



PROJEKT GRADANSKIH PRAVA Civil Rights Project

Activity Report - March 2007

Office activities

In the reporting period, CRP Sisak received **255** clients, out of which there were **70** new clients and **185** old clients revisiting **269** times.

Number of clients:

<i>Origin</i>	<i>New Clients</i>	<i>Old clients</i>	<i>Total</i>
BIH	7	9	16
Croatia	58	174	232
Serbia	0	1	1
N/a	4	0	4
Kosovo	1	1	2
Total	70	185	255

Target groups

New clients by status:

<i>Status</i>	<i>Totals</i>
Domicile	18
Refugee	28
Returnee	16
Bosnian Croat	2
Not defined	6
Total	70

New clients by reception mode:

<i>Mode</i>	<i>Totals</i>
Office	20
Field	31
Letter	1
Power of attorney from Kosovo	5
Power of attorney from Serbia	13
Total	70

TYPE OF CASE	NUMBER OF EVENTS
Citizenship	24
Documents and status	93
Labour	18
Ownership	138
Other	48
Pension and health and social security	81
Housing care	16
Tenancy rights	12
Misdemeanour	1
TOTAL	431

LEGAL ASSISTANCE

Appeals/complaints	18
Letters	86
Lawsuits	17
Administrative lawsuit	3
Constitutional complaint	5
Submissions	112
Administrative request	40
Legal counselling	77
Quick advises	95
TOTAL	453

Legal issues

The protection of property rights is one of the most important legal issues in any state. However, in Croatia, the settling of the land registry ownership is *conditio sine qua non* for the return of refugees. Therefore, through the refugees and returnees, this issue became one of the most frequent legal issues that CRP has been dealing with.

The ownership certificate has been for years a huge impediment for return, i.e. for reconstruction of houses. The following case will demonstrate all the above said. It also demonstrates how complicated cases may be and that the refugees and returnees cannot deal with them alone, without professional assistance. CRP would like to emphasise that cases like this take lots of time and work, but also payment of lots of administrative and court fees.

The client B.G., who was born in 1948, has been refugee in Serbia for 12 years. She has no income and she has been having medical problems. Her house in a village near Sisak was given for temporary use and it was occupied until 2005, i.e. for 10 years. Therefore, the ownership over house did not present any problem when it was given by the State for temporary use to the Bosniak settlers. When the house was returned to the client, it was completely looted and seriously damaged, so the client cannot move in.

The client herself tried to get the compensation for use from the State and she tried to get the house repaired. When she approached the related state offices, she was told

that her ownership papers were not in order and so she could not achieve any right. Then the client approached CRP for assistance.

CRP established the following legal issues to be dealt with before dealing with main problems (compensation for use and repairs to the house):

- Settling of situation regarding the house, yard and land in cadastral books
- Settling of situation regarding the house, yard and land in land registry books
- Removal of entry in the land register on life support for deceased relative
- Removal of entry on credit that was paid off by the deceased father of the client
- Removal of entry on the life enjoyment of property by the deceased parents
- Change of title, culture and ackerage of the cadastral parcels in the land register
- Change of name of the client, which was entered wrongly, in the land register
- Change of house number, which was entered wrongly, in the cadastral and land register books
- Drawing and implementation of a sales contract for a part of property, including the house, which was wrongly registered to another person
- Initiating of a procedure for establishment of missing person dead (client's uncle that is one of the registered owners.) This procedure will be followed by a probate of will proceedings and further assigning of property
- Initiating of probate of will proceedings after relatives that are registered as owners of the client's property.

Therefore, the house and most of the property were registered as property of the client's ancestors and other deceased relatives, but also other people from whom the properties were bought. It is a well known fact that the land registry in Croatia is not updated, and it is the case with this client. However, the cadastral books are generally updated, but this client also has problems to regulate the cadastral books situation.

After lots of work on numerous administrative and court proceedings, including payment of fees, CRP managed to settle the issues regarding the cadastral books, as well as the land registry books regarding the house and yard, which was put as priority in order to speed up the proceedings regarding the compensation for use and reconstruction of the house.

The client has received the compensation for use of her house for the period from 2002 to 2005, as in accordance with the Law on Areas of Special State Concern. (The client first got offer to receive compensation for the period from 20 January 2005 to 24 May 2005, as the Ministry claimed that the client filed the request for repossession of property on 20 January 2005, which was not true and CRP filed a complaint that was accepted.)

Regarding the organised repair to the house, as according to the Conclusion of the Croatian Government from 2005 on the repairs to the looted properties that were given for temporary use, the client is advised by CRP to submit such request, as it is much more convenient for her than the housing care option by which she would only receive building material, which is the option she was advised to apply for by the ODPR office in Petrinja.

Other activities

The Mobile Team project, sponsored by the OSCE Mission to Croatia, started on 1 March 2007. Besides Hrvatska Kostajnica and Vojnic that were covered by the Mobile Team in 2006, the activities, providing of free legal aid, was extended to the field office in Glina, where the office premises are also provided for free by the town authorities.

On 5 March in Belgrade, there was a presentation of a study on access to rights and reintegration of displaced persons in Croatia, BiH and Serbia in 2006. The study is a result of the joint work of the regional legal assistance programme, which involved CRP Sisak and other NGOs from the three counties. CRP Sisak presented the issues related to housing care and convalidation.

On 6 March, the CRP Sisak Advisory Board met in the CRP's office. The CRP staff and the Advisory Board members discussed the CRP's work. CRP presented the activities that were implemented last year and presented the Plan of activities for the next period and it was accepted.

On 7 March, the Legal sub-group for Central Croatia and Western Slavonia, organised and chaired by CRP, met and discussed the future work of the Group.

On 7 March, CRP Sisak and CRP Vukovar met with the Norwegian Embassy in Zagreb and discussed the next project that was submitted to the Norwegian MFA.

On 22 March in Sisak, CRP attended a meeting that was organised by "Documenta" from Zagreb on personal memories of the war in the Sisak area. *Documenta* will start implementing a project in Sisak, recording of individual memories of the war, and CRP Sisak will co-operate on that project.

On 23 March, the Legal Sub-group met and discussed the new developments on the Law on Foreigners and its articles that are related to returnees to Croatia. It was agreed that there are some unclear issues about the application of those articles, so it was agreed that the Legal sub-group should write a letter to the Ministry of the Interior and ask for clarification.

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, 16 April 2007

Milana Kreca