



PROJEKT GRAĐANSKIH PRAVA Civil Rights Project

Activity Report – May 2011

Office activities

In the reporting period, CRP Sisak received **487** clients, out of which there were **211** new clients, both in the CRP Sisak office and the field offices in Hrvatska Kostajnica, Dvor, Gvozd, Krnjak and Glina.

Target groups:

NEW clients by status:

<i>Status</i>	<i>Totals</i>
Domicile	53
Returnee	125
Settlers	5
Refugee	21
Not defined	7
<u>Total</u>	211

NEW clients by reception mode:

<i>Mode</i>	<i>Totals</i>
Office	58
Field	153
<u>Total</u>	211

TYPE OF CASE	NUMBER OF EVENTS
Citizenship	39
Documents and status	65
Ownership	125
Pension and health and social security	99
Housing care/tenancy rights	106
Labour	16
Free legal aid	10
Crime cases/misdemeanour	17
Other: other legal issues, information, etc.	98
TOTAL	575

During the reporting period, there were **209** successfully solved requests. They mainly relate to documents, establishment of ownership and other cases.

ASSISTANCE

Appeals/complaints	46
Lawsuits	21
Administrative lawsuit	18
ECHR application	1
Letters	30
Requests/applications/proposals	101
Submissions	141
Legal counselling	165
Quick advises	138
TOTAL	661

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, etc. The courts and administration do not act impartially when the State is involved in the case, but exactly the opposite, being completely on the side of the State. The laws, even when they are good, are not being applied well, etc.

The following case will demonstrate the above said. **The client N.P. (CRP case no. 7387)** approached the CRP for legal assistance in several civil cases, which had been ongoing before the County court in Sisak and Municipal court in Petrinja, regarding **unsolicited investments into his property**. The client is Croatian citizen, who lived in Petrinja before the war in the house, where they also had a manual trade. The client and his family fled after the Storm operation. In 1998, the client's property was given for temporary use to K.K. and G.K., who used it until 2002.

In the civil proceedings that had been finished with a valid judgement, the client was obliged to pay the amount of almost 100.000,00 HRK to the temporary users for investments made to the house. The client appealed, but the appeal was rejected. The client also filed a request for renewal of proceedings, as he claimed that the estimation of investment costs was not done properly, but it was also rejected.

The temporary users, having valid judgement, initiated the execution proceedings for payment of the mentioned amount, by assessment and selling of the house. The execution proceedings were postponed, due to complaints of the client and waiting for different civil proceedings to be over.

The client initiated proceedings before the Municipal court in Petrinja, where a civil engineer was engaged, and he estimated investments to the amount of 45.000,00 HRK.

The client also initiated two civil proceedings before the Municipal court in Petrinja for compensation for damage. One was against the Town of Petrinja and temporary users for compensation for damage for not being able to use his property. The other one was against the Town of Petrinja, temporary users and the Republic of Croatia for compensation for damage to the house, as the house was completely devastated in 2002 when the temporary users vacated it. Both civil proceedings initiated by the client are ongoing, but negatively for the client. All instances are rejecting the client's request for compensation for damage. At the moment, one case is at the County court in Sisak, and the other at the Constitutional court.

There was a court hearing on 1 February 2010 in the execution proceedings for payment for investment to the temporary users. The State Attorney's Office stated that the Ministry said that there was no possibility for tripartite settlement in this case. Therefore, the execution proceedings are still ongoing.

CRP wrote on this case to the Ministry several times, asking them to respect the Government's decision and settle this case. However, nothing has happened. Then in April 2010, the Ministry, i.e. the State Secretary Mr. Stanko Janić promised to the client to solve the case soon.

In November 2010, in the execution case, **the court stopped the proceedings until 16 May 2011, giving the time for out of court settlement.**

However, despite all the meetings, e-mails, letters, phone conversations and promises, nothing has been solved.

Furthermore, the new Law on Amendments to the Law on Areas of Special State Concern has entered into force in May 2011. The new Law puts the client and his case into a worse position than it was with old regulations.

Therefore, the clients' house is damaged, but he is supposed to pay for the investments to the house. He is an old man, who has no money to pay such amount. During all these proceedings regarding his house, he became seriously sick, having hearth problems. He has no right to any kind of compensation regarding his house.

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Therefore, CRP is of an opinion that the responsibility for this case lies on the Republic of Croatia, which gave the client's property for use to temporary users, who were not authorised to invest into that property. However, the client, as the owner of property, is the only one that has suffered the damage caused by the administration, **and it has been going on for over 10 years.**

Other activities

On 10 May in the village of Klinac, CRP met with representatives of the Town of Petrinja and the newly established NGO "Center for Rural Initiatives" (CRI). The reconstruction of the community center, reconstruction of village roads in the area, reconstruction of the old fortress and some other local issues were discussed. The common interest was established, which is improving of living conditions and rural development, and it was agreed to jointly work on it, to the best of possibilities of all sides.

On 18 May in Sisak, CRP was present at the presentation of the results of research of the Balkan Anti-Corruption Civil Initiatives (BACCI), which was organised by the Partnership for Social Development from Zagreb. Mr. Munir Podumljak presented the results generally and for the City of Sisak. The corruption is a global problem and the research showed that the local self-governments are more corrupted and less transparent than the ministries at the national level.

On 29 May 2011 CRP Sisak and CRI Klinac organized an education in the village of Dejanovici for the rural population in villages near Petrinja. 13 people were educated on how to trim apple, pear and plum trees. The training was organised in cooperation with the Agricultural faculty of Banja Luka, Scientific fruit-growing association Banja Luka and Fruit-growing association Prijedor. The training was mainly based on the practical work in the field of plums that is about 1,5 hectares and has 10 types of plum trees. The training was very useful and it will eventually enable the beneficiaries to generate small income by trimming the fruit trees in the region. For example, the daily compensation for work on trimming trees is HRK 400,00. It is planned to have two more additional trainings.

On 31 May in Petrinja, the representatives of the CRI Klinac had a meeting with the Head of the Administrative Department for Environmental Protection, Physical Planning, Construction and Cultural Heritage, Ms. Vlasta Vuglec. The subject of the meeting was the extending of the construction permitted zone in the village of Klinac, for what CRI submitted a request. The reason for this is the fact that the community center, which is to be reconstructed, is out of the construction zone, as well as some other houses in the village. CRI has had a campaign in the area on informing the population of related regulation and how to solve the issue the easiest way and in accordance with the Croatian and EU standards.

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