



# PROJEKT GRADANSKIH PRAVA Civil Rights Project

Activity Report - February 2007

## Office activities

In the reporting period, CRP Sisak received **221** clients, out of which there were **72** new clients and **149** old clients revisiting **216** times.

There were **48** court hearings held and attended by the CRP external lawyers before the courts in Sisak, Petrinja, Glina, Zagreb, Gvozd, Zagreb and Hrvatska Kostajnica.

## *Number of clients:*

<i>Origin</i>	<i>New Clients</i>	<i>Old clients</i>	<i>Total</i>
<b>BIH</b>	<b>7</b>	<b>9</b>	<b>16</b>
<b>Croatia</b>	<b>63</b>	<b>138</b>	<b>201</b>
<b>Serbia</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>N/a</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Kosovo</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>Total</b>	<b>72</b>	<b>149</b>	<b>221</b>

## Target groups

### *New clients by status:*

<i>Status</i>	<i>Totals</i>
<b>Domicile</b>	<b>6</b>
<b>Refugee</b>	<b>17</b>
<b>Returnee</b>	<b>41</b>
<b>Not defined</b>	<b>8</b>
<b>Total</b>	<b>72</b>

### *New clients by reception mode:*

<i>Mode</i>	<i>Totals</i>
<b>Office</b>	<b>61</b>
<b>Field</b>	<b>6</b>
<b>Power of attorney from Serbia</b>	<b>1</b>
<b>Power of attorney from Kosovo</b>	<b>4</b>
<b>Total</b>	<b>72</b>

TYPE OF CASE	NUMBER OF EVENTS
Citizenship	25
Documents and status	55
Labour	7
Ownership	99
Other	42
Pension and health and social security	33
Housing care	19
Tenancy rights	22
Misdemeanour	4
<b>TOTAL</b>	<b>306</b>

#### **LEGAL ASSISTANCE**

Appeals/complaints	23
Letters	58
Lawsuits	9
Administrative lawsuit	1
Revision	1
Constitutional complaint	5
Submissions	88
Administrative request	25
Legal counselling	54
Quick advises	75
<b>TOTAL</b>	<b>339</b>

#### **Legal issues**

In the reporting period, the property rights cases were traditionally dominant (99 cases.) They were mainly related to real estates. Most of them are related to the establishment of ownership rights (22 cases), but there are also cases of repossession of property (5), which are especially difficult and interesting, since the Croatian Ministry of Maritime Affairs, Tourism, Transport and Development claims that there are no unsolved cases of repossession of property in the area of the Sisak-Moslavina county. CRP Sisak informed OSCE and other relevant institutions on these cases.

In the line of establishment of ownership, there are very complex inheritance cases (6), establishment of death and proclamation of missing (in war) persons dead (5) and similar. The cases of reconstruction of housing units are still actual (10). There are numerous problems in the work of the competent administrative authorities and in implementation of the Law on General Administrative Procedure in establishing of right to reconstruction. First instance proceedings normally last for over a year (instead of 30 days as stipulated by the Law on reconstruction), but usually it takes several years. The second instance procedures also last several years usually (according to the CRP's experience, it is at least three years, instead of two months as it is stipulated by the law.) CRP has numerous cases of slightly or heavily damaged houses that could not be reconstructed through the very restrictive Law on reconstruction, which presents a huge impediment to return.

There are cases of compensation for damage to the property of refugees and/or returnees, cases of compensation for use of their property, including business premises and cases in which temporary users invested into property without owners'

consent (28.) The property issues have their transformation into extremely complex court cases, such as annulment of contract (7).

Other property related cases include removal of debt (5), dividing of land, trespassing, annulment of different types of contract, removal of usufruct (2), etc.

Regarding the movable property, there were 5 cases of establishment and repossession of movable property. These cases are very problematic, due to the fact that the Government has not established any mechanism for regulation of restitution of movable property of refugees, which was placed under the State temporary administration. Among movable property, there were 4 cases regarding old foreign currency savings.

Regarding the return of refugees, the occupancy/tenancy and housing care rights have similar significance as property. There was 41 case. CRP pays special attention to these cases, as there is no return if there were no right to home.

The returnees or potential returnees are mainly of old age and it may be proved also in this reporting period by a significant number of pension (21), social welfare and health insurance (9) rights, convalidation of war time years of service (3) and labour rights cases (7).

The status related issues, temporary and permanent residence and citizenship (35) also confirms that there are many difficulties regarding the return of persons that are not of Croatian nationality, but who were born in the same state – ex SFRY, which are now different states, and who lived and worked for decades in Croatia, having made families and property. Perhaps these cases represent the most visibly discrimination, both factually and normatively, as for example in such cases even the joining of family is not given priority.

Even the other cases, such as mentioned ones of establishment of missing persons in Krajina dead (3), missing of registry books (5), establishment of existence of school diploma (2), recognition of foreign court decisions (3), divorce, alimony and child support cases (14) that partly come out due to difficulties related to the refugee or returnee status, very much prolong and make the return difficult.

Also, returnees still face many infrastructure problems. Related to that and above mentioned, returnees also face problems of debts for utilities, such as water supply related expenses, electricity, etc. (5 cases)

Therefore, all the above mentioned and all the CRP cases demonstrate that still there are many difficulties related to the return of refugees to Croatia, despite of many promises by the Government and efforts put in by the International community.

### **Other activities**

Based on the results of the 2006 project, OSCE Mission to Croatia decided to sponsor continuation of the Mobile Team project, extending the activities, besides Hrvatska Kostajnica and Vojnic, to Glina. The authorities of these towns and municipalities are interested in co-operation with CRP and have been providing office premises for free. The contract is signed and the project will start on 1 March 2007.

On 8 February, the CRP representatives attended an international conference in Zagreb on establishing the truth about war crimes and conflicts. The conference was organised by three NGOs, Documenta from Zagreb, Humanitarian Law Centre from Belgrade and Research and Documentation Center from Sarajevo. The conference involved many of high Croatian and international officials, Croatian president, ambassadors, lawyers, politicians, NGOs, Croatian State Attorney, ICTY prosecutor Carla del Ponte, etc.

On 9 February, CRP representative met with the Mayor of Glina to discuss former NRC project in the area of Glina, as well as future CRP projects in the Town.

On 12 and 13 February, CRP attended a seminar on evaluation, mentoring and planning, which was organised by the Partnership for Social Development Zagreb, within their CARDS project "Building of capacity of local civil society on more levels".

CRP continued visiting the clients accommodated in the collective centre Barake Tehnika in Sisak, in order to follow up their cases, especially on their status and housing care process.

Sisak, 15 March 2007

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