



PROJEKT GRAĐANSKIH PRAVA

Civil Rights Project

Activity Report – September 2008

Office activities

In the reporting period, CRP Sisak received **382** clients, out of which there were **79** new clients and **303** old clients revisiting **431** times.

There were **11** court hearings attended by the CRP external lawyers before the municipal courts in Sisak, Petrinja, Hrvatska Kostajnica, Zagreb and Slatina.

Target groups:

New clients by status:

<i>Status</i>	<i>Totals</i>
Domicile	17
Refugee	48
Returnee	3
Not defined	11
<u>Total</u>	79

New clients by reception mode:

<i>Mode</i>	<i>Totals</i>
Office	29
Field	8
Power of attorney – Serbia	29
Power of attorney - Kosovo	12
Phone	1
<u>Total</u>	79

As it has been reported, CRP has a field office in Glina, which works on Wednesdays. The office premises are provided by the Town of Glina for free and it is attended by a CRP lawyer, who is from Glina, and therefore, there are no additional expenses.

TYPE OF CASE	NUMBER OF EVENTS
Citizenship	41
Documents and status	141
Ownership	124
Pension and health and social security	90
Housing care	35
Tenancy rights	31
Labour	18
Misdemeanour	6
Other	49
TOTAL	535

During the reporting period, there were **101** successfully solved request. They mainly relate to documents, status and establishment of ownership cases.

LEGAL ASSISTANCE

Appeals/complaints	24
Letters	98
Lawsuits	8
Administrative lawsuit	7
Constitutional complaint	1
ECHR application	2
Submissions- institution of proceedings	15
Submissions – other	100
Legal counseling	193
Quick advises	197
TOTAL	645

Legal issues

The legal issues that CRP has been dealing with remain the same, as it can be seen in the table above (type of case.) Also, despite of some changes in proceedings, the problems related to cases remain generally the same: lengthy proceedings, postponing of court hearings, favouring of temporary users over the owners, not encouraging the return of refugees, etc. The laws, even when they are good, are not being applied well.

During the war, there were thousands of terrorist acts committed, mainly against the Serbs. The Article 180 of the Law on Obligatory Relations allowed them to initiate court proceedings for compensation, as it said “For damage caused by death, bodily injury, i.e. damage to property caused by terrorist acts or violence or public demonstrations or manifestations the responsibility is on the authorities whose officials were obliged to prevent such damage according to the valid laws.” However, as there were thousands of such cases and the compensation amounts were enormous, in January 1996, the mentioned article was cancelled, and all such proceedings were stopped. However, after the ECHR decision in the *Kutic* case in 2002, in 2003 the Law on Compensation for Damage caused by terrorist Acts and Public Demonstration

PGP CRP Sisak, Rimska 6, 44000 Sisak
 Tel: + 385 44 571 752, 571 753; Fax: +385 44 521 292
 e-mail: pgp-sisak@crp.t-comt.hr
www.crpsisak.hr

was brought. It only regulates damage caused by death and bodily injury and mental agony caused by death of close relatives (children and parents), which means that material damage to property caused by terrorist acts remains unsolved. Even the damage caused by death is difficult to win, as the State is strongly fighting against the responsibility and obligation to pay the compensation, which they limited to HRK 350.000,00 (less than 50.000 Euro), estimating in this way a value of a life of person victim of a terrorist act to that amount. The problem in these cases is also the statute of limitation.

The following case, which has been reported, will demonstrate the above said. Namely, the client M.K. is the owner of an optical shop in Karlovac, for which he has been renting the premises. On 11 November 1991 the shop was mined, an explosive device was put and activated in the shop. The damage was enormous, the shop was completely destroyed. It was a terrorist act, done by unknown person(s) during the war and police hours in Karlovac. There were many similar terrorist acts in Karlovac at that period, at the beginning of the war, as well as in other areas of Croatia. The Police was called and they did the investigation, made reports, but there were no further actions. The client and his family had been threatened over the phone to leave Karlovac.

In 1994 the client filed a lawsuit for compensation of damage in the amount of approximately 50 000 Euro, based on the Law on Obligatory Relations. However, in 1996 the court proceeding was stopped, because the Article 180 of the Law on Obligatory Relations was cancelled and the new regulations of the terrorist acts were to be made.

Only in 2003 the Law on Responsibility for Damage Caused by Terrorist Acts and Public Demonstrations was brought. The client's proceedings were continued, but with the court's decision to reject the lawsuit. Namely, the court explained that the new Law says that the damaged party only has right to compensation for damage caused by death, body injury or damage to health. Since this case is about material damage, the court said that it should be dealt with in an administrative procedure, which regulated the reconstruction of houses.

However, knowing that the Law on reconstruction was only regulating the war damage to the houses in which owners were living, the client had submitted a request for reconstruction, which was rejected, and this administrative decision was submitted to the court, so the court was aware of the situation.

The client appealed the first instance court decision, but the second instance court rejected the appeal and confirmed the first instance decision. The client submitted a revision to the Supreme Court, which also rejected the revision. The case is at the moment before the Constitutional court of the Republic of Croatia.

Therefore, the case has been ongoing since 1994. The client has not been given any compensation for damage caused by terrorist act. The Law on responsibility for Damage caused by Terrorist Acts and Public Demonstrations refers material damage to the Law on Reconstruction? The Law on Reconstruction had a deadline for

submitting of applications, which passed in 2003, and it was only dealing with houses, with proven ownership and residence of owners.

CRP will follow the case to see how the Constitutional court, and eventually ECHR, will deal with it.

Other activities

On 26 September 2009 CRP met with the representatives from the US Embassy in Zagreb in order to discuss the further Embassy's assistance to the five Roma families that were provided with housing care in the village of Petrinjci, near Sisak. It was agreed that the problem of heating was the most pressing and therefore CRP will organise buying of stoves.

CRP submitted to the Partnership for Social Development the final report for the project "Civil society's response to corruption" that CRP Sisak implemented in the Sisak area, as a partner to PSD.

CRP Sisak has continued to organise signing of petition "Yes for Parliament with clean hands" within the anti-corruption campaign that CRP has been implementing with BURA. The aim of petition is to request the changes of the law on elections and law on conflict of interest.

During the reporting period, CRP Sisak worked on and submitted a project proposal to the City of Sisak.

Sisak, 9 October 2008

Milana Kreca
CRP Sisak