



# PROJEKT GRAĐANSKIH PRAVA

## Civil Rights Project

### Activity Report – May 2008

#### Office activities

In the reporting period, CRP Sisak received **293** clients, out of which there were **34** new clients and **259** old clients revisiting **388** times.

There were **17** court hearings scheduled in the CRP cases. Due to the lack of finances, the CRP external lawyers attended **6** court hearings before the municipal courts in Sisak, Glina, Gospić and Petrinja. Other court hearings scheduled were discussed between the CRP and external lawyers and each case and client was considered. Based on that it was decided which client might go alone to the court hearing, being previously advised, and for which case the presence of the lawyers was not necessary and where it could be done in writing.

#### Target groups

##### *New clients by status:*

<i>Status</i>	<i>Totals</i>
<b>Domicile</b>	<b>5</b>
<b>Refugee</b>	<b>10</b>
<b>Returnee</b>	<b>12</b>
<b>Bosnian Croat</b>	<b>2</b>
<b>Not defined</b>	<b>5</b>
<b>Total</b>	<b>34</b>

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

<i>Mode</i>	<i>Totals</i>
<b>Office</b>	<b>29</b>
<b>Field</b>	<b>5</b>
<b>Total</b>	<b>34</b>

*As it has been reported, CRP has a field office in Glina, which works on Wednesdays. The office premises are provided by the Town of Glina for free and it is attended by a CRP lawyer, who is from Glina, and therefore, there are no additional expenses.*

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<b>TYPE OF CASE</b>	<b>NUMBER OF EVENTS</b>
Citizenship	14
Documents and status	67
Ownership	147
Pension and health and social security	41
Housing care	20
Tenancy rights	21
Labour	6
Misdemeanour	3
Other	84
<b>TOTAL</b>	<b>403</b>

During the reporting period, there were **51** successfully solved request. They mainly relate to documents, status, property and housing care related issues.

### **LEGAL ASSISTANCE**

Appeals/complaints	17
Letters	82
Lawsuits	7
Administrative lawsuit	5
Constitutional complaint	1
ECHR application	1
Submissions- institution of proceedings	20
Submissions – other	97
Legal counselling	93
Quick advises	95
<b>TOTAL</b>	<b>418</b>

### **Legal issues**

In the reporting period, the number of clients, and especially their cases, confirms that still there is a huge need for CRP and that CRP has the trust of people. The similar reasons, i.e. types of legal issues, as well as the way of proceedings of the CRP cases by the court and administrative bodies, as the ones that existed when the CRP office was opened still exist.

CRP shall demonstrate the above said on one issue that CRP has been dealing with. The following shall also demonstrate how the Croatian Government brings laws and other regulations and by doing so start considering relevant issues solved, but the laws and regulations are not being implemented and therefore the issues have not been solved.

On **7 December 2006** the Croatian Government brought the Conclusion on investments made, without consent and knowledge of the owners, by temporary users to property given for temporary use only. By this Conclusion, the Government put the Ministry of Maritime Affairs, tourism, traffic and development (MMATTD) in charge of this issue. The MMATTD was supposed to collect all such cases, either they are in

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the court procedure or there is final court decision, investigate them and offer to the parties a tripartite settlement, by which the Republic of Croatia would take on the obligation of reimbursing the temporary users.

However, CRP shall report on three (3) related cases, which have not been solved, despite of the above mentioned Government's promises.

In the case of N.O. (CRP case no. 899), the temporary user (TU) in 2004 filed a lawsuit against the owner, i.e. the CRP client, for payment for investments in the amount of HRK 350.000,00, i.e. approximately EURO 50.000,00. Namely, the TU made a coffee shop out of the client's garage, without the consent and knowledge of the client. The TU also filed a proposal to the court to make a note in the land registry book on this procedure, which means that the owner may not have free use of the property. The court accepted that proposal, despite of the CRP's appeal.

The court procedure for payment took over two years. There were many court hearings. CRP and its attorney at court hearings claimed that it was without consent, statute of limitation and there was no any contract between the TU and owner. Anyhow, the court ordered an expert assessment of investments. The court expert assessed the investment into the coffee bar to HRK 90.000,00. However, on 27 September 2006, the court brought the decision ruling that the owner should pay to the TU the amount of HRK 178.458,00 plus interest. CRP appealed on 10 October 2006 and still there is no second instance decision.

In March 2007, the client was, through CRP, contacted by the MMATTD to sign some papers for out of court settlement, which she did then, but until now nothing has happened.

In other case of M.M. (CRP case no. 282), the client, who is the owner of a house in Glina, filed a lawsuit for repossession of property against the temporary user (TU) in 2001. In the same year, the TU filed a counterclaim for reimbursement of investments made to the house, without the consent and knowledge of the owner. Despite of many actions taken by the CRP lawyers, including submitting of the MMATTD Conclusions and writing to the Ministry, the Municipal court in Glina has been proceedings this case ever since. There has not been any reaction from the Ministry.

In the third case of N.P. (CRP case no. 7387) the owner and the temporary user have been before the court since 1999, for repossession of property and reimbursement for investments. However, the investments have not been solved despite of letters and submissions of the CRP regarding the related Conclusion of the Croatian Government. There was no reaction to this neither from the Court or the Ministry.

**Therefore, despite of the 2006 Government's conclusion on solution to the investments and its reports ever since to the OSCE, UNHCR, EC and other national and international institutions that this issue has been solved, the CRP's experience, the above described and other cases show a different situation.**

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### *Other activities*

From 7 to 9 May CRP participated at the conference “Response of civil society to corruption”, organised by the Partnership for Social Development of Zagreb, together with BURA, net of NGOs fighting corruption. Beside the future work of BURA on anticorruption, there was the conference on corruption, conflict of interest and related situation in Croatia in the process of joining the EU, where there were guest from Rumania, Kosovo and the Croatian government.

On 15 May, CRP Sisak was invited and attended a celebration of the Norwegian National day that was organised by the Royal Norwegian Embassy in Zagreb.

On 21 May, CRP Sisak and CRP Vukovar had a meeting in the Norwegian Embassy in Zagreb with Mr. Jens Erik Grondahl, Charge d’affaires a.i., on the future work of the two NGOs.

CRP Sisak has continued to organise signing of petition “Yes for Parliament with clean hands” within the anti-corruption campaign that CRP has been implementing with BURA, net of 10 NGOs all over Croatia. The aim of petition is to request the changes of the law on elections and law on conflict of interest.

The Coalition, including CRP, for free legal aid remains active in working on the new Law on free legal aid. The Coalition has been trying to point out main shortcomings of the Law.

Sisak, June 2008

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