



PROJEKT GRAĐANSKIH PRAVA

Civil Rights Project

Activity Report – May 2010

Office activities

In the reporting period, CRP Sisak received **306** clients, out of which there were **87** new clients, both in the CRP Sisak office and the Civil Centre Hrvatska Kostajnica.

Target groups:

NEW clients by status:

| <i>Status</i> | <i>Totals</i> |
|----------------------|---------------|
| Domicile | 47 |
| Returnee | 23 |
| Bosnian Croat | 4 |
| Refugee | 8 |
| Settlers | 2 |
| Not defined | 3 |
| <u>Total</u> | 87 |

NEW clients by reception mode:

| <i>Mode</i> | <i>Totals</i> |
|---------------------|---------------|
| Office | 45 |
| Field | 40 |
| Phone | 2 |
| <u>Total</u> | 87 |

| TYPE OF CASE | NUMBER OF EVENTS |
|----------------------------------------|-------------------------|
| Citizenship | 15 |
| Documents and status | 42 |
| Ownership | 63 |
| Pension and health and social security | 50 |
| Housing care | 31 |
| Tenancy rights | 8 |

| | |
|-------------------------------------------------------|------------|
| Labour | 6 |
| Family violence | 11 |
| Free legal aid | 10 |
| Other: other legal issues, information, courses, etc. | 108 |
| TOTAL | 344 |

During the reporting period, there were **158** successfully solved request. They mainly relate to documents, establishment of ownership and other cases.

ASSISTANCE

| | |
|------------------------------------------------------|------------|
| Personal documents issued | 15 |
| Appeals/complaints | 3 |
| Letters | 52 |
| Requests | 37 |
| Submissions | 42 |
| Legal and psychosocial and other types of counseling | 94 |
| Quick advises | 118 |
| TOTAL | 361 |

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, etc.

To demonstrate the above said, CRP shall herewith report on cases of annulment of sales contracts for properties purchased by the State Agency for legal Transactions and Mediation of Real Estates (**APN**), in which the following illegal actions were observed: purchasing of real estates based on false Powers of attorney; situation where two houses were registered at the same cadastral plot, but only one house was sold; selling of house based on mistaken identity of owner, etc.

CRP still has several such cases. The case of **N.M. (CRP case 4332)** shall demonstrate how these cases are handled by the State. Namely, despite of the fact that the work of the APN was publicly disputed long time ago and that the Government promised to revise the work of APN and cases, nothing has happened. The cases that are clear, i.e. where (former)owners have evidence that purchase was done through illegal actions and/or false documents, are still ongoing.

The client N.M. found out that his property was registered as property of the Republic of Croatia, based on the contract from 1998. Namely, in 1998 the property was sold to APN through a representative D.B., a person that has criminal record in Croatia and

who is not available in Croatia. She was representing the parents of the client, as they were owners of the house and land. However, the father of the client died in 1994, so he could not sign the power of attorney in 1998. The mother did not do it either. Therefore, the power of attorney was obviously false.

The lawsuit for annulment of contract on sales was filed in 2002. In 2004, the Municipal court in Petrinja brought the decision, partly deciding in favour of the client. Both parties appealed. The County court accepted appeals and sent case back to the first instance in 2005. Finally in 2008, the Municipal court in Petrinja brought their decision in favour of the client. The State, represented by the State Attorney's Office, appealed, but in 2009 the appeal was rejected. However, the State filed a revision to the Supreme Court.

Therefore, despite of all the evidences and clearness of the case, the State has been *fighting* against the citizen regarding his parents' property. For all these years, the client cannot dispose of his property, as there are notes in the land registry.

The case of the client **M.D. (CRP 7474)** is very similar. The property was sold to APN, through the same representative D.B. in 1998, based on false power of attorney, as two of persons, who signed the power of attorney, died before 1998. The client, who is wife of the deceased owner, found out about selling of property when she was sued for eviction in 2006 by the State. The case has been ongoing and the CRP filed a counter-claim for annulment of contract.

The client is an old lady, who built the related house with her late husband, and it is her only property, property that she has been using for living. Now, she is threatened to be evicted from her house.

Other activities

In the beginning of May, CRP signed the contract with the Norwegian embassy in Zagreb on the project "Water Supply System of Klinac" for the reconstruction and renovation of the water supply system in the village of Klinac, near Petrinja. The village got the water supply system in 1984 and it was functioning until 1995. The water system was assessed and it is still in good condition, but however, it needs repair works. These works, including mounting and dismantling of two pumps and electric motors, repairs, electric material and installation, shall be covered by this project. It will enable the village people to have water after 15 years. The village has 18 returnee families with around 50 people. Before the war, the village had 72 families and 178 population. Therefore, providing of water supply would encourage more returnees to come back to the village.

On 5 May, CRP visited the village of Klinac, met with the people there and visited the water pumping stations to see the works that had been done. The repair works are going on as planned, and they should be finished in June 2010.

On 7 May, CRP participated at a roundtable at the Delegation of the EU in Zagreb on the present human rights situation and progress of Croatia achieved since June 2009. CRP expressed its concerns about the refugee return and free legal aid system.

On 18 May, the free English language course started in the Civil Centre Hrvatska Kostajnica. The interest of women, as well as some men, was big, and the group of students is even bigger than predicted, i.e. over 20 students.

On 18 May, CRP signed the contract on free legal aid with the Ministry of Justice to the amount of HRK 15.000,00 for the year of 2010. CRP has not received any payment.

On 20 May, CRP was visited by the DEU in Zagreb Task Manager for chapter 23 Judiciary and Fundamental Rights of the Croatia – EU negotiations. The main subject was free legal aid system in Croatia. CRP shared its experience with the system and the Law on free legal aid, concluding that they were not functioning.

On 24 May, CRP took part in the “Regional program” show on the local NET TV station. CRP presented its work, goals and activities. A special attention was given to the present project Civil Centre Hrvatska Kostajnica and its activities, as well as to the free legal aid system in Croatia.

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