



## Civil Rights Project

### PROJEKT GRAĐANSKIH PRAVA

#### Activity Report - April 2006

On 31 March 2006 CRP Sisak finished the project “Legal aid to refugees, returnees, IDPs, the Roma and other socially vulnerable population” – Croatia – 2050056, financed by the Royal Norwegian Ministry of Foreign Affairs. On 1 April 2006 CRP started implementing the project “Legal aid to refugees, returnees, IDPs, minorities and other socially vulnerable population”, despite of the fact that the CRP has not yet received the funding from its main donor, the Norwegian MFA.

On 1 April CRP Sisak started implementing a project “Mobile team providing free legal aid to returnees, refugees, IDPs, minorities and other socially vulnerable population in the Areas of special state concern” financed by the OSCE Mission to Croatia and the Netherlands Embassy. The Project is going to be implemented in the period from 1 April until to 30 November 2006. The mobile team, consisting of one lawyer and one assistant, will be working in the field offices in Hrvatska Kostajnica and Vojnić.

#### Office activities

In the reporting period, CRP Sisak received **230** clients, out of which there were **80** new clients and **150** old clients revisiting **222** times.

There were also **20** court hearings held and attended by the CRP external lawyers before the municipal courts in Sisak, Petrinja, Hrvatska Kostajnica and Zagreb.

#### Target groups

##### *New clients by status:*

<i>Status</i>	<i>Totals</i>
Bosnian Croat	4
Domicile	22
Refugee	10
Returnee	41
Not defined	3
<u>Total</u>	<b>80</b>

***New clients by reception mode:***

<i>Mode</i>	<i>Totals</i>
Office	30
Field	47
POA CRO	1
POA SCG	2
<u>Total</u>	80

TYPE OF CASE	NUMBER OF EVENTS
Citizenship	6
Documents and status	19
Labour	15
Ownership	167
Other	23
Pension and health and social security	43
Tenancy rights	24
<b>TOTAL</b>	<b>297</b>

**LEGAL ASSISTANCE**

Appeals/complaints	19
Constitutional complaints	2
Letters	45
Lawsuits	15
Administrative lawsuits	7
Submissions	90
European Court Lawsuit	-
Administrative requests	16
Other documents	40

**Legal issues**

In the reporting period CRP dealt mostly with issues regarding administrative procedures (reconstruction and pension issues), as well as with ownership issues, such as compensation for damage and determination of ownership.

According to the Ombudsman's opinion, as expressed in his yearly report submitted to the Croatian Parliament, lengthy proceedings before the administrative bodies and illegal acting of the state's and local officials are the major obstacles in realisation of constitutional rights of every citizen in Croatia. CRP will now present several cases that will also confirm the points that the Ombudsman mentioned in his report.

**Ownership – compensation for damage**

In the case of *P.P. (CRP No.7459)*, the client submitted a request for compensation for damage in January 2006 to the State Attorney's Office in Sisak, although the damage was caused in 1995. The statute of limitation, which

will probably be pointed out in this phase of procedure, shall become serious obstacle in achieving the client's right.

The client is owner of the house, which he gave for use to the Croatian Army in 1991 at the beginning of war in Croatia. The Croatian Army used the house till 30<sup>th</sup> September 1995. During this period, the house was seriously damaged by the members of the Croatian Army (which fact was confirmed by an army officer). After the client found out about the damage, he filed a claim to the Croatian Ministry of Defence for several times and also he filed a request for compensation for damage to the Croatian Government.

All his claims were rejected. Therefore, in January 2006 he filed the mentioned Request for settlement to the State Attorney's Office. He approached the CRP office for legal aid and CRP wrote a submission on 12 April 2006, clearly explaining the client's claim for 93.915,00 kuna in total. We are waiting for the State Attorney's Office response. The client's claim will probably be rejected once again so he will have to file a lawsuit to the Municipal Court in Sisak.

The client also filed a Request for reconstruction to the Ministry, but he was rejected with an explanation that he was not living in this house before the war in 1991.

The client *M.M. (CRP case No.375)* is the co-owner (together with his wife) of the property near Dvor, which has partly been possessed by an illegal user since 1997. During his possession, the illegal user gained benefit from such use by breeding domestic animals, using property for pasture and selling animals for profit. Our client filed a lawsuit for repossession of real estate to the Municipal Court in Dvor in 2001. This case was successfully solved for our client by final judgement on 23<sup>rd</sup> September 2005, but he could not gain any compensation for period of illegal use of his real estate. Therefore, CRP wrote and submitted a lawsuit, again to the Municipal Court in Dvor, on 15<sup>th</sup> November 2005. Since there has not been court hearing scheduled yet, CRP filed a rush-note to the court on 10<sup>th</sup> April 2006. Even after a period of 5 months since the lawsuit was submitted, the court did not schedule a hearing, not even the lawsuit was delivered to the defendant.

#### Ownership – repossession of movable property

This client's case (*D.P.; CRP case No.7038*) has already been mentioned in the activity report for December 2005. It is the case in which our client initiated a court procedure trying to establish the ownership over the tractor since all the documents went missing in the war. After the 2<sup>nd</sup> degree court accepted the client's appeal, the Municipal Court in Glina brought a new judgement (on 15<sup>th</sup> March 2006) in which the client's claim was accepted and he was established as the owner of tractor. This time the Republic of Croatia filed an appeal to the County court in Sisak and CRP wrote and submitted a respond to appeal on 14<sup>th</sup> April 2006. Hopefully, this time 1<sup>st</sup> degree judgement will be confirmed by the court of appeal.

#### Reconstruction

During this month period even 8 clients approached the CRP office regarding problems in administrative procedures regarding the reconstruction. Most of the clients have expressed their disappointment because of the long duration of the administrative procedures, because the reconstruction is their main problem in the process of return to Croatia. It has become a trend that the Ministry needs

more than 18 months to make a decision after the clients have filed the appeals, even though it is obligation established by the Law on Reconstruction to make such decision within a period of 2 months.

In the case of **D.K. (CRP case No.7469)**, the client has initiated administrative procedure by submitting a Request for reconstruction on 31<sup>st</sup> December 2001. After a yearlong procedure, his claim was rejected with an explanation that there was no war damage established on his property. The client filed an appeal on 10<sup>th</sup> January 2005 and he is still waiting for 2<sup>nd</sup> degree administrative body (Ministry of the sea, tourism, transport and development) decision. Therefore, CRP wrote a rush-note on 20<sup>th</sup> April 2006.

This client's house (**P.M.; CRP case No.7455**) was given to a temporary user in 1998 when the 4<sup>th</sup> degree damage to property was established. There was a roof missing from the house and our client had to fix it. After he filed a Request for reconstruction, his claim was partly accepted and only the 1<sup>st</sup> degree damage to property was established. The administrative body did not take into consideration the fact that client fixed every possible damage by himself. Therefore, the client filed an appeal on 30<sup>th</sup> July 2003. After waiting for almost 3 years now, the client approached our office and CRP again wrote a rush-note to the Ministry, on 10<sup>th</sup> April 2006.

The client **D.G. (CRP case No.7466)** has suffered a serious damage due to the fact that a high-explosive shell exploded near his house. Both internal and external carpentry were destroyed, the roof was also damaged and all the installations were out of function. 2<sup>nd</sup> degree damage of property was confirmed in 1996. When client filed a Request for reconstruction, it was rejected with an explanation that there was no war damage caused to his house!

The client submitted an appeal on 10<sup>th</sup> December 2005. After a 6 months period, he has not received any decision from the administrative body. Therefore, CRP wrote a rush-note on 20<sup>th</sup> April 2006 reminding the administrative body that statutory time limit for making a decision has expired.

The case of **S.M. (CRP case No.7463)** is very similar with the previous cases since his request for reconstruction was also partly accepted with a 1<sup>st</sup> degree damage of property established. The client has filed an appeal on 6<sup>th</sup> September 2004 and he is still waiting for the final decision. The client approached our office on 20<sup>th</sup> April 2006 asking for legal aid. It was mentioned to him that he was not the only one with this kind of problem, so CRP wrote another rush-note to the Ministry of the sea, tourism, transport and development.

The client **P.B. (CRP case No.7297)** is the co-owner, together with his son, of a real estate in Dragotina, Municipality of Glina, which was damaged during the war and those clients filed a Request for reconstruction. This Request was granted by the Order of the administrative body on 19<sup>th</sup> March 2003. But the Ministry, as 2<sup>nd</sup> degree administrative body, cancelled the previous Order *ex officio* on 29<sup>th</sup> August 2003, saying that the clients had received donations by CRS in the amount of 18.177,00 kuna and their right to reconstruction was consummated. This amount of donation was used to repair old back building near the house that was also damaged. The clients filed an appeal explaining these facts and claiming for annulment of the Order. So far CRP wrote 2 rush-notes

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(on 30<sup>th</sup> September 2005 and 13<sup>th</sup> April 2006) asking for urgent proceeding of administrative body since more than 30 months passed after the appeal was submitted.

### **Other activities**

On 4 April, CRP Sisak was visited by the representatives of the Caritas Genova, International Emergency Department. CRP informed them on the situation concerning returnees, refugees and other vulnerable population in this part of Croatia, paying special attention to the people who are accommodated in the collective centre "Barake Tehnika". It was agreed that the two organisations should continue their co-operation in order to assist the mentioned population to the best possible way.

On 5 April, CRP visited and met with the Mayor of Hrvatska Kostajnica to discuss the Mobile team Field Office premises in Hrvatska Kostajnica. Thanks to the Mayor, it was agreed that the CRP mobile team should be using a room in the Town Hall, until the room in the town owned building intended for NGOs is ready for use.

On 10 April, CRP provided the Legal expert of the International centre for migration policy development and regional consulting international, office in Belgrade, Serbia, with questionnaires done with the CRP clients on the return to Croatia issues. The data from the questionnaires will be used for the mentioned office's report.

On 10 and 11 April, a CRP Legal adviser attended a seminar on the new Law on execution and its application, organised by the "Official Gazette" Zagreb in Zagreb. Considering the big and important changes of the Law, the seminar was very good and gave lots of concrete examples and also replies regarding the possible solution of some CRP cases.

On 14 April, CRP distributed the leaflets on the Anti-corruption campaign in Sisak. It is a part of the campaign organised by the Partnership for social development, a NGO from Zagreb, in the period from 3 until 24 April 2006, which involved lots of NGOs in Croatia. CRP Sisak also put the anticorruption posters in all towns in the Sisak-Moslavina county.

On 21 April, the Legal Sub-group met and continued discussion on the compensation for damage caused by the terrorist acts and the Croatian military and police members. It was concluded that the issue was very complicated and that the clients in such cases were put in very bad position.

On 24 April CRP signed a contract with the Netherlands Embassy for co-financing (together with the OSCE Mission to Croatia) of the project "Mobile team providing free legal aid to returnees, refugees, IDPs, minorities and other socially vulnerable population in the Areas of special state concern."

On 25 and 26 April, CRP attended training on NGO finances and fund raising, organised in Stubičke Toplice by the Partnership for Social Development.

CRP Sisak has continued its practice to visit the collective centre Barake Tehnika in Sisak two times per week, providing information and advice, exchanging necessary documents, etc.

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