. Those former habitual residents, who left Croatia prior to 8 October 1991, according to the MUP, as a rule were NOT automatically, *ex-officio*, deregistered by the MUP prior to 8 October 1991 and therefore acquired the status of permanently residing foreigner, as well. They may have been deregistered, as others, however, after 1995, if they failed to comply with the legal requirement to register their absence from the country for more than one year.

The Law requires all applicants to have a permanent address in Croatia. This might create problems for those who have not returned because they do not have access to their-pre-war home (occupied/damaged/destroyed property, terminated OTR). In such cases, residency should be registered on their property – even if occupied and/or damaged – with relatives, friends, at a collective centre, etc.) prior to submitting their application for regulation of their status.

Applicants, who have had the status of permanent resident already in the past, only have to submit proof of former residence (former ID) and health insurance, but are exempted from the requirement to prove availability of resources of sustainability and secured housing, which according to the law is only required for first-time applicants. Other documents, such as a statement on reasons for leaving Croatia, proof of completed education, evidence on the applicant's place(s)

of residence between 1991 and the time of application, etc, are not backed by the Law.

Please report any problems in this regard to the OSCE.

As for those who on 8 October 1991 acquired the status but were later de-registered from the permanently residing foreigners list, they have to fill out a form for the renewal of the procedure in accordance with the April 2000 Ministry of Interior Instructions and to submit supporting documentation. The OSCE is still negotiating with the Ministry with regard to the form and documents that are needed for the renewal of the status for this category of potential beneficiaries of article 115.

The International Community has addressed the Ministry of Interior with a request to initiate legal amendments in order to extend the deadline for re-establishment of permanently residing foreigner status beyond 31 December 2004. Those legal amendments are expected to be adopted by the Parliament in January - February 2005. Meanwhile, however applications for renewal of the permanently residing foreigner status **can be submitted**. The Ministry of Interior will keep them on hold and will process them as soon as the new deadline will be in force.

In case that a person misses the prescribed deadline, it does not mean that he/she can not acquire the status of permanently residing foreigner status. This only means that the favourable conditions described above would no longer apply and this person would be treated like a first time immigrant.

AREAS OF SPECIAL STATE CONCERN

as stipulated in the Law on Areas of Special State Concern
(Official Gazette, no. 26/03- consolidated text) - articles 4
and 5.

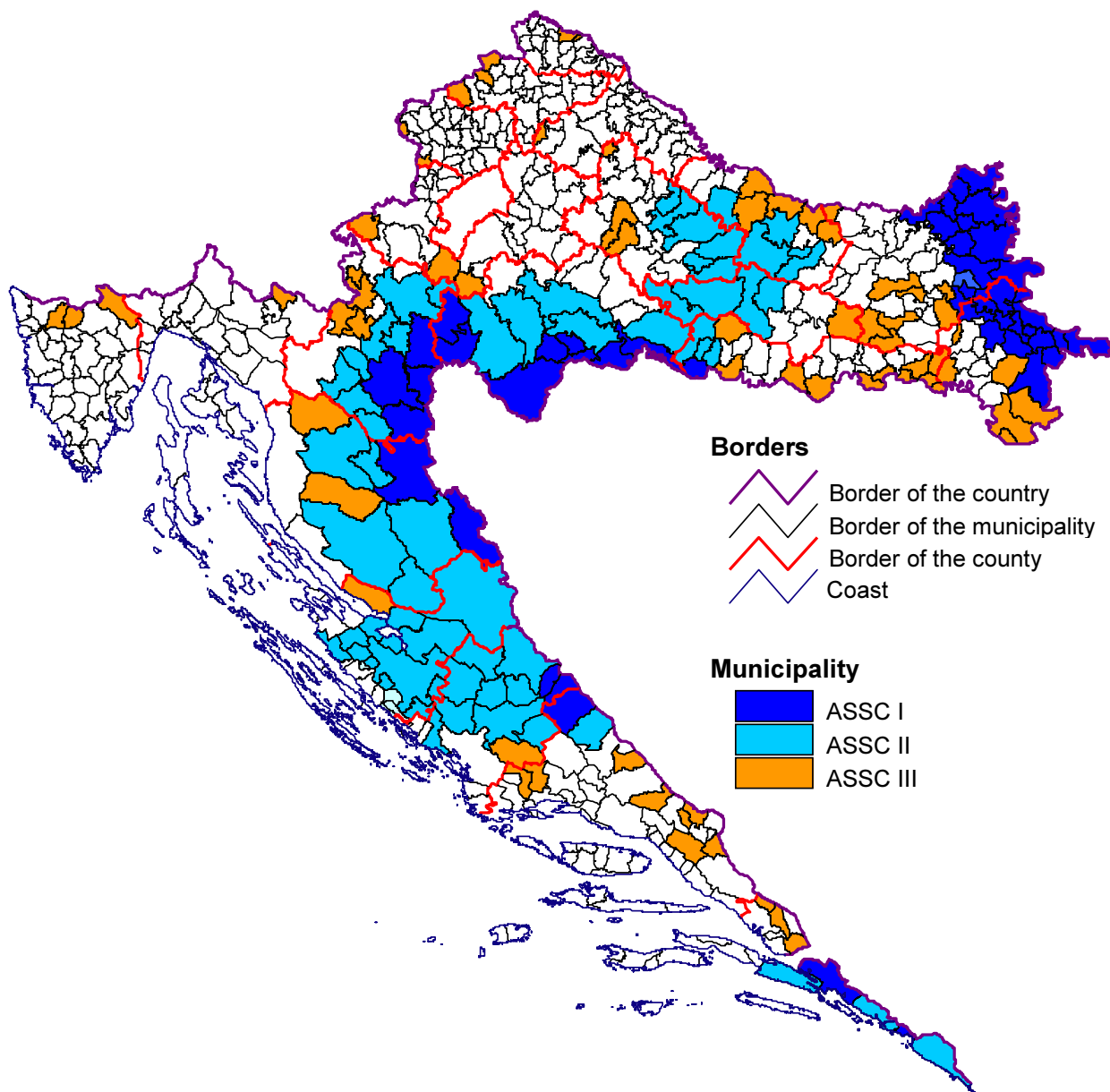


Figure 8. Map of Areas of Special State Concern

Article 4 lists areas of special state concern of first and second group- towns and municipalities which were occupied during the Homeland War;

The first group shall comprise the entire territories of the following towns and municipalities:

Antunovac, Beli Manastir, Bilje, Bogdanovci, Borovo, Cetingrad, Cibljane, Ceminac, Darda, Donji Kukuruzari, Donji Lapac, Draz, Dubrovacko primorje, Dragalic, Dvor, Erdut, Ernestinovo, Gvozd, Hrvatska Dubica, Hrvatska Kostajnica, Ilok, Jagodnjak, Jasenovac, Kijevo, Knezevi Vinogradi, Lovas, Majur, Markusica, Negoslavci, Nijemci, Nustar, Petlovac, Plitvicka Jezera, Popovac, Rakovica, Slunj, Stara Gradiska, Stari Jankovci, Sodolovci, Tompojevci, Topusko, Tordinci, Tovarnik, Trpinja, Vojnic, Vrlika, Vukovar, Zupa dubrovacka.

The first group shall also comprise the following settlements in towns:

Osijek - settlements: Klisa, Nemetin, Sarvas, Tenja.

Vinkovci – settlement: Mirkovci.”

Article 5 lists areas of special State concern of second group, municipalities, towns and settlements which were occupied during the Homeland War:

The second group shall comprise the entire territories of the following towns and municipalities:

Barilovic, Benkovac, Biskupija, Brestovac, Cacinci, Drnis, Dulovac, Ervenik, Glina, Gornji Bogicevci, Gospic, Gracac, Grubisno Polje, Hrvace, Jasenice, Josipdol, Kistanje, Knin, Konavle, Krnjak, Lasinja, Lipik, Lisane Ostrovice, Lovinac, Mikleus, Novigrad, Novska, Obrovac, Okucani, Otocac, Pakrac, Petrinja, Plaski, Polaca, Policnik, Posedarje, Promina, Ruzic, Saborsko, Sirac, Skradin, Stankovci, Ston, Sunja, Skabrnja, Tounj, Udbina, Velika, Velika Pisanica, Veliki Grdevac, Vocin, Vrhovine and Zemunik Donji.

The second group shall also comprise the following settlements in towns:

Daruvar – settlements: Markovac, Vrbovac,

Dubrovnik – settlements: Bosanka, Brsecine, Dubravica, Donje Obuljeno, Cajkovic, Cajkovici, Gornje Obuljeno, Gromaca, Klisevo, Knezica, Komolac, Ljubac, Mokosica, Mravinjac, Mrcevo, Nova Mokosica, Orasac, Osojnik,

Petrovo Selo, Prijevoj, Pobrezje, Rozat, Sumet, Trsteno, Zaton,

Karlovac – settlements: Banska Selnica, Banski Moravci, Blatnica Pokupska, Brezova Glava, Brezani, Brodani, Cerovac Vukmanicki, Donja Trebinja, Donji Sjenicak, Gornja Trebinja, Gornji Sjenicak, Ivankovic Sela, Ivosevic Selo, Kablar, Kamensko,

Karlovac – parts: Gornje Mekusje, Sajevac and Turanj, Klipino Brdo, Kljaic Brdo, Knez Gorica, Lipje, Manjerovici, Okic, Popovic Brdo, Ribari, Skakavac, Slunjska Selnica, Slunjski Moravci, Tusilovic, Udbinja, Utinja, Vukmanic.”

Sisak – settlements: Blinjski Kut, Klobucak, Letovanci, Madzari, Staro Selo,

Slatina – settlements: Golenic, Ivanbrijeg, Lukavac,

Virovitica – settlement: Jasenas,

Vodice – settlements: Cista Mala, Cista Velika, Grabovci,

Zadar – settlements: Babindub, Crno.”

Note: For implementation of the provisions of the Law on Areas of Special State, the group of areas of special State Concern to which a municipality, town or a settlement belongs is not of relevance.

LIST OF ODPR OFFICES

1.

VUKOVAR

Kardinala A. Stepinca 45
032/442-121
032/441-633

OSIJEK

Europska Avenija 10
031/211-665
031/211-977

2.

PETRINJA

Trg narodnih učitelja 4
044/813-606

GLINA

Trg bana J. Jelačića 2
044/882-203

SISAK

Trg bana J. Jelačića 6
044/523-463
044/524-633

3.

ZAGREB

Zaharova 7
01/6055-192
01/6055214

RIJEKA

Finderleove stube 4
051/330-192
051/330-575

VARAŽDIN

V. Vodnika 6 (P.P 96)
042/233-402
042/233-402

PULA

Gabrijele Emo 1
052/543-500
051/543-697

4.

KNIN

Prolaz bana P. Zrinskog 4
022/662-050
022/664-675

GRAČAC

Park sv. Jurja 1
023/773-333
023/773-333

ZADAR

Obala kneza Branimira 4/e
023/315-770
023/315-270

SPLIT

Vukovarska 13
021/360-352
021/360-353

OBROVAC

Dmitra Zvonimira bb
023/689-036
023/689-036

DUBROVNIK

Dr. Ante Starčevića 41
020/427-355
020/416-602

BENKOVAC

Ante Starčevića 4e
023/682-222
023/682-222

MAKARSKA

Dr. Jakova Dudana 3
021/611-860
021/611-860

5.

GOSPIĆ

Kralja P. Krešimira 32
053/574-190
053/574-191

KARLOVAC

Senjska 29
047/612-753
047/612-752

VOJNIĆ

Trg S. Radića 1
047/883-443
047/811-880

KRNJAK

Krnjak 5
047/727-066
047/727-066

SLUNJ

Školska 3
047/801-414
047/777-789

PLAŠKI

Vladimira Nazora 2
047/573-262
047/573-262

KORENICA

Trg Sv. Jurja 5
053/776-488
053/776-488

6.

PAKRAC

Trg J. Bana Jelačića 6
034/412-083
034/412-083

POŽEGA

Josipa Runjanina 1 a
034/312-098
034/312-099

BJELOVAR

Frana Supila 8
043/241-941
043/220-942

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Trg pobjede 4/3
035/443-360
035/400-841

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The OSCE Mission has offices working part-time also in other towns in Croatia. Please contact the closest OSCE office as listed in order to obtain more information on exact working hours.

OSCE Baranja

Kralja Tomislava 39
31 300 BELI MANASTIR
Open on Tuesday 9-12
Contact OSCE Osijek

OSCE Hrvatska Kostajnica

Školska 8
44 300 HRV. KOSTAJNICA
Open part-time
Contact OSCE Sisak

OSCE Glina

Žrtava domovinskoga rata 67

44 400 GLINA

Open on Wednesday 9-12

Contact OSCE Sisak

OSCE Benkovac

Ivana Meštrovića 17

23 420 BENKOVAC

Open part-time

Contact OSCE Zadar

OSCE Gračac

Mile Budaka 37

23 440 GRAČAC

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The brochure is part of the Public Awareness Campaign to promote reconciliation and sustainable return to Croatia