



# PROJEKT GRADANSKIH PRAVA Civil Rights Project

## Activity Report - August 2007

### Office activities

In the reporting period, CRP Sisak received **350** clients, out of which there were **57** new clients and **293** old clients revisiting **324** times.

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

### Target groups

#### *New clients by status:*

<i>Status</i>	<i>Totals</i>
<b>Domicile</b>	<b>10</b>
<b>Refugee</b>	<b>22</b>
<b>Returnee</b>	<b>21</b>
<b>Bosnian Croat</b>	<b>4</b>
<b>Total</b>	<b>57</b>

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

<i>Mode</i>	<i>Totals</i>
<b>Office</b>	<b>20</b>
<b>Field</b>	<b>24</b>
<b>Phone</b>	<b>5</b>
<b>Power of attorney Serbia</b>	<b>8</b>
<b>Total</b>	<b>57</b>

TYPE OF CASE	NUMBER OF EVENTS
Citizenship	35
Documents and status	76
Ownership	114
Other	37
Pension and health and social security	56
Housing care	30
Tenancy rights	6
Labour	1
Misdemeanour	3
<b>TOTAL</b>	<b>358</b>

### LEGAL ASSISTANCE

Appeals/complaints	19
Letters	56
Lawsuits	12
Administrative lawsuit	3
Constitutional complaint	1
ECHR application	1
Submissions	65
Administrative request	21
Legal counselling	136
Quick advises	59
<b>TOTAL</b>	<b>373</b>

### Legal issues

In the reporting period CRP dealt mostly with court cases (the rate between the court and administrative cases was 2:1.) The administrative cases that are finished unsuccessfully turn into court cases.

Regarding the court cases, the ownership related cases are dominant, while the pension, housing care and elemental status (citizenship and residence) cases are dominant among the administrative cases. The common thing for both types of cases is that they present problem for the refugee and returnee population and their realisation is precondition for the return and its sustainability.

### Repossession of property

In the official report of the Ministry of Maritime Affairs, Tourism, Transport and Development of 15 July 2007, it is reported that the repossession of property process was finished.

The house of Mr. J.V. (CRP case no. 6693) has not been returned to him, despite of the fact that the temporary users vacated the house several years ago.

In 1995 the client fled Croatia during the *Storm* operation, together with other people in his village. He was 58 years old at that time. Now, he is 70 years old and he is

still refugee. He has wished to return, but the house was first occupied and then sealed. The reason for not returning the house to the client is that he has no ownership certificate, i.e. the proof that the house is properly registered into his name. As the client “is not the owner”, he never received the decision on allocation of his house for temporary use, nor he received the inventory list.

It is interesting that the housing commissions of that time were not checking the ownership of houses that were being given for temporary use, but now they insist very hard on such proof, with an explanation that they do not want to make any mistakes regarding the ownership. CRP is of an opinion that in such way the land registry, which is not in order generally in the country, is being misused and the return process obstructed.

The house of the client has two formal problems. It is not registered in the cadastral plan and it not registered under the client’s name in the land registry, despite of the fact that the client’s family has lived there for generations. To solve both problems, cadastre and court, it takes money, time and health. In the land registry, the ownership is registered in the names of several, mainly unknown, co-owners. CRP is providing free legal assistance, including –in-court representation, but the procedure will take time, which means that the time of handing over of the house cannot be predicted, as well as if the client will, considering his health problems and age, biologically be able to wait. Instead of being able to run the procedures for registering his ownership rights from his house, the client is forced to do it from another country, which is even more inconvenient.

This case of repossession of property should not be so problematic, because noone else put any claims for this house. Therefore, CRP wrote a letter to the ODPR office in Petrinja requesting to check the situation on the house on the spot, through the tax evidence and with the witnesses in order to to establish the ownership right of the client, as well as his right to compensation, both for use of property and damage to it. The ODPR was informed that even if there are some registered owners, who might appear and claim the right, their right could not expire and they could not be damaged by returning the house to the CRP client.

CRP is of an opinion that such restrictive policy on proving of ownership may seem legally based, but it may also be in the cause of preventing of return of refugees.

### **Other activities**

CRP met with the Sisak based NGO called SEA (Sisak Ecological Action) that has free office space in order to discuss the joint use of the premises. The NGOs reached an agreement and sent it the Town authorities to be approved.

On 2 August CRP was present at the reception that was organised by the Norwegian Embassy in Zagreb on the occasion of leaving of the Embassy First Secretary. CRP took the opportunity to thank the First Secretary on very good co-operation and invite the Ambassador to visit CRP.

On 13 August, CRP joined the UNHCR and Red Cross field trip in order to visit the clients that were provided with housing care inside the Areas of Special State Concern, in villages near Sisak. The visited clients are well accommodated, but missing water supply and financial means, as well as some things for the children. They also need continued legal aid, as some of them still do not have status and other issues solved.

Sisak, 10 September 2007

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