



# PROJEKT GRAĐANSKIH PRAVA Civil Rights Project

## Activity Report – September 2011

### Office activities

In the reporting period, CRP Sisak received **349** clients, out of whom there were **136** new clients and **213** old clients that revisited **328** times, 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	63
Returnee	54
Settlers	3
Refugee	8
Not defined	8
<u>Total</u>	<b>136</b>

#### *NEW clients by reception mode:*

<i>Mode</i>	<i>Totals</i>
Office	74
Field	55
Kosovo	3
BiH	3
Letter	1
<u>Total</u>	<b>136</b>

TYPE OF CASE	NUMBER OF EVENTS
Citizenship	18
Documents and status	110
Ownership	108
Pension and health and social security	39
Housing care/tenancy rights	47
Labour	13
Free legal aid	53
Crime cases/misdemeanour	13
Other: other legal issues, information, etc.	83
<b>TOTAL</b>	<b>484</b>

During the reporting period, there were **245** successfully solved requests. They mainly relate to documents, establishment of ownership and other cases.

#### **ASSISTANCE**

Appeals/complaints	28
Lawsuits	19
Administrative lawsuit	3
Letters	11
Requests/applications/proposals	36
Submissions	75
Legal counselling	350
Quick advises	100
<b>TOTAL</b>	<b>622</b>

#### **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 above said may be demonstrated with many of the CRP cases that relate to different legal issues. However, CRP would like to tackle **the issue of ownership, i.e. repossession of property** once again, because these obstacles for return of refugees have not been removed yet, despite of promises and statements of the Croatian authorities.

Namely, CRP would like to again report on two cases that have been reported at the beginning of this year, as well as many times during last 10 years, because they have not been solved yet.

The client Z.G. (CRP case No. 9726) and his family fled Croatia and in 1997 their property was given for temporary use to M.P. who was a Bosnian Croat. As the administrative procedure for repossession of property had not given any results, the client filed a lawsuit for repossession of property to the Municipal court in Sisak in 2003. From 2003 to 2011, i.e. for eight (8) years, the case was sent back and forth three times from the municipal to the county court in Sisak.

Finally, in January 2011, the County court brought its decision, rejecting the appeal of the temporary user and saying that the temporary user should vacate the house. CRP wrote a letter to the temporary user to voluntarily vacate the house. There was no answer. CRP wrote a proposal for execution of the court decision at the begging of March 2011. Despite of the rush notes, the decision on execution has not been brought yet.

This case shows how difficult and long lasting is to execute a court decision. So, it already takes seven months for decision on execution. When the client finally gets the decision, the defendant will probably appeal. Despite of the fact that the appeal does not stop the execution, the proceedings will be stopped until the appeal is decided on. Then, as the defendant refuses to cooperate whatsoever, he will probably refuse to voluntarily vacate the house. So, the court will need to schedule the forced execution, with the police. Therefore, it may last for a very long time.

**Therefore, despite of the fact that the Croatian Government claims that the process of repossession of property that was given for temporary use is finished, the client Z.G. cannot repossess his house for over 11 years. It is important to mention that the client would like to return to Croatia and to his home, as his life in Serbia is difficult and he rents the apartment there. It also needs to be mentioned that the client receives monthly compensation for use of his property from the State. The question is why the State, i.e. the tax payers, needs to pay for something that is caused by illegal acting of a person.**

The other problematic thing related to this case is the right of the client **to have trial within reasonable time**. As the case had not been solved for about 10 years, the client filed a claim for protection of his right to have trial within reasonable time, as well as for related compensation in March 2010. **The claim has not been decided yet, i.e. for over one year and a half?!**

The other case is of the client N.P. (CRP 7387) that also cannot return to his house for over 15 years. The house has been devastated and under the property lawsuit for over 10 years. It is the case of unsolicited investment by, at that time, temporary user of the client's property. Different court cases have been on-going (two are at the Supreme and Constitutional court.) The execution procedure, in which the client needs to pay the amount of over HRK 100.000,00, has been ongoing, though it was stopped at the end of 2010. The court gave the time to reach out of court settlement until May 2011. However, nothing has happened. The client has only been getting

different letters and messages from the Ministry. The last one was sent from the Ministry to the Department for Reconstruction of Houses, in which they informed them on the case and asked them to make an expert assessment of the investments and damage to the house?!

The client wonders now how long these all will take, because he, as well as his wife, is old and sick.

**Therefore, it may be concluded that some difficult cases, despite of numerous meetings, letters, decisions and promises from the side of the Croatian Government, are not solved for years. They are even not going into positive direction. It may also be concluded that the court procedures, including execution procedures, are taking too long, even the procedures that relate to right to trial within reasonable time, etc.**

### **Other activities**

Centre for Peace, Non-violence and Human Rights Osijek, Centre for Peace, Legal Advice and Psychosocial Assistance Vukovar and Serbian Democratic Forum held a workshop on “Monitoring and evaluation of public policies” as an activity of the IPA 2008 project – an initiative of civil society for the changes in anti-discriminatory policies. Workshop was held from 7 – 9 of September 2011 in Donja Stubica. The purpose of the workshop was to increase knowledge and skills for monitoring of the public policies, analysis and reporting of data collected – creating of diagnosis and recommendations for changes of the policies. Training was organized for CSOs that are already working or would like to work on changing of public policies within the scope of free legal aid and prevention of the bad public policies. 12 associations took active part in the workshop, including CRP Sisak. The workshop focused on monitoring of the application of the Law on the free legal aid. At the end of the workshop joint commitments were defined by the stakeholders, as well as the deadlines and methods of monitoring of the Law on free legal aid in practice.

On 7 September 2011, at the Ministry of Justice in Zagreb, CRP participated at the meeting on monitoring of war crimes court proceedings, with an accent on support to victims and witnesses of those crimes. The meeting was organized by OSCE and the Ministry. CRP’s involvement in this issue is mainly support to victims/witnesses from the Sisak-Moslavina that need to go and witness before the County court in Osijek, where the trial related to the war crimes in Sisak is being held.

On 15 September 2011 at the Centre for Human Rights Zagreb, CRP participated at the public discussion on the final draft of the Law on Public Ombudsman. The main changes relate to cancellation of present specialised ombudsman, for children, gender equality and disabled persons. The Centre for Human Rights will merge with the Ombudsman. The representatives of the Ministry of Justice support all the changes, explaining that they are for better. However, the civil society organisations have different opinion, thinking that the scope of work and capacity of the Ombudsman will be more limited, etc. However, it may be concluded that the Law was drafted and made, as well as put into the Parliament procedure without consultations with civil

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society and public discussions, as this one was held when the Law was already in the Parliament procedure.

On 21 September 2011 CRP participated at the workshop “Usage of modern technologies in NGO business” organised by the NGO IKS Petrinja.

On 21 September 2011, CRP was invited to participate at the official meeting of the Municipality of Dvor on the occasion of the Municipality Day. CRP took this opportunity to meet also with other representatives of the Sisak-Moslavina towns and municipalities that were present there.

During the reporting period, CRP wrote a short report on housing care and sent it to the ENAR (European Network against Racism) in order to contribute to writing of yearly report on racism and discrimination in Croatia. The same report was sent to the Croatian Legal Center, with the same aim.

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