

PROJEKT GRADANSKIH PRAVA Civil Rights Project

CRP Sisak Activity Report - February 2006

Office activities

In the reporting period, CRP Sisak received **152** clients, out of which there were **31** new client and **121** old clients revisiting **210** time.

There were also **25** court hearings held before the municipal courts in Sisak, Petrinja, Hrvatska Kostajnica and Dugo Selo.

Number of clients:

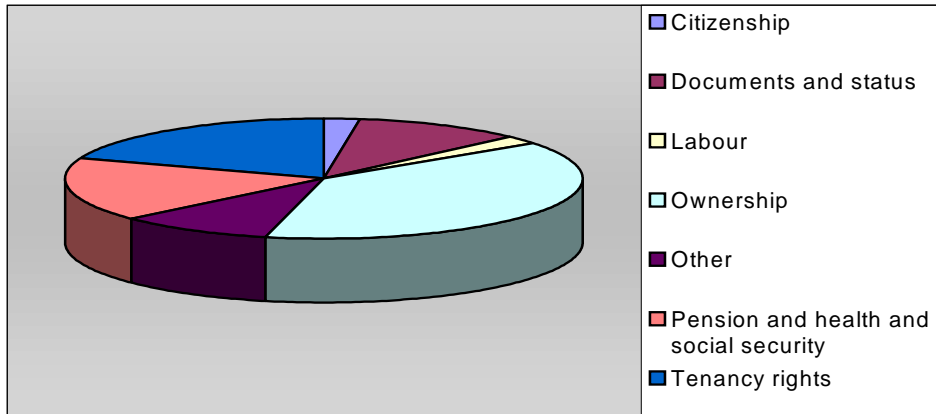
<i>Origin</i>	<i>New Clients</i>	<i>Old clients revisiting</i>	<i>Total</i>
BIH	3	5	8
CRO	26	111	137
FRY	0	3	3
N/A	2	1	3
YUK	0	1	1
<i>Total</i>	31	121	152

Target groups

New clients by status:

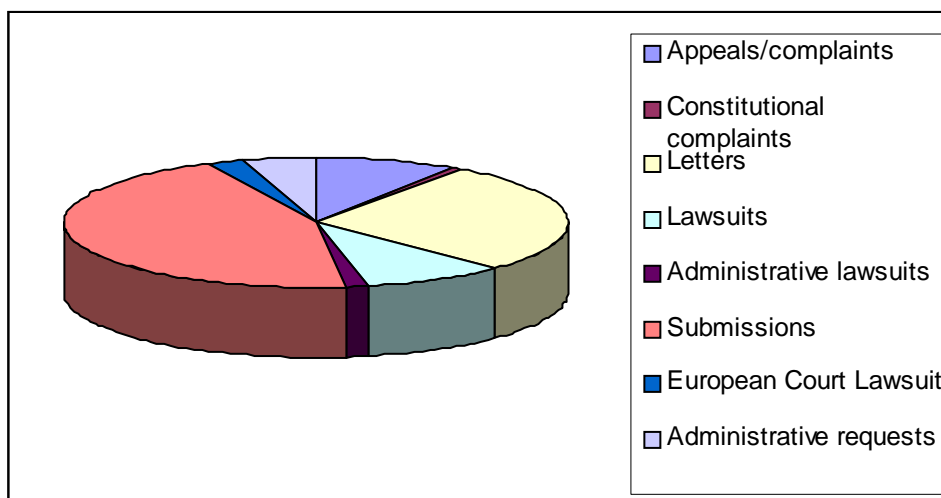
<i>Status</i>	<i>Totals</i>
Bosnian Croat	2
Domicile	7
Refugee	6
Returnee	13
Not defined	3
<i>Total</i>	31

TYPE OF CASE	NUMBER OF EVENTS
Citizenship	13
Documents and status	19
Labour	10
Ownership	96
Other	15
Pension and health and social security	29
Tenancy rights	45
TOTAL	227



LEGAL ASSISTANCE

Appeals/complaints	13
Constitutional complaints	1
Letters	40
Lawsuits	13
Administrative lawsuits	2
Submissions	65
European Court Lawsuit	3
Administrative requests	7



Legal issues

There has not been many changes regarding issues the CRP Sisak dealt with in the reporting period and they remain the same: status issues such as citizenship, pension related issues, ownership, repossession of movable property, etc.

Although Croatia has brought new Law on Courts at the end of year 2005 (Law on Courts came into force on 29th December 2005) still courts show trends such as lengthy proceedings, postponing the court hearings, etc.

CRP Sisak shall now report on several cases regarding the mentioned issues.

Status issues – citizenship

The client V.P. (CRP case No.7383) approached the CRP office asking for information about the terms for acquiring of Croatian citizenship.

The client was born in 1961 in Bosnia and Herzegovina, where she lived until 1983. In 1983 she married her husband and moved to Croatia where she has been living since. Her husband, who is deceased now, was a Croatian citizen and her daughter is also a Croatian citizen. The client has strongly expressed her wish to stay with her family and live in Croatia.

CRP wrote and filed a Request for acquisition of Croatian citizenship to the Ministry of the Interior, because the client has lived in Croatia for more than 20 years, and still she is not a Croatian citizen but temporary resident with an obligation to prolong her status every year.

Ownership – repossession of real estate

The client M.S. (CRP case No.54) has filed a lawsuit to the Municipal court in Petrinja against her former husband and his second wife for the annulment of contract of exchange on 2nd March 2000.

Our client's former husband married a person with the same name as our clients` and on the basis of that circumstance he concluded a contract of exchange of real estate (which is in fact our client's property in 1/2 part) with two persons from Bosnia and Herzegovina.

The client has also started a criminal procedure before the Municipal Court in Sisak against her former husband and his current wife.

The Municipal Court in Petrinja held several court hearings, took testimonies of all witnesses and reached a verdict. On the base of these testimonies conclusion is that the contract is opposite to the Constitution of the Republic of Croatia and the Croatian law, but the court has reached a negative decision.

Although the court has established the fact that our client did not sign the contract or power of authority and did not believe defendants, and also the fact that there were elements of criminal act in defendant's acting, the Court rejected the lawsuit.

CRP Sisak filed an appeal on 3rd March 2003. Unfortunately, after the period of 3 years client has not received a 2nd level judgement.

In the meantime, our client's former husband was convicted for a criminal offence before the Municipal Court in Sisak.

CRP wrote a rush note to the County court in Sisak and also delivered the court decision in the criminal proceedings against the husband, which is final and should have influence in the civil proceedings regarding the real estate.

In the case of D.M. (CRP case No.6844) the client is the owner of house in Sisak which has been possessed by illegal user for more than 15 years.

The client bought this real estate at the public auction.

Although the final judgement has been already brought on 12th July 1991, and former illegal user died, the wife has continued to illegally use this house without intent to leave.

Therefore, CRP submitted a lawsuit for repossession of real estate. The Court hearing needs to be scheduled.

We believe this case shows trend of disregarding of court decisions by citizens, but also the shortage of effective acts by state in executing court judgements.

The client N.P. (CRP case No.7387) approached the CRP at the end of February 2006. He is returnee whose property was used by temporary users in the period 1998-2002. In this period client was unable to live in his house in Petrinja and he had to pay the rent to the owners in Serbia and Montenegro. The temporary users filed a lawsuit for investments they made to our client's house. The court made a decision on 24th January 2001 and it became final. By this judgement, our client has to pay amount of 92.852,60 kuna (both for investments and legal costs) to the temporary users. During the court procedure, the client objected many times the amount claiming it was not actually invested in his property and also claiming that temporary users took his movable property before the court procedure started and after it started, they replaced it with cheaper one. It is important to emphasise that the court expert made his findings before the court procedure started, but the court accepted it without scheduling a new one during the procedure and despite the client's objections.

Therefore, the client submitted a Motion for reopening the procedure as the only possible legal remedy. His motion was rejected, but the client filed an appeal. At this moment, we are waiting for the 2nd level decision.

In the meantime, the temporary users started the execution procedure based on the final judgement claiming for assessment and sale of the house. The client filed an appeal trying to stop the execution and the court accepted it and postponed the execution.

On the other side, our client, trying to compensate all the damage done to him and his property, filed a lawsuit against the Municipality of Petrinja, Republic of Croatia and temporary users, claiming for damage and compensation for illegal use of real estate. So far 3 court hearings were held (next one is scheduled for 21st April 2006).

It is our opinion that the client's human rights have been violated by the state when his property was given to the temporary users and not returned after he submitted his request. Now he is obliged to pay for those investments

even though temporary users did not have his permission. These expenses should be suffered by the state and the client has a right to reparation for limitation of property.

CRP Sisak informed OSCE and UNHCR on the case.

Other

The client S.Z. (CRP case No.5204) was convicted of administrative violation before the Magistrates' Court in Sisak. She was found guilty for not submitting a request for prolonging a status of temporary resident within at least 30 days before the expiration, and she was fined. After the pronouncement of judgement, the judge took her passport and told her she would get it back after paying the fine. There was no decision by which the passport should have been taken from the client. The client approached our office asking simply what to do. CRP wrote and filed an appeal to the judgement and gave a copy to the client. The client went back to the court and after the judge saw that an appeal was submitted, he returned client's passport. It was the only personal ID our client had.

CRP was surprised with such acting of the court and judge, especially because the court has not reached any decision saying that the passport should be taken. CRP informed UNHCR on the case.

CRP hopes that this case did not happen because the client is member of the Roma minority.

Other activities

On 3 February in Belgrade, CRP attended a co-ordination meeting for the implementation of the project "Support to refugee/IDP return through legal aid" within the regional legal assistance program. The program is financed by the OSCE Mission to Serbia and Montenegro and the project is implemented by 12 NGOs from Croatia, BiH and SaM.

On 14 February, CRP Sisak, together with Mr. Paal Nesse from NRC Oslo and CRP Vukovar, visited OSCE Zagreb and met with Ms. Mary Wyckoff, Head of Rule of Law Unit. The work of the two NGOs, as well as their applications to Norwegian MFA and their co-operation with OSCE, was discussed.

On 16 February, CRP Sisak was visited by Mr. Paal Nesse. The project proposal to MFA for 2006/2007 was discussed. Paal Nesse met with the OSCE and UNHCR Sisak representatives and talked about their co-operation with CRP Sisak.

On 21 February, the Legal Sub-group met and discussed the Law on Foreigners and its Article 115 that regulated the permanent residence for foreigners that had permanent residence in Croatia in 1991.

On 24 February, CRP participated at the meeting on return and reintegration that was organised by the OSCE and UNHCR Sisak.