



## Civil Rights Project

### PROJEKT GRAĐANSKIH PRAVA

#### Activity Report - June 2006

##### Office activities

In the reporting period, CRP Sisak received **214** clients, out of which there were **72** new clients and **192** old clients revisiting **266** times.

There were also **37** court hearings held and attended by the CRP external lawyers before the municipal courts in Sisak, Karlovac, Dvor, Petrinja, Hrvatska Kostajnica, Glina, Gvozd and Zagreb.

##### Target groups

###### *New clients by status:*

<i>Status</i>	<i>Totals</i>
Bosnian Croat	5
Domicile	16
Refugee	19
Returnee	26
Not defined	6
<u>Total</u>	<b>72</b>

###### *New clients by reception mode:*

<i>Mode</i>	<i>Totals</i>
Office	25
Field	41
Letter	6
<u>Total</u>	<b>72</b>

TYPE OF CASE	NUMBER OF EVENTS
Citizenship	15
Documents and status	52
Labour	9
Ownership	182
Other	31
Pension and health and social security	23
Tenancy rights	39
<b>TOTAL</b>	<b>351</b>

### **LEGAL ASSISTANCE**

Appeals/complaints	30
Constitutional complaints	3
Letters	55
Lawsuits	16
Administrative lawsuits	5
Submissions	95
Revision	2
Administrative requests	34
Other documents	48

### **Legal issues**

In the reporting period, the CRP Sisak was dealing with many different legal issues such as: housing care, ownership rights, pension related issues, repossession of movable property, compensation for illegal use of property, citizenship rights and other legal issues.

Even though the Ministry for Maritime Affairs, Tourism, Transport and Development claims that the implementation of housing care programme for former tenancy right holders started intensively in 2005, there is still 4 764 cases not solved. This process develops really slowly.

The contribution of CRP in this area consists of constant warning about this non-efficacious implementation and putting of strong pressure on the Ministry by submitting of rush-notes for our clients, claiming for effective acting of relevant administrative bodies.

CRP will now present some of the cases related to the above mentioned issues.

### ***Ownership right – establishment of ownership***

Considering the fact that there are huge differences between the land registry books and actual ownership, CRP has many cases of ownership rights – establishment of ownership. This type of cases often represents the precondition for realisation of different rights, such as reconstruction, inheritance, etc.

The client *S.J. (CRP case 7586)* approached the CRP office with ownership issues claiming for registration of his right in land-registry. He has possessed the real estate for 6 years now without any obstruction or termination. His deceased father possessed the same real estate since 1955. The period of our client father's possession is

included in time of possession of the client. On the ground of that circumstance, the client fulfils all the legal presumptions for establishment of ownership right. Therefore, CRP wrote and filed a lawsuit to the Municipal Court in Sisak on 7<sup>th</sup> June 2006. The client lives in Eastern Slavonia (near Vukovar) at the present, so CRP provided him with *in-court* representation.

### ***Tenancy right issues***

The client (*M.M.; CRP case 749*) became a tenancy right holder after her husband died in 1981. She had been living in the apartment in Sisak till September 1991, when she went to the relatives in Bosnia and Herzegovina for a visit and left all the things and clothes in the apartment. She returned to Croatia in 1999 and filed a request for purchasing of the apartment, but the owner never took it into consideration.

In 2001 the CRP, on behalf of the client initiated the court procedure, which lasted 2 years and the Municipal Court in Sisak rejected the lawsuit. CRP wrote and filed an appeal that was also rejected in June 2003. CRP filed a constitutional complaint.

The constitutional complaint was accepted, both verdicts were annulled and the case was returned to the Municipal Court in Sisak.

The next court hearing is scheduled for 5<sup>th</sup> October 2006 and CRP wrote and filed a submission with specified claim on 23<sup>rd</sup> June 2006.

Hopefully, this case will have a positive outcome, considering the fact that the tenancy right was never cancelled and it turned into status of protected tenancy after the Law on Rent of Apartments came into force.

### ***Ownership – repossession of movable property***

The client *M.P. (CRP case 7571)* is returnee and the owner of a tractor that he left at his home in August 1995 at the end of the Homeland War. After returning to Croatia, he had not found his movable property until he accidentally noticed it in the village near his place of living. He immediately contacted the person, who is illegally using his tractor, demanding the repossession.

Unfortunately, temporary user did not wish to return the client's movable property.

The wife of the owner reported the theft to the State Attorney's Office, which rejected it due to the statute of limitation and with an explanation that the numbers of engine found on the tractor used by the temporary user did not match the numbers of engine on the client's tractor. But the fact is that the temporary user has a several tractors in his possession.

Therefore, CRP initiated a civil procedure for repossession of movable property or compensation for damage by submitting a lawsuit before the Municipal Court in Sisak on 8<sup>th</sup> June 2006.

### ***Other legal issues***

This month two (2) male clients approached the CRP office for legal aid regarding the divorces.

The client *Z.K. (CRP case 7540)* married in 1996 and one year after they got a child that is now attending a primary school in Petrinja. In 2001 the marital relations became worse and the wife initiated a divorce proceeding, but she withdrew the lawsuit. Such marital relations exist since. The client claims that it is not possible anymore to preserve the marriage and wishes for the child to be given at his guardianship, due to the fact that he has better conditions for raising the child and has a regular income.

CRP decided to provide him with *in-court* representation and submitted a lawsuit to the Municipal Court in Petrinja on 7<sup>th</sup> June 2006. There were some intentions for peaceful settlement of the issue (the client's wife also approached the CRP office wanting divorce by mutual consent). Both of the spouses are aware of necessity to provide an option best for the child and his future even though their interaction has become worse.

The client *N.K. (CRP case 7567*; 23 years old) has been married for only one (1) year with a 21 year old woman. The client claims that his wife is constantly taking drugs and alcohol and he does not want for their child to be raised in such surroundings.

As a way of expressing its concern for the child's welfare, CRP wrote and filed a lawsuit on 2<sup>nd</sup> June 2006, after taking into consideration the fact it has already been decided by the Centre for Social Welfare in Sisak that the child should stay with the father and the mother could visit him only in presence of another person.

The wife has left the client and the baby six (6) months ago. She has completely neglected the relationship with the baby and she does not visit the baby in determined time.

It has been established in administrative procedure that the father has provided all the adequate housing and material conditions for taking care of the baby.

The court hearing needs to be scheduled. CRP will continue to follow up this case.

### **Other activities**

From 29 May to 2 June 2006, a CRP representative attended a seminar in Oslo, Norway, organised by the Norwegian Refugee Council (NRC.) The objectives of the seminar were to improve the relevance and quality of the NRC Information, Counselling and Legal Assistance (ICLA) activities and to share relevant field experiences and lessons learned.

On 13 June, the Legal Sub-group for Central Croatia and Western Slavonia, co-chaired by CRP, met and discussed the institution of registering of claims (debts) based on the Law on Social Welfare and the housing care in and outside the ASSC.

On 20 June, the CRP Mobile Team lawyer participated at the round table in Zagreb, organised by the Coalition for Promotion and Protection of Human Rights from Osijek on the occasion of the World Refugee Day. The round table discussed the challenges for the permanent solution of the refugee problem in Croatia and the implementation of the Sarajevo Ministerial Declaration and national road maps.

On 24 June, the CRP Mobile Team lawyer participated in the seminar held in Petrinja (for the towns of Petrinja and Glina), on the role of local self-government and councils of national minorities in the development of the society. The seminar was organised by the Centre for Civil Initiatives (CCI) with the support of the OSCE Mission to Croatia.

From 25 to 28 June, a seminar organised by the Partnership for Social Development from Zagreb was held in Stubicke Toplice. CRP participated in the evaluation of the Local Civil Society Development through Multi-level Capacity Building Program. There was also planning of future co-operation of Croatian NGOs that were involved in the programme.

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On 29 June, the Norwegian Ambassador to Croatia, Ms. Elisabeth Walaas, and the First Secretary, Mr. Rasmus Gedde-Dahl, visited the CRP office in Sisak. It was their first visit to the CRP and the meeting was very informative and pleasant for the both, the CRP and the Embassy. It was agreed that the Embassy would visit the CRP and the Sisak area again in September.

CRP Sisak has continued its practice to visit the collective centre Barake Tehnika in Sisak two times per week, providing information and advice, exchanging necessary documents, etc.

In Sisak, 10 July 2006

Milana Kreca