



# PROJEKT GRAĐANSKIH PRAVA Civil Rights Project

## Activity Report – February 2010

### Office activities

In the reporting period, CRP Sisak received **281** clients, out of which there were **39** new clients.

### Target groups:

#### *NEW clients by status:*

<i>Status</i>	<i>Totals</i>
Domicile	18
Returnee	9
Refugee	5
Bosnian Croat	3
IDP	2
Not defined	2
<u>Total</u>	<b>39</b>

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

<i>Mode</i>	<i>Totals</i>
Office	29
Field	8
Phone	1
Power of attorney Kosovo	1
<u>Total</u>	<b>39</b>

<b>TYPE OF CASE</b>	<b>NUMBER OF EVENTS</b>
Citizenship	16
Documents and status	27
Ownership	69
Pension and health and social security	110
Housing care	18
Tenancy rights	12
Labour	9
Family violence	5
Free legal aid	38
Other: other legal issues, information, courses, etc.	66
<b>TOTAL</b>	<b>370</b>

During the reporting period, there were **186** successfully solved request. They mainly relate to documents, establishment of ownership and other cases.

### **ASSISTANCE**

Personal documents issued	9
Appeals/complaints	10
Letters	40
Administrative lawsuits	2
Requests	64
Constitutional complaint	1
Revision	1
Submissions	31
Legal and psychosocial and other types of counseling	168
Quick advises	99
<b>TOTAL</b>	<b>425</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, not encouraging the return of refugees, 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.

The case of Z.G. (CRP case No. 9726) shall demonstrate the above said. The client 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.

During 2003 and 2004, there were 7 court hearings held. The temporary user had been claiming that he was waiting for housing care to be provided to him by the Ministry. The court was asking the Ministry to give statement on the case, but the Ministry was saying that they did not have adequate house for the temporary user.

So in 2005, the Court brought the decision that the temporary user had to vacate the house after he was provided with housing care. Therefore, the Court extended the lawsuit request, which is not legal.

On behalf of the client, CRP filed an appeal to the County court in Sisak. After several rush notes, the County court brought its decision in August 2006. The first level decision was cancelled and the case was sent back for new trial.

Despite of few rush notes, the Municipal court in Sisak only in 2007 held a court hearing and in January 2008 brought the decision that the temporary user should vacate the premises and return it to the owner.

However, the defendant (temporary user) filed an appeal, which was accepted in August 2009. The court hearing was scheduled for December 2009. At that court hearing nothing new happened. The temporary user claimed that he needed to be provided with housing care. The court asked the report from the Regional office for displaced persons and refugees.

The next court hearing was held in January 2010, where nothing new happened, only the new rush note was sent to the Regional office to report on the case. At the court hearing that was held on 1 March 2010, it was concluded that the Regional office was not replying to the requests of the Court. So, it was decided to sent the request to the relevant Ministry!?

In December 2009, CRP wrote a request for protection of right to trial within reasonable 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 10 years.**

### *Other activities*

During February CRP Sisak visited Hrvatska Kostajnica several times and met with the Town authorities in order to prepare and start implementation of the project "Civil Centre Hrvatska Kostajnica". The Mayor and the Town Secretary expressed their support for the project and they offered office premises in their building. There are still discussions on the available premises for the Centre, but CRP started providing of free legal aid in the Town office premises on Mondays.

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CRP visited also other municipalities in the Hrvatska Kostajnica area in order to inform the authorities and citizens on the CRP future activities in the region.

As mentioned in previous reports, CRP applied to the Ministry of Justice for providing of free legal aid for the year of 2010, mainly for the reason to keep the NGOs in the free legal aid system, as the Croatian Bar Association works hard to prevent NGOs from being part of the free legal aid system, despite of the fact that attorneys, members of the Bar Association, refuse to accept clients within the free legal aid state system. However, there is no news from the Ministry on results of the Call for applications. It is a big problem for NGOs, because NGOs are providing legal aid, and it is the month of March already, but there is no financial means for these activities. CRP tried to contact the Ministry, even with several letters, but no reply.

On 11 February, CRP attended at the Delegation of the European Union in Zagreb the round table on 11 projects being implemented through 2008 EIDHR programme. The projects were presented and some implementation issues were discussed.

On 26 February, CRP Sisak was visited by the representative of the Embassy of the Kingdom of the Netherlands, in order to discuss the situation in the field and CRP's application to the Embassy.

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