

RESTITUTION OF JEWISH PROPERTY IN CROATIA

Original Scientific Article
Ljiljana DOBROVŠAK,
Institute of Social Sciences
"Ivo Pilar",
Zagreb, Croatia

This paper discusses the restitution of Jewish property in Croatia from 1990 on, having in mind that the question has not yet been resolved and that progress towards this has been very slow due to sketchy laws which are being implemented only partially. This issue usually receives more attention only when a Croatian government figure meets someone from Israel or the US Administration. Current legislature enables restitution only of Jewish property seized after 1945, while property seized during the NDH (Independent state of Croatia) remained intact, "protected" by laws passed at the time of Yugoslavia. Current restitution of seized property is performed according to the Law on Restitution/Compensation of Property Taken during the Time of the Yugoslav Communist Government, which came into effect in 1997, so the right to restitution or compensation applies only to Croatian citizens of the first order of succession. That property seized between 1941 and 1945 is not restituted is still an accepted practice, despite the fact that it is in this period when the majority of Jewish property was seized. The right to restitution is still limited to the first order of succession, while the deadline for applications remains too short. Towards the end of mandate of the Jadranka Kosor government there were some attempts to change that and enact a new law, but the proposal for that law got stuck somewhere in parliamentary procedure so it is not yet clear when it will be passed. Until now, judging by unofficial data, less than 30 percent of Jewish families of those who perished in the NDH have achieved the return of immobile property, so the government of Prime Minister Zoran Milanović donated a building in the centre of Zagreb to the Jewish municipality, as a kind of compensation for property seized during Ustasha regime.

Key words: Jews, property, Law on Restitution/Compensation of Property Taken during the Time of the Yugoslav Communist Government

ALTHOUGH THERE HAVE LATELY BEEN SIGNIFICANT advances in the partial return of property to the Jewish Municipality of Zagreb and successors of Jewish survivors,¹ the issue of restitution of Jewish property in Croatia has not been fully resolved. Restitution is very slow, mostly due to ambiguous laws, but also due to slowness of Croatian judiciary. The subject of Jewish property restitution is discussed at all levels, but usually receives more attention only when a Croatian government figure meets someone from Israel or the U.S. administration (Židovska općina Zagreb, *Ha kol* 51, January-February 2012, 51-52; Židovska općina Zagreb, *Ha kol* 124, March-April 2012, 47-48; Židovska općina Zagreb, *Ha kol* 129, March-April 2013, 4-6). In June 2006 representatives of the European Jewish Congress (EJC) made an official visit to the Jewish Municipality of Zagreb and met high-ranking Croatian officials on that occasion. One of the topics of their discussion was the issue of returning property to the Jewish community as well as the possibility of signing an agreement between the Republic of Croatia and the Jewish community. Not then, and not ever since has any agreement been made between government of Croatia and the Jewish community, because they could not agree upon crucial issues regarding restitution of Jewish property (Židovska općina Zagreb, *Ha kol* 94, May-June 2006, 25). In addition, the government of Croatia has yet to make an agreement with the Coordination of Jewish Municipalities of Croatia as it did with all other religious communities (Židovska općina Zagreb, *Ha kol* 121, July-September 2011, 4-5).²

1 According to the 2011 census, only 317 Jews live in Zagreb, making up 0.04% of the population; 31 Jews live in Osijek; only three Jews in Slavonski Brod; 2 in Vinkovci; and 3 in Varaždin. According to the same census, there are 509 Jews by nationality, i.e. 536 Jews by religion in Croatia. <http://www.dzs.hr/Hrv/censuses/census2011/censuslogo.htm>

2 The Croatian government signed agreements in accordance with concordats with the Catholic Church and the following fifteen religious communities: Serbian Orthodox Church, Islamic Community in Croatia, Evangelistic Church, Reformed Christian Church, Pentecostal Church, Union of Christ's Pentecostal Churches, Christian Adventist Church, Union of Baptist Churches, Church of God, Church of Christ, Seventh Day Adventist Reform Movement, Bulgarian Orthodox Church, Macedonian Orthodox Church, Croatian Old Catholic Church, and the Jewish Community "Bet Israel". The coordination of Jewish Municipalities tried to conclude such an agreement

From one year to another, repeated criticism was addressed to the Croatian government that it was insufficiently engaged in property restitution to Jews (Židovska općina Zagreb, *Ha kol* 109, March-April 2009, 14–15),³ some of it coming even from Washington and the U.S. State Department (Židovska općina Zagreb, *Ha kol* 51, January-February 2012, 51–52). The president of the Jewish Municipality of Zagreb and *Coordination of Jewish Municipalities in Croatia* acknowledged in the spring of 2013 that something is finally being done regarding restitution, and that Croatian authorities have begun a better cooperation with Jewish institutions in order to resolve that issue (Židovska općina Zagreb, *Ha kol* 129, March-April 2013, 4–6).

A significant act of restitution was done by the government of Zoran Milanović when in May 2014 it decided to donate a building of some 3,000 square meters in the centre of Zagreb, in Dežmanova street, together with the plot (until recently the site of the Ministry of Justice, formerly of Croatian Radio-Television) as a kind of compensation for property seized from Jewish Municipality in Zagreb during the Ustasha regime.⁴ During the donation ceremony, Prime Minister Zoran Milanović explained that is not a matter of compensation, but of “a debt of honor and a culture of the heart” and that the current Croatian government does not take responsibility for the actions of the former fascist regime. Even though this was a nice gesture by the Croatian government, it did have a more practical background. Namely, after receiving the building, the Jewish Municipality⁵ was supposed to relinquish its claims on all other immovable property, not only in Zagreb, but in the whole of Croatia.⁶ Of course, the Municipality refused these terms, so that the building was eventually handed over only in late 2014, though this time without any conditions or demands to relinquish claims.

with the state, but in May 2008 the government offered a joint agreement to the Coordination of Jewish Municipalities and the Jewish Community “Bet Israel”. Bet Israel signed the agreement on 24 November 2008, while the Coordination of Jewish Municipalities refused the government’s offer, insisting on an independent agreement. <http://www.state.gov/documents/organization/132820.pdf>

3 In mid-March Croatian B'nai B'rith of the Lodge Gavro Schwartz and the CEDEK association organized a round table discussion on the restitution of seized Jewish property. It established that no progress has been made regarding the issue.

4 <http://www.forum.tm/vijesti/vracanje-zidovske-imovine-s-figom-u-dzepu-1797>

5 http://www.zoz.hr/home.php?subkat=novosti&content=novosti&arhiva=&id_novost=2703&year=2014&vijest=1179&PHPSESSID=5c0a56e12280205f0df371727378fce9.

6 <http://www.forum.tm/vijesti/vracanje-zidovske-imovine-s-figom-u-dzepu-1797>

To clarify things, we should go back to the very beginning of restitution process of Jewish property in Croatia. In accordance with current regulative in Republic of Croatia, the only property that belonged to Jews (and all others) that can be restituted is that seized after 1945, while property seized during the Independent State of Croatia (NDH) is not restituted, especially if it's heirless or currently owned by cities, municipalities, counties, or the state (state property), or even individuals.

What property is at stake? Specific data and figures are difficult to come by.⁷ Namely, there were more than 40 Jewish municipalities in Croatia before the Second World War, and Zagreb itself had approximately seven percent of Jewish citizens, who owned sizeable property. Having in mind the law does not cover property seized during the NDH, here we discuss only a portion of Jewish property, mainly the property of Jewish societies confiscated according to the laws of 1946 and 1947, which banned operations of foundations, and a part of property seized in 1958 (this included building sites owned by the Jewish Municipality as well offices in Zagreb, Osijek, and Split) (Židovska općina Zagreb, *Bilten* 36, October, November 1994, 2).⁸ Of course, this does not encompass all the Jewish property, since there are certain differences compared to the Jewish property in the Croatian Littoral and Dalmatia, which for the most part remained in the hands of the Jewish municipalities during the Second World War and later in Yugoslavia. In addition, the mentioned property doesn't encompass that which was sold by the Union of Jewish Municipalities of Yugoslavia after the end of the Second World War, or the property i. e. land parcels on which Jewish institutions or synagogues were once situated, but demolished during

⁷ According to data published by newspaper *Slobodna Dalmacija* on May 25, 2014 on the basis of data from State Restitution Fund, around 1.8 billion kunas were paid as compensation to owners of nationalized property in Croatia. After the Law on Compensation came into force in January 1997, some 50,000 claims for restitution of nationalized property have been laid at the county and city office of Zagreb. Data were never compiled on how many of these claims were sorted "in kind" and how many refused. What is known is the number of claims passed on for execution to the Compensation Fund. In monetary terms, some 311 million kunas of compensation were paid for just under 10,000 owners of nationalized property by May 2014, while 22,000 claims were paid in bonds, in total value of 191 million €. How many Jewish families are among these claimants is unknown. <http://www.slobodnadalmacija.hr/Hrvatska/tabid/66/articleType/ArticleView/articleId/246053/Default.aspx>

⁸ In Zagreb there were two commercial buildings and the building of former Chief Rabbinate, which was located at the corner of Petrinjska and Amruševa streets and nationalized in 1958. See also: Brandl 2015, 167–194.

the NDH or later and replaced by residential or commercial buildings (Židovska općina Zagreb, *Ha kol* 129, March-April 2013, 4–6).

The largest portion of property was seized from Jews during the NDH, when Jewish families not only perished but also had all their property seized (Kisić Kolanović 1998, 429–453; Živaković Kerže 2007, 97–116). It was no better after the Second World War finished. Even during the war, namely in its final phase and the immediate aftermath, the new authorities started revising ownership issues (Maticka 1992, 123–148).⁹ Part of legislature concerning ownership was passed in the period between the Second Session of the AVNOJ (Anti-Fascist Council for the National Liberation of Yugoslavia) in November 1943 and Third Session of the Plenum in August 1945. Laws passed by the AVNOJ, its Presidency, the Interim People's Assembly and its Presidency were confirmed at the session of the Constituent Assembly on December 1, 1945. Towards the end of 1946, these laws were attuned with the Constitution of the Federal People's Republic of Yugoslavia, i.e. some expired, the majority had their validity renewed in unchanged form, and some were modified. The same happened to regulations of the ZAVNOH (Land Anti-Fascist Council of the National Liberation of Croatia), its Presidency i.e. the Parliament of the NRH (People's Republic of Croatia) that were confirmed at the session of Constituent Parliament on November 30, 1946 (Maticka 1992, 125–126). Besides the laws regulating ownership legislature, a series of laws that defined property confiscation for various reasons, for instance due to collaboration with the occupiers, was adopted (Maticka 1992, 125–126).¹⁰

9 A volume on ownership was also published, titled *Confiscation, Nationalization, War Booty, Agrarian Reform, Colonization and other Forms of Forced Ceasure of Ownership; Law on Transformation of the Social Enterprise*, edited by Jadranko Crnić with assistance of Ana-Marija Končić, Zagreb, 1991. (Anić 2007, 25–62)

10 The presidency of AVNOJ passed on November 21, 1944 a Decree on Transferring Enemy Property into State Property, on State Control over Property of Absent Persons and on Sequester of Property Seized by Occupying Authorities. The Decree defined that all property of the German Reich and its citizens in the territory of Yugoslavia is to be transferred into state property, and the same applied to property of individuals of German nationality. Excluded was only the property of Germans who fought in National Liberation Army and Partisan units, and of those who were citizens of neutral states and did not show hostility towards the liberation war. All property of war criminals also became state property, irrespective of their citizenship, and the same applied to all persons who were sentenced to have their property seized by military or civilian courts. The state also took the property of absent persons, i.e. those who were forcedly taken away by the enemy or emigrated on their own.

Anyway, a majority of the laws regarding ownership was passed after December 1, 1945.¹¹

11 Legislature on ownership in Yugoslavia comprised:

1. The Law on Property Confiscation and its Execution (Službeni list DFJ 40/45 and 70/45);
2. The Law on Confirmation, Changes and Annexes to the Law on Property Confiscation and its Execution (Službeni list FNRJ 61/46);
3. The Law on Handling Property Abandoned by its Owner during the Occupation and Property Seized by the Occupier and his Collaborators (Službeni list DFJ 36/45);
4. The Law on Confirmation and Changes to the Law on Handling Property Abandoned by its Owner during the Occupation and Property Seized by the Occupier and his Collaborators (Službeni list FNRJ 64/46, 105/46, 88/47 i 99/48);
5. The Law on Suppression of Illegal Trade, Illegal Speculations and Economic Sabotage (Službeni list FNRJ 56/46);
6. The Law on Seizing Profits Obtained during Enemy Occupation (Službeni list DFJ 36/45);
7. The Law on Confirmation, Changes and Annexes to the Law on Seizing Profits Obtained during Enemy Occupation (Službeni list FNRJ 52/46);
8. The Law on Nationalization of Private Commercial Enterprises (Službeni list FNRJ 98/46 and 35/48);
9. The Law on Transferring Enemy Property into State Property and Sequestration of Absent Persons' Property (Službeni list FNRJ 63/46);
10. The Fundamental Law on Expropriation (Službeni list FNRJ 28/47);
11. The Law on Nationalization of Buildings for Hire and Building Sites (Službeni list FNRJ 52/58);
12. The Law on Arranging and Use of Building Sites (Narodne novine 6/63);
13. The Law on Allocation of Building Sites in Cities and Urban Settlements (Službeni list SFRJ 5/68, 20/69; Narodne novine 30/68);
14. The Law on Arranging and Hiring Building Sites (Narodne novine 20/69);
15. The Law on Construction Land (Narodne novine. 54/80, 42/86, 61/88, 48/88 – revised text, 16/90, 53/90);
16. The Law on Sales of Land and Buildings (Službeni list SFRJ 43/65, 57/65, 17/67; Narodne novine 52/71, 52/73);
17. The Law on Joint Labor (Službeni list SFRJ 53/76, 57/83, 85/87, 6/88, 38/88);
18. The Decision on Arranging Relations in Agriculture and the Annulment of Auctions at the Territory of District People's Committee of Istria (Službeni list FNRJ 191/46);
19. The Decree on Changes and Implementation of the Decision on Arranging Relations in Agriculture and Annulment of Auctions on the Territory of the District People's Committee of Istria since December 21, 1946 (Službeni list 191/46);
20. The Law on Proclaiming the Property of Land and Similar Communities and Border Cadastre Communities State Property (Narodne novine 36/47, 51/58, 13/87);
21. The Law on the Execution of Sanctions, Security Measures and Educational Correction Measures (Službeni list FNRJ 47/51);
22. The Law on Agricultural Land Reform and Colonization (Službeni list DFJ 64/45; Službeni list FNRJ 24/46, 101/47, 105/48, 21/56, 55/57; Službeni list SFRJ 10/65);

Restitution of seized property in the Republic of Croatia

In the Republic of Croatia, restitution is going on in accordance with the Law on Restitution/Compensation of Property Taken during the Time of the Yugoslav Communist Government (further: Law on Compensation) that came into effect on January 1, 1997.¹² The Law specifies the conditions and procedure for compensating former owners for property seized by the Yugoslav communist authorities. The property in question is seized property that became people's (public), state, social or cooperative property through confiscation, nationalization, agricultural land reform, and other acts and manners specified by the Law.¹³ The compensation for property according to the Law on Compensation is generally payment in money or stocks (dividends, shares or bonds), and exceptionally in kind (Art. 1).¹⁴ The Law specifies the date from which owners have the right to compensation for seized property, and that is May 15, 1945 (Art. 3). Property restitution includes property

-
23. The Law on the Implementation of Agricultural Land Reform and Colonization on the Territory of the People's Republic of Croatia (Narodne novine 111/47, 25/58, 58/57, 62/57, 32/62);
24. The Fundamental Law on Handling Expropriated and Confiscated Forest Estates (Službeni list FNRJ 61/46);
25. The Law on Agricultural Land which is Part of the People's Property and the Distribution of Land to Agricultural Enterprises (Službeni list FNRJ 22/53, 27/53, 4/57, 46/62; Službeni list SFRJ 10/65);
26. The Law on Agricultural Land (Narodne novine 26/84);
27. The Law on Checking the Origin of Property and Seizing Unlawfully Acquired Property (Narodne novine 14/84);
28. The Law on Unions, Meetings and other Public Gatherings (Službeni list FNRJ 51/46, 29/47);
29. The Law on Citizenship of the People's Republic of Croatia (Narodne novine 18/50);
30. The Law on Citizenship (Službeni list DFRJ 64/45, 105/48)
31. The Fundamental Law on Use of Agricultural Land (Službeni list SFRJ 25/65, 12/67, 14/70; Narodne novine 52/71, 52/73);
32. The Law on Implementation of Certain Provisions of the Law on Use of Agricultural Land (Narodne novine 25/60). <http://www.zakon.hr/z/130/Zakon-o-naknadi-za-imovinu-oduzetu-za-vrijeme-jugoslavenske-komunisti%C4%8Dke-vladavine> ; <http://narodne-novine.nn.hr/clanci/sluzbeni/265289.html>
- 12 http://narodne-novine.nn.hr/clanci/sluzbeni/1996_10_92_1600.html; <http://narodne-novine.nn.hr/clanci/sluzbeni/265289.html>
- 13 <http://narodne-novine.nn.hr/clanci/sluzbeni/265289.html>
- 14 If certain person has a right to compensation in kind, for reasons of defense or national security of the state, ownership of another adequate property or other compensation can be given. <http://narodne-novine.nn.hr/clanci/sluzbeni/265289.html>

that, applying the Law on Local Management and Self-Management, was taken over by municipalities, cities and counties (*Narodne novine* 90/92, 94/93, 117/93), but not property that became social property on the basis of the Law on Expropriation (*Narodne novine* 10/78, 5/80, 30/82, 46/82 – revised text, 28/87, 39/88) (Art. 5 and 6).¹⁵ Compensation in kind is given by an individual or corporate body that possesses that property; compensation in dividends or shares is given by the Croatian Privatization Fund,¹⁶ compensation in money and Croatian state bonds by the Fund for Restitution of Seized Property¹⁷ (Art. 13). Compensation rights are valid for the following property: undeveloped construction land, agricultural land, forests and forestry land, residential and office buildings, apartments and

15 Exceptions to restitution of nationalized, confiscated, or in other ways seized property are discussed in detail in articles 52, 53, 54, 55, 56 (*Narodne novine* 10/78, 5/80, 30/82, 46/82 – revised text 28/87, 39/88).

16 The Croatian Privatization Fund was founded in 1992. As an institution it ceased to exist in 2011, being replaced by the Agency for State Property Management (AUDIO). Two years later, in 2014, the Agency for State Property Management ended its activities. Its duties concerning management and disposal of state property are taken over by the State Office for State Property Management (DUUDI), while AUDIO was redirected to the Centre for Restructuring and Sales (CERP). The State Office for State Property Management (DUUDI) was founded on the basis of the Law on the Organization and Duties of Ministries and Other Central Institutions of State Administration (NN, No. 150/11 and 22/12, article 3) and the Law on the Composition of the State Administration (NN 150/11) in December 2011. <http://narodne-novine.nn.hr/clanci/sluzbeni/265289.html>

See: (<http://www.cerp.hr/default.aspx?id=6>; <http://www.duudi.hr/>)

17 Activities of the Fund for Restitution of Seized Property are defined by the Law on the Fund and Law on Compensation (*Narodne novine* 92/96, 39/99, 42/99, 92/99, 43/00, 131/00, 27/01, 65/01, 118/01, 80/02, 81/02). Among other things, the Fund carries out: payments of compensation in money and Republic of Croatia bonds to authorized persons on the basis of valid decisions on compensation for seized property issued by competent offices of state administration, when previous owner was awarded compensation in this form according to the Law on Restitution/Compensation of Property Taken during the Time of the Yugoslav Communist Government; sales of nationalized and confiscated flats to holders of occupancy rights i.e. protected lessees under conditions and in the manner specified by the Law on Restitution/Compensation of Property Taken during the Time of the Yugoslav Communist Government; gathering funds through sales of flats, keeping record of sold flats and payments, keeping evidence on mortgage debtors and issuing release statements; taking part in administrative processes where, according to the Law on Compensation, the Fund is either a party or side obliged to pay compensation; taking part in processes where the Fund is either plaintiff or defendant in litigations regarding sales of nationalized or confiscated flats; issuing the Global Bond of the Republic of Croatia for compensation of property seized during Yugoslav communist rule. (<http://www.fnoi.hr/>)

business premises, ships and boats, enterprises, movable property (Art. 15). The compensation procedure for seized property is executed by the Law on General Administrative Procedure (N.N., No. 53/91), if not otherwise specified by the Law on Compensation.¹⁸

According to the Law on Compensation of 1997, only Croatian citizens in the first order of succession had the right to compensation (Art 9), and the deadline for claims submission was six months (Art 65).¹⁹ Changes and annexes of the Law on Compensation of 2002 give restitution rights to foreign citizens, (Art. 7),²⁰ but only in cases where there is no bilateral agreement with their country (Croatia hasn't signed any such agreement), which made the practice of solving claims of foreign citizens problematic.²¹ That was most apparent in 2008, when a

18 http://narodne-novine.nn.hr/clanci/sluzbeni/1996_10_92_1600.html; http://narodne-novine.nn.hr/clanci/sluzbeni/1991_10_53_1299.html

19 Article 9 of the Law on Compensation „Rights from this law are given to an individual – previous owner or his legal successors in the first order of succession (further on: previous owner). Regarding succession rights, provisions of the Law on Inheritance apply, if not otherwise stipulated by this law. Successors of the previous owner obtain ownership over property, given regardless of how ownership shares were stipulated by former valid decisions on the succeeding predecessor, if not agreed upon otherwise (later found property). According to Article 10 of the Law on Inheritance (N.N., No. 52/71, 47/78, 56/00 – further on: ZN) the first order of succession are the spouse of the testator (original owner) and his children, persons legally equal to children and their descendants in order of introduction – Art. 11 of ZN, when inherited in equal parts. Anyway, literal application of regulations on introduction would produce inequality in property compensation, for certain descendants would have the right to compensation (if the legal successor in first order of succession died before testator of original owner), while others would not have that right (if successor died after original owner). Therefore, regulations on introduction should be applied in such a manner that successors of the authorized claimant have the right to compensation regardless of the order the successor and testator died. Such legal interpretation was confirmed by Constitutional Court in its decision No. U-I-673/96 of April 21, 1999 (*Narodne novine* 39/99). <http://www.zakon.hr/z/130/Zakon-o-naknadi-za-imovinu-oduzetu-za-vrijeme-jugoslavenske-komunisti%C4%8Dke-vladavine>; <http://novi-informator.net/zakon-o-naknadi-za-imovinu-oduzetu-za-vrijeme-jugoslavenske-komunisti%C4%8Dke-vladavine-%E2%80%93-pravo-unuka-na>

20 http://narodne-novine.nn.hr/clanci/sluzbeni/2002_07_80_1292.html; <http://narodne-novine.nn.hr/default.aspx>; http://narodne-novine.nn.hr/clanci/sluzbeni/2000_04_43_1010.html

21 Article 11 states “Procedures started in accordance with the Law on Compensation that have not become legally effective before the day this Law comes into effect, will be finished according to provisions of this Law”. <http://www.forum.tm/vijesti/vracanje-zidovske-imovine-s-figom-u-dzepu-1797>; http://narodne-novine.nn.hr/clanci/sluzbeni/2002_07_80_1292.html

precedent was set regarding property restitution to a foreign citizen. The Administrative Court of Croatia (Us-7912/2003. of February 14, 2008) and afterwards, in 2010, the Supreme Court of Croatia (Uzz 20/08-2 of May 26, 2010)²² confirmed property restitution to successors of Brazilian citizen Zlata Ebenspanger,²³ who in 1997 submitted a claim for restitution of the building in Radićeva street in Zagreb. The claim was submitted when the law in power stipulated property is not to be restituted to foreign citizens, and there was no bilateral agreement between Croatia and Brazil. As the Law was changed and amended in the meantime, property restitution was endorsed to her successors, even though they were foreign citizens (Židovska općina Zagreb, *Ha kol* 121, September-October 2011, 4-5).²⁴ This precedent enabled property restitution to other foreign citizens.²⁵ Since there

22 <http://www.iusinfo.hr/DailyContent/Topical.aspx?id=8140> ; Decision of Supreme Court of Croatia, No. Uzz 20/08-2 of May 26, 2010.

23 The decision of Supreme Court does not mean the successors of Zlata Ebenspanger had their property returned, or compensation paid. According to family lawyer Albin Hotić, the case has been returned to the first instance, to the Office of State Administration in Zagreb. Anyway, until this ruling, citizenship was an eliminatory obstacle for property restitution. This Supreme Court decision for the first time confirmed that citizenship is no condition for realization of that right.

24 <http://www.novolist.hr/Vijesti/Hrvatska/Josipovic-Strance-se-ne-bi-smjelo-izuzeti-iz-povrata-imovine>; http://narodne-novine.nn.hr/clanci/sluzbeni/2002_07_80_1292.html; Changes and annexes to the Law on Compensation state: Article 7. Article 1 is changed to: "Previous owner has no right to compensation for seized property in case the compensation issue is solved by bilateral agreements. As an exception to provision of paragraph 1 of this Article, the rights specified by this Law can acquire foreign individuals and corporate bodies if so specified by international agreements." Also important is Article 7, which reads: Claims for restitution of seized property can be submitted by previous owners within six months of the day this Law comes into effect, whose right for restitution or compensation for seized property had been acquired according to this Law, and who did not submit claim so far or had their claim legally refused or denied, namely: a previous owner who is currently a citizen of the Republic of Croatia but who at the day of coming into effect of Law on Compensation did not have Croatian citizenship (Article 1 of this Law), former owners referred to in the Article 2 of this Law, former owners who, according to the Census of 1991 had residence on occupied territories of Republic of Croatia, i.e. the territory under control of UNTAES. Claims submitted after expiry of the deadline from paragraph 1 of this Article will be denied.

25 The Ministry of Justice confirms that the state of affairs – for example, what property is claimed – was not established at all for claims rejected on the basis of foreign citizenship in previous years. Therefore, foreigners whose claims were rejected for having no Croatian citizenship have to repeat the whole procedure after this ruling by the Supreme Court. According to ruling of Supreme Court, institutions of state administration, including the Ministry, officially act since 2008. Until then, the simple

are no official data, we can read in the press that claims for property restitution were submitted by 4,211 foreign citizens according to news reports published in 2012. Anyway, the state of Croatia has no accurate data on number of claims submitted since 2008 that have been accepted.²⁶

With the exception of restitution to foreign citizens, the Law on Compensation kept the right of restitution limited to only the first order of succession, children and grandchildren. That issue remains unresolved in the Law, and the second order of succession (brothers, sisters, nephews) is not included in the Law amendments. The highest amount that can be claimed for compensation of inherited property, 500,000€, has also remained a subject of debate. This provision was not changed (it used to be 1 million German marks, the rough equivalent of 500,000€). The deadline for document submission has also remained a matter of debate (*Židovska općina Zagreb, Ha kol 75/76*, November 2002, 39–40).²⁷

As is visible from practice, implementation of the Law on Compensation brought about many problems, especially concerning property restitution to foreign citizens, so in 2012 the government of Croatia started thinking about constitutional changes to specify the state of Croatia is obliged to restitute property only to Croatian citizens, but the Constitution has not been changed until now,²⁸ nor has the Law on Compensation been changed or amended.

fact somebody is foreigner was grounds for automatic refusal of the claim. <http://www.novolist.hr/Vijesti/Hrvatska/Josipovic-Strance-se-ne-bi-smjelo-izuzeti-iz-povrata-imovine>

26 <http://www.novolist.hr/Vijesti/Hrvatska/Josipovic-Strance-se-ne-bi-smjelo-izuzeti-iz-povrata-imovine>

27 http://narodne-novine.nn.hr/clanci/sluzbeni/2002_07_80_1292.html; <http://narodne-novine.nn.hr/default.aspx>; http://narodne-novine.nn.hr/clanci/sluzbeni/2000_04_43_1010.html

28 Two opposed solutions for property restitution were considered in the Croatian government – either the mentioned constitutional change, or a change of the Law on Compensation that would make foreign citizens equal with Croatian ones regarding the right to restitution. The first solution is to completely deny foreign citizens the right to restitution, i.e. compensation for seized property, which is possible only by changing the Constitution. A provision would be included in the Constitution that would give that right solely to Croatian citizens. During the 1990s, restitution was arranged exactly like that, but by law, not by Constitution. That is why the Constitutional Court abolished that controversial provision from the law in 1999, since it was discriminatory. That is also the reason why any exclusion of foreigners cannot be applied solely by changes to the existing law. The Ministry of Justice is working on changes in the Law on Compensation that would make foreign citizens equal to Croatian ones. <http://www.novolist.hr/Vijesti/Hrvatska/Vlada-bi-Ustavom-sprijecila-povrat-imovine-strancima>

How did the restitution of Jewish property go, anyway?

When discussing restitution of Jewish property, there are two types of property. One is the property of Jewish municipalities in Croatia, or Jewish organizations like, for instance, Chevra Kadisha (Židovska općina Zagreb, *Bilten* 36, October, November 1994, 2),²⁹ women's societies and vacation foundations (Židovska općina Zagreb, *Bilten* 36, October, November, 1994, 2),³⁰ while the other one is the private property of individuals (Židovska općina Zagreb, *Bilten* 36, October, November 1994, 2). When discussing private property of individuals, a difference should be made between private property like flats, houses, premises, building sites, forests and, for instance, enterprises, shops and such.

Before the Law on Compensation was enacted in 1997, the Council of the Jewish Municipality in Zagreb founded the *Fund for Jewish Heritage in Croatia* (*Fond za židovsku baštinu u Hrvatskoj*) (statute accepted on January 16, 1992) whose scope of activities covered the enumeration of immobile and mobile property and the cultural property of the Jewish community in Croatia (Židovska općina Zagreb, *Bilten* 23, February, March, 1992, 10–11).³¹ Nowadays the Fund does not exist and little is known of its activities. Around the same time (in 1994), the Municipality founded a Subcommittee for Restitution within the *Committee for Finances and Administration of Jewish Community of Zagreb* (ŽOZ). In that subcommittee, two groups of experts delegated for communal and private property were active (Židovska općina Zagreb, *Bilten* 36, October, November 1994, 2).³² The Subcommittee no longer exists.³³

29 The Chevra Kadisha owned a building in Amruševa 8 (formerly Sudnička 12).

30 The Vacation Foundation possessed a mountain hut in Ravna Gora and a small hotel in Crikvenica, while financial support came from renting flats in Zagreb.

31 The goal of the fund is: sustainment of renovation and maintenance of Jewish cultural monuments on the territory of Croatia; helping in founding and maintaining institutions involved in research, protection and maintenance of cultural monuments in Croatia and research of Jewish history and science; putting up and maintaining signs for important objects, persons and events from Jewish history in Croatia; organizing research and enumeration of immovable and movable Jewish cultural monuments in Croatia; improving and popularizing the protection of Jewish cultural monuments in Croatia and studying Jewish history and science; acquainting the public with Jewish cultural monuments in Croatia, Jewish history and science; other activities to achieve the goals of this fund.

32 Members of the subcommittee were then: president Dragan Ekštajn, Iva Divjak, Zlatko Zdunić, Maja Taussig, and Sead Tabaković as a consultant and lawyer.

76 33 Statement of lawyer S. T. in Zagreb, April 20, 2015.

Since in the 1990s the existing Jewish municipalities did not possess numerical data on Jewish movable and immovable property, talks on that subject started inside Community of Zagreb and attempts were made to find out how many of those existed. In 1994, the Association of Societies for Protection and Development of Property and Owners' Rights in the Republic of Croatia (SUVLAH), whose member was the Jewish Municipality of Zagreb, made a form i.e. questionnaire and distributed it to members of the Jewish Municipality (Židovska općina Zagreb, *Bilten* 36, October, November 1994, 2).³⁴

The aim of the questionnaire was to acquire best possible insight and gather documentation on former property owners and their legal successors in Croatia and abroad. The situation with Jewish property was specific, since it was first confiscated in the NDH, then nationalized after 1945, and finally de facto seized from 1949 on, for all those who wanted to emigrate from Yugoslavia were stripped, under compulsion of Yugoslav law, of their citizenship and all the immovable property they owned. A unique problem appeared regarding those Jews born in Croatia who immigrated to Israel and some other countries, for a part of them had to enforcedly renounce their citizenship, so they became foreigners, which at the same time meant having no immovable property, even if part of it was not nationalized. The Jewish Municipality then proposed foreign Jews who were born in Croatia to apply for Croatian citizenship, something that a small part of them did (Židovska općina Zagreb, *Bilten* 36, October, November 1994, 2). Since the Jewish Municipality did not have complete data on property, the questionnaire was primarily intended to get answers on how many people are interested in restitution and how many persons expect assistance from the Municipality in resolving property claims. They agreed, in accordance with guidelines by the World Jewish Congress, that in all matters regarding denationalization and their claims, they will demand the same rights as other citizens of the Republic of Croatia, with no special privileges (Židovska općina Zagreb, *Bilten* 36, October, November 1994, 2).

Croatian institutions already in 1995 and 1996 started discussions on enacting the Law on Compensation, so in December 1996 the Ministry of Justice sent into parliamentary procedure the government's proposal of that law. The Law on Compensation received harsh criticism and reactions straight away, and the Jewish Municipality then requested the law proposal be taken off the parliament's agenda.

³⁴ Today the Association of Societies for the Protection and Improvement of Ownership and Owners' Rights in Croatia.

The Coordination of Jewish Municipalities in Croatia compiled objections to the Law and sent them to competent authorities in Croatia and abroad. The Coordination of Jewish Municipalities perceived the law proposal itself as a third confiscation of Jewish property since the proposal discussed restitution of property since 1945, not 1941. That would leave a large proportion of Jews with Croatian citizenship without possibility for property restitution, most of which was taken by force in the 1941–1945 period, and later became either state or private property. Moreover, according to this Law on Compensation, it could happen that property would be returned to individuals who unlawfully obtained it in the period of the NDH, for the property confiscated after 1945 was in good measure the same property confiscated in 1941 whose ownership had been given to persons who belonged to the Ustaša regime. The Coordination of Jewish Municipalities then proposed that the restitution follows the principle of “natural restitution” to individuals, while the Law proposal (Art. 12) specifically excludes this principle. They protested on the manner of succession that, according to Law proposal, included only the first order of succession (Židovska općina Zagreb, *Bilten* 36, October, November 1994, 2; Židovska općina Zagreb, *Bilten* 44–45, June 1996, 11–12).

The Law on Compensation was enacted anyway and came into effect on January 1, 1997.³⁵ A protest letter against the Law on Compensation was sent by the president of the association Hitahud Oley ex Yugoslavia, Yitzak Kabiljo, and the Jewish Municipality of Zagreb to Franjo Tuđman, then president of Croatia. A request was made to the Constitutional Court to check its constitutionality (Židovska općina Zagreb, *Ha kol* 48, February–March 1997, 23–24).

The objection of the Jewish Municipality of Zagreb regarding the constitutionality of said law caused a reaction of the Constitutional Court in 1999. In the summer of 2002, two years after the verdict of said law, changes and amendments of the Law on Compensation enabled foreigners to claim return of their former property in Croatia (Židovska općina Zagreb, *Ha kol* 75/76, November 2002, 39–40).

At the same time, in 2004 members of Municipality founded the *Association for the Restitution of Jewish property CEDEK*.³⁶ This association was formed in

35 Published in N.N. No. 92 of October 30, 1996. <http://narodne-novine.nn.hr/default.aspx>

36 In addition to the already listed activities, CEDEK demands to annul all contracts made with third persons who acquired ownership over Jewish property through

order to change the unfavorable provisions of the revised *Law on Compensation*. It was founded by members of the Jewish Municipality of Zagreb and is mostly involved in property restitution of individuals. The president at the time was Dani Deutch, today it is Marko Ivanović. The Association still demands the change of the period the Law on Compensation refers to, i.e. for it to be applied to property seized from 1941 to 1990; that restitution applies to all owners and their descendants regardless of citizenship; for the Law to apply inheritance laws in all internationally recognized forms of inheritance; to have restitution in kind as the primary form of return, and, where not possible, to compensate in money its market value at the time of seizure; that compensation from the Real Estate Fund owned by the Republic of Croatia should be offered; and to have procedures delegated to courts with full jurisdiction rather than having them as administrative procedures. The Association puts emphasis on founding a *fund of humanitarian character* that would encompass all Jewish heirless property (property with no successors), to be done by the Coordination of Jewish Municipalities of Croatia (Židovska općina Zagreb, *Ha kol* 86, December 2004, 8; Židovska općina Zagreb, *Ha kol* 92, January-February 2006, 15).³⁷

As a result of all that, there were demands to make a new Law on Compensation. Towards the end of mandate of Jadranka Kosor government in 2004, attempts were made do change that Law, but the proposal got stuck somewhere in parliamentary procedure,³⁸ and has not been passed.

What was, in the end, returned to Jewish municipalities in Croatia?

Despite disagreements with the Law, the Jewish Municipality of Zagreb submitted in 1997 a claim for restitution of community property, mostly endowments like the property of the Chevra Kadisha, the Vacation Colony, the Foundation

transformation and privatization since 1991 and in that manner became owners of Jewish property through buying flats and houses since 1991. <http://www.cedek-croatia.hr/index-hrv.html>

37 The CEDEK association cooperates with embassy of the State of Israel in Croatia, and with B'nai B'rith International and the World Jewish Restitution Organization.

38 <http://www.forum.tm/vijesti/vracanje-zidovske-imovine-s-figom-u-dzepu-1797>; <http://www.vecernji.hr/hrvatska/povrat-zidovske-imovine-povijesna-je-i-moralna-odgovornost-380554>

Hospital under construction, the Home of Lavoslav Švarc, or property formerly used in community activities, such as: community buildings, synagogues etc. (in Zagreb this amounts to 11 buildings in the city, two elsewhere, six construction sites and one forest plot). The Jewish Municipality then asked for the building of the Chevra Kadisha and the Chief Rabbinate (Petrinjska 7, Amruševa 4, Amruševa 8), more residential buildings which used to be Endowment property, the plot of the former synagogue in Praška 7 (returned in 2000) and the land of the Foundation Hospital at Ksaver. Outside of Zagreb, they lay claim to the remaining property of the vacation colonies in Crikvenica and Ravna Gora, the property of all those Jewish municipalities in central Croatia that remained without members and were extinguished: Varaždin, Krapina, Bjelovar, Koprivnica, Đurđevac, Ludbreg, Kutina, Pakrac, Lipik, Križevci and Nova Gradiška. There were 94 objects in total (42 buildings and 52 plots). Of that, the ŽOZ has 56 objects (23 buildings and 33 plots), while the Jewish municipalities of Split, Rijeka, Čakovec, Dubrovnik, Osijek, Daruvar, Slavonski Brod, and Virovitica inherited another 19 buildings and 19 plots. In addition, in procedure are claims for the return of 17 Jewish cemeteries that were owned by said Jewish municipalities (Židovska općina Zagreb, *Ha kol* 53–54, March–April 1998, 9–10). Those are the data only on immobile property that was owned by said Jewish municipalities and their institutions, while the number of claims for private property of individuals and companies is hard to establish (Židovska općina Zagreb, *Ha kol* 53–54, March–April 1998, 9–10).

Since the enactment of the Law on Compensation, the following items were returned to Jewish Municipality of Zagreb: part of one building in the Zagreb city centre (the building on the corner of Petrinjska and Amruševa – the former Chief Rabbinate), one construction site (Praška, formerly the location of Zagreb's synagogue) (Židovska općina Zagreb, *Ha kol* 63–64, December 1999–January 2000, 1), two unusable flats in the basements of seized buildings, part of the land (forest) at Cmrok. In 2013, negotiations started on the possibility of exchange of objects, i.e. finding an appropriate replacement for the former Chevra Kadisha building in Amruševa (No. 8) (Židovska općina Zagreb, *Ha kol* 137, November–December 2014, 12).³⁹ On May 15, 2014 the question was resolved, so in exchange for the

39 The building at Amruševa 8, the building of the Chevra Kadisha, was seized by NDH authorities on June 24, 1941. After the war, when activity of the society was banned, it was declared state property and given to the Jewish Municipality of Zagreb to manage. On August 9, 1947 the building was seized again and declared state property, then

building at Amruševa, the Jewish municipality received the former building of Croatian Radiotelevision at Dežmanova 6 (Židovska općina Zagreb, *Ha kol* 137, November-December 2014, 12).⁴⁰ Afterwards, the resort close to Šibenik (Pirovac) was returned to the Jewish municipality, while former resorts at Crikvenica are still the subject of negotiation, which will likely result in an exchange of property (Židovska općina Zagreb, *Ha kol* 129, March-April 2013, 4–6.) In a same manner, by decision of Municipal Court in Osijek, a building at Ante Starčević Square was returned to the Jewish Municipality of Osijek. Although it has some 1,200 square meters, the Community is the owner of 900 square meters (Židovska općina Zagreb, *Ha kol* 112, November-December 2009, 13).⁴¹ These are results of property restitution to Jewish institutions, unlike restitutions to the Catholic Church,⁴² which already by 2009 had returned or received compensation in kind for some 80% of claimed properties, according to some even 99% (Židovska općina Zagreb, *Ha kol* 109, March-April 2009, 14–15).

As far as property restitution to Jewish families is concerned, according to unofficial data received from the official lawyer of the Jewish Municipality of Zagreb (S. T.), until now close to 50% of submitted claims have been resolved – i.e. half of the claimed property, while the Jewish Municipality of Zagreb has retrieved roughly 70 %. Regarding property restitution to individuals, by 2011 only one-third of submitted claims have been resolved, and around 300 are in process (some 200 claims came from Israel) (Židovska općina Zagreb, *Ha kol* 121, September-October 2011, 4–5; Židovska općina Zagreb, *Ha kol* 51, January-February 2012,

given to the Enterprise of State Residential Buildings in Zagreb to manage. In 1956 the Central Association of Agricultural Cooperatives of the People's Republic of Croatia and Zagreb was recorded the building's managing body. In 1962 the building was registered as a social property, managed by the Federal Republic of Croatia's Chamber of Commerce. In 1975 it was registered to the Cooperative Association of Croatia. In 1997, despite the claim made by the ŽOZ, it was registered as a property of the Croatian Agricultural Cooperative Association.

40 The building at Dežmanova 6 was built in 1927, and was the property of the Klein family from 1930. The Kleins were sent to Auschwitz by the NDH authorities, and killed there. The building was registered as social ownership since 1950.

41 On December 31, 1999 by decision of the government of Croatia, a plot in Pariška street in Zagreb where a synagogue used to be located, was returned to Jewish Municipality.

42 <http://www.seebiz.eu/vlast-oporba-ali-i-zidovske-organizacije-odgovorne-sto-nema-povrata-opljackane-zidovske-imovine/ar-54635/>

51–52). Those are data for the period until 2012, for there are no official data how many claims have been resolved since.

Many claims still remain unresolved, some of them for a full 18 years (Židovska općina Zagreb, *Ha kol* 137, November-December 2014, 37–38).⁴³Compensations received are embarrassingly small, almost symbolic (for instance, two successors of the plot where the post office in Jurišićeva street is now located received compensation of 90,000 kunas for 1,300 square meters) (Židovska općina Zagreb, *Ha kol* 130, May-June, 2013, 20–21), since restitution in kind is either impossible or avoided. Certain families have been fighting a legal battle for the return of their inheritance for 18 years. As positive examples, we can mention these: in 2007 successors of Baron Victor Gutman succeeded in having 30,000 hectares of arable land and double that of forest land returned. Afterwards, the Jewish family Görög of Osijek had co-ownership of a hotel of their late father in Osijek restored (Židovska općina Zagreb, *Ha kol*. 99, March-April 2007, 11). In 2003, the Kraus family, i.e. their successor Dr Marko Ivanović had an aluminum factory that had been confiscated returned. It was the first aluminum factory in the Balkans when his father Ivan Rikard Kraus Ivanović built it in 1937. Since 1997, Marko Ivanović also has claims on the return of part of the property belonging to the Osijek refinery, nowadays a part of INA.⁴⁴ Also specific is the case of successors of the Mayer

⁴³ The case of Paul Schreiner (Zagreb, 1928). His grandfather Armin Schreiner was the owner of the ceramics factory in Bedekovčina. Paul is the only member of his family who survived the Holocaust. His father was taken to a concentration camp in December 1941, while he was hidden by the Glojnarić family in the village of Mače. His mother Gretta and 10-years old sister Helga were killed in the camp of Stara Gradiška, father Ferdo in Auschwitz, and grandfather Armin in Jasenovac. When his father, the factory owner, was taken to camp, his property was taken by an Ustaša official. Paul is still trying to recover this property. Since 1992 he has opened the procedure for returning the family house at Deželićeva 30 in Zagreb, but to no avail so far. According to family lawyer, they managed to achieve the return of the property at first instance at the competent service of state administration and city, but the State Attorney appealed in the meantime, so the case is now with the Ministry of Justice.

⁴⁴ The family of Marko Ivanović, namely his father Ivan Rikard Kraus Ivanović possessed in the centre of Osijek *IPOIL AD – Refinery of mineral oils* as well as sugar refineries, steam mills, and other industrial plants that were confiscated after the war and given to the enterprise “Jugopetrol“. A significant part was destroyed in 1943 during the Allied bombing of Osijek. Still, there remained a manufacturing nucleus, a market, and 30,000 square meters of land in the centre of Osijek. Dr Ivanović does not want to speculate on the value of seized property and compensation the state should pay. The property lies on the site of the marshalling yard in Osijek, and its value in 1943 was estimated at 332,440 U.S. dollars. In the meantime, confiscated property became part of INA. The

family who have also claimed restitution for 18 years now. The Mayer (Marić) family once owned Iskra d.d. and Yugoslav Shell. The Ustaša regime seized all this property on the basis of racial laws, including refineries in Sisak and Bosanski Brod. Afterwards a part of the family perished, and everything was confiscated by Yugoslav authorities after the war. Restitution to the family is in large part contested, and for the time being only part of family property has been returned, i.e. one-third including the ruins in Sisak.⁴⁵

Conclusion

Why is the restitution process of Jewish property progressing so slowly despite the fact that Croatia has enacted laws that allow the return of the property and that, in June 2009, it and another 46 countries signed the Terezin Declaration, by which they pledged to resolve the question of restitution?⁴⁶

Some of the reasons include:

The necessity to enact a new Act on Restitution /Compensation by which all property would be returned to the original owners regardless of whether it was sold or privatized. This act would annul all sales of houses, apartments, hotels, and company shares that were acquired during the process of privatizing social property which took place in the 1990s.

state sold a half of the company to the Hungarian MOL without informing the family on whose land INA had emerged. The Osijek court decided in favor of the Ivanović family, but the State Attorney and INA management appealed, so the whole procedure to be considered again. Since the owners of the Osijek company were Kraus-Ivanović, Mayer and Sopianec, restitution should go to three sides, which additionally complicates the whole procedure. <http://www.slobodnadalmacija.hr/Hrvatska/tabid/66/articleType/ArticleView/articleId/267034/Default.aspx>; <http://slobodnadalmacija.hr/%C5%A0ibenik/tabid/74/articleType/ArticleView/articleId/157585/Default.aspx>;

45 Mayer-Marić, A family that made INA, *Globus*, 21.11.2014, 60-68. <http://www.slobodnadalmacija.hr/Hrvatska/tabid/66/articleType/ArticleView/articleId/267034/Default.aspx>

46 Upon invitation by the President of the Czech Republic, a conference was held in Terezin on June 26-30, 2009 with participation of 46 states, including Croatia. The conference produced the Terezin Declaration on Holocaust Era Assets and Related Issues. It contains all issues that were discussed at that and other conferences: from return and restitution, education and remembering, to research and presentation of the heritage – on international and national levels. <http://www.cendo.hr/Novosti.aspx?id=473&title=terezinska-deklaracija>; <http://www.wjro.org.il/Web/Default.aspx>;

The six-month deadline for filing a claim is problematic.

- a. The Law on Compensation from 1996 according to which it is possible to return the property seized after May 15, 1945 is still in force, which in practice means that prominent members of the Ustaša regime have the right to full restitution of their property in kind, while the Jews whose property was seized from 1941 till 1945 have no rights of this sort whatsoever. The stance of the Government of the Republic of Croatia is that Yugoslavia annulled all decisions of the NDH relating to the seizure of property immediately after the end of the Second World War, and that any such property was returned to its owners or their heirs and later seized again, thus making it subject to The Law on Compensation.
- b. A specific problem is the status of former Yugoslav citizens who immigrated to Israel during the late 1940s and 1950s (those who did so were stripped of their citizenship and their property was confiscated by communist Yugoslavia) and who as foreign nationals did not have the right to restitution or compensation of their property till 2008. The restitution process was started in 2008, but it is moving slowly.
- c. Another problem is the right of first order of succession, according to which only individuals from the first order of succession are allowed to inherit property, which means that only the property of parents and grandparents can be inherited, while the second order has no rights whatsoever. This means that the brothers and sisters of the former owner cannot file restitution claims.
- d. The restitution process also tends to be overly long, since the procedure often lasts 20 to 25 years, meaning the claimant sometimes dies of old age before it is concluded, leading to the process being suspended or prolonged.
- e. The fact that the highest sum for which one can seek compensation for former or inherited property is 500,000 € is also problematic.
- f. There is also the question of the property of Jews who were killed in the Holocaust and left without heirs (escheat property). That property is currently in the hands of cities and municipalities.
- g. The question of stolen movable property (works of art) is still not being discussed.

- h. The question of the restitution of property concerns not only Jews, but also Serbs, Germans, Hungarians, Czechs, and others (Italians and Austrians are exempt).
- i. One of the greatest problems regarding the restitution process is the unfavourable economic situation in Croatia, which has slowed the compensation process.

In the end, we can only conclude that the process of returning the property that was seized from the Jews is a slow one, and we cannot be certain when or if it will be concluded in a satisfying manner.

References:

- Anić, T. 2007. „Normativni okvir podržavljenja imovine u Hrvatskoj/Jugoslaviji 1944–1946.” *Časopis za suvremenu povijest* 3: 25–62.
- Brandl, M., N. 2015. „Židovski identitet/i u Hrvatskoj nakon Drugog svjetskog rata: kratak pregled.” *Nacionalne manjine u Hrvatskoj i Hrvati kao manjina – europski izazovi*, zbornik radova, ured. Ljiljana Dobrovsak, Ivana Žebec Šilj: 167–194. Zagreb: Institut društvenih znanosti „Ivo Pilar”.
- Kisić Kolanović N. 1998. „Podržavljenje imovine Židova u NDH” *Časopis za suvremenu povijest* 30 (3): 429–453.
- Konfiskacija, nacionalizacija, ratna dobit, agrarna reforma, kolonizacija i drugi oblici prisilnoga prestanka vlasništva; Zakon o pretvorbi društvenog poduzeća, prir. Jadranko Crnić i Ane-Marija Končić. 1991. Zagreb: Narodne novine.
- Maticka, M. 1992. „Zakonski propisi o vlasničkim odnosima u Jugoslaviji (1944–1948)”, *Radovi Zavoda za hrvatsku povijest* 25: 123–148.
- Židovska općine Zagreb. Bilten / Ha-kol.Glasilo židovske zajednice u Hrvatskoj. Zagreb.
- Živaković Kerže, Z. 2007. „Podržavljenje imovine Židova u Osijeku u NDH”, *Časopis za suvremenu povijest* 39 (1): 97–116.

Sources:

- <http://www.cedek-croatia.hr/index-hrv.html>
- <http://www.cendo.hr/Novosti.aspx?id=473&title=terezinskadeklaracija><http://www.cerp.hr/default.aspx?id=6>
- <http://www.duudi.hr/>
- <http://www.dzs.hr/Hrv/censuses/census2011/censuslogo.htm>
- <http://www.fnoi.hr/>
- <http://www.forum.tm/vijesti/vracanje-zidovske-imovine-s-figom-u-dzepu-1797>. Accessed on March 24, 2015.
- <http://www.iusinfo.hr/DailyContent/Topical.aspx?id=8140>
- <http://www.novolist.hr/Vijesti/Hrvatska/Josipovic-Strance-se-ne-bi-smjelo-izuzeti-iz-povrata-imovine>
- http://narodne-novine.nn.hr/clanci/sluzbeni/1991_10_53_1299.html
- http://narodne-novine.nn.hr/clanci/sluzbeni/1996_10_92_1600.html;

<http://narodne-novine.nn.hr/clanci/sluzbeni/265289.html>.
http://narodne-novine.nn.hr/clanci/sluzbeni/2002_07_80_1292.html;
<http://narodne-novine.nn.hr/default.aspx>
http://narodne-novine.nn.hr/clanci/sluzbeni/2000_04_43_1010.html<http://www.slobodnadalmacija.hr/Hrvatska/tabid/66/articleType/ArticleView/articleId/246053/Default.aspx>.
<http://novi-informator.net/zakon-o-naknadi-za-imovinu-oduzetu-za-vrijeme-jugoslavenske-komunisti%C4%8Dke-vladavine-%E2%80%93-pravo-unuka-na>
<http://www.seebiz.eu/vlast-oporba-ali-i-zidovske-organizacije-odgovorne-sto-nema-povrata-opljackane-zidovske-imovine/ar-54635/>
<http://slobodnadalmacija.hr/%C5%A0ibenik/tabid/74/articleType/ArticleView/articleId/157585/Default.aspx>
<http://www.state.gov/documents/organization/132820.pdf>.
<http://www.vecernji.hr/hrvatska/povrat-zidovske-imovine-povijesna-je-i-moralna-odgovornost-380554>
<http://www.wjro.org.il/Web/Default.aspx>
<http://www.zakon.hr/z/130/Zakon-o-naknadi-za-imovinu-oduzetu-za-vrijeme-jugoslavenske-komunisti%C4%8Dke-vladavine;>
http://www.zoz.hr/home.php?subkat=novosti&content=novosti&arhiva=&id_novost=2703&year=2014&vijest=1179&PHPSESSID=5c0a56e12280205f0df371727378fce9.

Legal acts:

Odluka o uređenju agrarnih odnosa i poništenju dražbi na području oblasnog Narodnog odbora za Istru. 1946. *Službeni list FNRJ*, br. 191/46.
 Osnovni zakon o eksproprijaciji. 1947. *Službeni list FNRJ*, br. 28/47.
 Osnovni zakon o iskorištavanju poljoprivrednog zemljišta. 1965, 1967, 1970, 1971, 1973. *Službeni list SFRJ*, br. 25/65, 12/67, 14/70; *Narodne novine*, br. 52/71, 52/73.
 Osnovni zakon o postupanju sa eksproprijiranim i konfisciranim šumskim posjedima. 1946. *Službeni list FNRJ*, br. 61/46.
 Zakon o agrarnoj reformi i kolonizaciji. *Službeni list DFJ*, br. 64/45; *Službeni list FNRJ*, br. 24/46, 101/47, 105/48, 21/56, 55/57; *Službeni list SFRJ*, br. 10/65.
 Zakon o državljanstvu. 1945, 1948. *Službeni list DFRJ*, br. 64/45, 105/48.
 Zakon o državljanstvu Narodne Republike Hrvatske. 1950. *Narodne novine*, br. 18/50.
 Zakon o fondu, Zakon o naknadi za imovinu oduzetu za vrijeme jugoslovenske komunističke vladavine. *Narodne novine*, br. 92/96, 39/99, 42/99, 92/99, 43/00, 131/00, 27/01, 65/01, 118/01, 80/02, 81/02.
 Zakon o građevinskom zemljištu. *Narodne novine*, br. 54/80, 42/86, 61/88, 48/88. – prečišćeni tekst, 16/90, 53/90. Zakon o konfiskaciji imovine i izvršenju konfiskacije. 1945. *Službeni list DFJ*, br. 40/45, 70/45.
 Naredba o izmjeni te o sprovađanju u život Odluke Oblasnog Narodnog Odbora za Istru o uređenju agrarnih odnosa i poništenju dražbi na području Oblasnog Narodnog Odbora za Istru od 21. XII. 1946. *Službeni list*, br. 191/46.
 Zakon o izvršenju kazni, mjera sigurnosti i odgojno-popravnih mjera. 1951. *Službeni list FNRJ*, br. 47/51.
 Zakon o ispitivanju porijekla imovine i o oduzimanju nezakonito stečene imovine. 1984. *Narodne novine*, br. 14/84

- Zakon o nacionalizaciji najamnih zgrada i građevinskog zemljišta. 1958. *Službeni list FNRJ*, br. 52/58.
- Zakon o nacionalizaciji privatnih privrednih poduzeća. 1946, 1948. *Službeni list FNRJ*, br. 98/46, 35/48.
- Zakon o nasljeđivanju. 1971, 1978, 2000. *Narodne novine*, br. 52/71, 47/78, 56/00.
- Zakon o određivanju građevinskog zemljišta u gradovima i naseljima gradskog karaktera. 1968, 1969. *Službeni list SFRJ*, br. 5/68, 20/69; *Narodne novine*, br. 30/68.
- Zakon o oduzimanju ratne dobiti, stečene za vrijeme neprijateljske okupacije. 1945. *Službeni list DFJ*, br. 36/45.
- Zakon o poljoprivrednom zemljišnom fondu općenarodne imovine i dodjeljivanju zemlje poljoprivrednim organizacijama. 1953, 1957, 1962, 1965. *Službeni list FNRJ*, br. 22/53, 27/53, 4/57, 46/62; *Službeni list SFRJ*, br. 10/65.
- Zakon o poljoprivrednom zemljištu. 1984. *Narodne novine*, br. 26/84.
- Zakon o potvrdi i izmjenama i dopunama Zakona o konfiskaciji imovine i izvršenju konfiskacije. 1946. *Službeni list FNRJ*, br. 61/46.
- Zakon o potvrdi i izmjenama i dopunama Zakona o oduzimanju ratne dobiti, stečene za vrijeme neprijateljske okupacije. 1946. *Službeni list FNRJ*, br. 52/46.
- Zakon o postupanju sa imovinom, koju su vlasnici morali napustiti u toku okupacije i imovinom, koja im je oduzeta od strane okupatora i njegovih pomagača. 1945. *Službeni list DFJ*, br. 36/45.
- Zakon o potvrdi i izmjenama Zakona o postupanju sa imovinom koju su vlasnici morali napustiti u toku okupacije i imovinom koja im je oduzeta od strane okupatora i njegovih pomagača. 1946, 1947, 1948. *Službeni list FNRJ*, br. 64/46, 105/46, 88/47, 99/48.
- Zakon o prelazu u državno vlasništvo neprijateljske imovine i sekvestraciji nad imovinom odsutnih osoba. 1946. *Službeni list FNRJ*, br. 63/46.
- Zakon o proglašenju imovine zemljišnih i njima sličnih zajednica te krajiških imovnih općina općenarodnom imovinom. 1947, 1958, 1987. *Narodne novine*, br. 36/47, 51/58, 13/87.
- Zakon o prometu zemljišta i zgrada. 1965, 1967. *Službeni list SFRJ*, br. 43/65, 57/65, 17/67; *Narodne novine*, br. 52/71, 52/73.
- Zakon o provođenju agrarne reforme i kolonizacije na području Narodne Republike Hrvatske. 1947, 1957, 1958, 1962. *Narodne novine*, br. 111/47, 25/58, 58/57, 62/57, 32/62.
- Zakon o provođenju pojedinih odredaba zakona o iskorištavanju poljoprivrednog zemljišta. 1960. *Narodne novine*, br. 25/60.
- Zakon o suzbijanju nedopuštene trgovine, nedopuštene špekulacije i privredne sabotaže. 1946. *Službeni list FNRJ*, br. 56/46.
- Zakon o udruženom radu. 1976, 1983, 1987, 1988. *Službeni list SFRJ*, br. 53/76, 57/83, 85/87, 6/88, 38/88.
- Zakon o udruživanjima, zborovima i drugim javnim skupovima. 1946, 1947. *Službeni list FNRJ*, br. 51/46, 29/47.
- Zakon o uređenju i davanju na korištenje građevinskog zemljišta. 1969. *Narodne novine*, br. 20/69.
- Zakon o uređivanju i korištenju gradskog zemljišta. 1963. *Narodne novine*, br. 6/63.

Rezime:***Povrat židovske imovine u Hrvatskoj***

U radu je reč o povratu židovske imovine u Hrvatskoj od devedesetih godina 20. stoljeća na ovamo, budući da još uvijek u Hrvatskoj nije riješeno pitanje povrata židovske imovine i ono ide jako sporo, zbog nedorečenih zakona koji se provode parcijalno. Uglavnom se ovo pitanje aktualizira kada se netko od hrvatskih vlasti sastaje s nekim iz Izraela ili američke administracije. Prema sadašnjim aktualnim propisima jedina imovina Židova koju je moguće vratiti je ona oduzeta nakon 1945. godine, dok je imovina koja je oduzeta u vrijeme NDH ostala nedirnutu, „zaštićena” zakonima koji doneseni još za vrijeme Jugoslavije. Sadašnji povrat oduzete imovine provodi se prema Zakonu o naknadi za imovinu oduzetu za vrijeme jugoslavenske komunističke vladavine koji je stupio na snagu 1997. godine te su tada pravo povrata ili naknade imali samo hrvatski državljani u prvom nasljednom redu. Zakon je dopunjen 2002. godine, kada je uvedeno da i djelomično stranci mogu imati pravo povrata. I dalje je na snazi praksa, da se ne vraća imovina oduzeta u vremenu od 1941. do 1945. godine, kada je oduzeto najviše židovske imovine. I dalje pravo povrata ima samo prvi nasljedni red te je i dalje prekratak rok za podnošenje zahtjeva oko povrata. Potkraj mandata vlade Jadranke Kosor 2004., pokušalo se za izmjenom i donošenjem novog zakona, međutim on je kao prijedlog zaostao negdje u saborskoj proceduri te se još uvijek ne zna kada će biti donesen. Do sada povrat svojih nekretnina prema neslužbenim podacima uspjelo je riješiti manje od 30 posto obitelji Židova stradalih u NDH te je Vlada Zorana Milanovića darovala Židovskoj općini Zagreb zgradu u središtu Zagreba kao svojevrsnu kompenzaciju za imovinu koja joj je oduzeta za vrijeme ustaškog režima.

Ključne riječi: Židovi, imovina, Zakonu o naknadi za imovinu oduzetu za vrijeme jugoslavenske komunističke vladavine

Paper received: 12. 10. 2015.

Paper reviewed: 22. 10. 2015.

Paper accepted: 05. 11. 2015.