



PROJEKT GRADANSKIH PRAVA Civil Rights Project

CRP Sisak Activity Report - August 2006

Office activities

In the reporting period, CRP Sisak received **183** clients, out of which there were **53** new clients and **130** old clients revisiting **206** times.

Due to the summer holidays, there were no court hearings.

Number of clients:

<i>Origin</i>	<i>New Clients</i>	<i>Old clients</i>	<i>Total</i>
BIH	3	10	13
CRO	50	118	168
FRY	0	1	1
N/A	0	0	0
FRM	0	0	0
YUK	0	1	1
Total	53	130	183

Target groups

New clients by status:

<i>Status</i>	<i>Totals</i>
Bosnian Croat	1
Domicil	13
Refugee	12
Returnee	22
IDP	1
Not defined	4
Total	53

New clients by reception mode:

<i>Mode</i>	<i>Totals</i>
Office	25
Field	24
POA FRY	1
Letter	3
<i>Total</i>	53

The above numbers on reception mode show the importance of the CRP field offices in Hrvatska Kostajnica and Vojnić, as they show that many people in remote areas cannot (due to finances and old age) travel to Sisak and it is very convenient for them to go to field offices.

TYPE OF CASE	NUMBER OF EVENTS
Citizenship	9
Documents and status	45
Labour	17
Ownership	80
Other	19
Pension and health and social security	25
Tenancy rights	10
Misdemeanour	3
TOTAL	208

LEGAL ASSISTANCE

Appeals/complaints	15
Letters	35
Lawsuits	9
Administrative lawsuits	2
Submissions	35
European Court Lawsuit	4
Administrative request	17
Legal counselling	44
Quick advises	59
TOTAL	220

Legal issues

In the reporting period CRP dealt with different legal matters, mostly ownership rights, such as establishment of ownership and probate of will, compensation for illegal use of real estates, permanent residence, etc. Therefore, here are the summaries on some of the cases.

Ownership right – repossession of real estate

The client's (CRP case 5531) property was given to the temporary users by the decisions of administrative bodies in 1997 and 1998. These decisions were cancelled in 2002, but the property is still not returned to our client, after the period of **11** years.

In 2003, CRP filed a lawsuit for repossession. In the meantime, one of temporary users left the client's property. The Municipal Court in Sisak brought a verdict by which the temporary user was obliged to return the real estate, but after he was provided with housing care. CRP submitted an appeal on 25th January 2005. In August 2006, the appeal was excepted and 1st level court's verdict was reversed by the County court in Sisak. Therefore, a new court hearing needs to be scheduled. CRP has also advised the client to file a request for compensation for illegal use since the real estate was not returned to him within the deadline.

In the **CRP case 7831** (M.T.) the client is owner of a house in Mošćenica (Municipality of Petrinja) that was occupied by the temporary user in 1992. The client and his wife left Croatia in the beginning of the Homeland War in 1991 and they went to England. They are still living there and come to Croatia twice a year.

He has filed a request for reconstruction but his request was rejected due to the fact that his permanent residence was registered in Petrinja, although he lived in Mošćenica before the Homeland War.

The real estate was repossessed on 25th August 2006. The client approached the CRP office on 29th August 2006 asking for legal aid since his rights were violated and the property was returned after the period of **14** years. The house is in very bad state and needs to be urgently reconstructed.

CRP consulted him to file a request for compensation for material damage made by the temporary user and also wrote and filed a request for compensation based on illegal use of real estate to the State Attorney's Office in Sisak, on 31st August 2006.

Reconstruction

CRP needs to point out that there are no changes made in the acting of administrative bodies of Croatia, i.e. the proceedings last too long and it is the biggest obstacle for the citizens in realising their rights. This reflects specially in the proceeding of reconstruction cases. One of those cases is the case of L.Š. (**CRP case 7815**) whose request for reconstruction was rejected by the Order of the administrative body on 24th April 2003 with an explanation that she did not live in the house for which reconstruction was requested. But the facts are quite opposite: she has lived in a village near Petrinja with her sister since 1964. After she managed to find a job in Sisak (baby-sitting) she had to move there temporarily in the house of her employers. Therefore, she registered her permanent residence in Sisak. After she was retired in 1982, she moved back in Dragotinci (near Petrinja), but the residence stayed registered in Sisak.

The client has filed an appeal on 6th May 2003, expressing her disagreement with the establishment of facts. After the period of **3** years she has not received any decision of the 2nd degree administrative body. In the meantime, she has filed two (2) rush-notes to the Ministry claiming for urgent solving of her appeal.

On the 17th August 2006 the client approached CRP and CRP wrote and submitted another rush-note to the Ministry and also informed the Ombudsman of Croatia on violation of client's constitutional right to trial within a reasonable time.

Permanent residence

The client M.A. (**CRP case 7741**) received a decision of the Tax administration by which she has to pay an amount of 2.728,87 kuna (about 380 EUR) as a health insurance contribution.

Many CRP clients are facing this problem, because they have status of foreigner with temporary residence and they have to pay this contribution regularly every month. It is an amount of 50 EUR per month and most of CRP clients do not have any income. Unfortunately, the State is forcing them to pay this contribution without any possibility for being exempted from this obligation for payment.

This client has been married for **32** years now with a Croatian citizen. She fulfils all conditions for granting of status of foreigner with permanent residence in Croatia. Therefore, CRP has submitted a request for permanent residence status for this client on 24th August 2006. It is very likely that the Ministry of the Interior will reject the client's request based on the fact that she has not paid the health insurance contribution, although it is not lawful reason for rejection of our client's request. CRP will continue to follow up.

The client (Z.N.; **CRP case 5204**) has a several issues CRP is dealing with. She has already been mentioned in the CRP Activity Report for February 2006.

After a period of six (6) months, the client was summoned before the Magistrates' Court in Sisak. When she approached, she was told to pay the fine of 300,00 kuna even though the 2nd level court decision was not served. Not only that, she was not told that 2nd level court verdict is even brought. Therefore, CRP wrote a submission claiming that the client is still not obliged to pay the fine due to the fact that the appeal court has not brought its verdict yet. The submission was filed on 31st August 2006.

Also, her husband died tragically in the car accident in July 2006. This client is a member of the Roma community and she is mother of 4 minors. She has no income and cannot get a job. Her children are beneficiaries of the children's allowance that was being paid to her late husband. She cannot gain the right to the children's allowance, because she is not Croatian citizen or foreigner with permanent residence status in Croatia.

Regarding the fact that she was married at least three (3) years to a Croatian citizen, CRP submitted a request for permanent residence on 18th August 2006. Before that, CRP also initiated a probate of will proceeding by submitting a proposal to the Municipal Court in Sisak on 3rd August 2006.

Hopefully, the client will succeed in gaining of these rights as a basic material insurance for her children. If not, CRP will continue to provide all the forms of legal aid needed.

Other activities

On 4 August CRP met with the Caritas Genova, Italy, and discussed the situation with returnees accommodated in the collective centre Barake Tehnika in Sisak.

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

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