



PROJEKT GRADANSKIH PRAVA Civil Rights Project

Activity Report - November 2007

Office activities

Despite of the moving of the office, in the reporting period, CRP Sisak received **291** clients, out of which there were **50** new clients and **241** old clients revisiting **369** times.

There were **16** court hearings scheduled and attended by the CRP external lawyers before the municipal courts in Sisak, Hrvatska Kostajnica, Glina, Petrinja, Gvozd, Vojnic and Zagreb.

Target groups

New clients by status:

<i>Status</i>	<i>Totals</i>
Domicile	8
Refugee	24
Returnee	12
Bosnian Croat	2
Not defined	4
Total	50

New clients by reception mode:

<i>Mode</i>	<i>Totals</i>
Office	38
Letter	2
Power of attorney Kosovo	1
Power of attorney Serbia	9
Total	50

TYPE OF CASE	NUMBER OF EVENTS
Citizenship	20
Documents and status	86
Ownership	104
Pension and health and social security	48
Housing care	30
Tenancy rights	27
Labour	11
Misdemeanour	5
Other	27
TOTAL	358

LEGAL ASSISTANCE

Appeals/complaints	20
Letters	53
Lawsuits	14
Administrative lawsuit	10
Constitutional complaint	3
Submissions	96
Legal counselling	105
Quick advises	65
TOTAL	366

Legal issues

In the reporting period, the portion of administrative cases in all cases reduced, but this fact does not prove that the administration work better, which can be demonstrated by the ongoing administrative cases and submissions sent by CRP that show that the cases are not being solved.

Regarding the types of cases, the ownership related cases remain dominant, and the opposite party in these cases is frequently the state or local government units. It shows that even 12 years after the war, the budget users do not do their job, but they burden the judiciary and obstruct their taxpayers in realisation of their rights. Therefore, CRP shall present three cases, two cases of the clients that approach CRP this month (M.P. CRP case no. 9847 and M.Z. CRP case no. 10263) and one old case (M.K. CRP case no. 5688), which has not been solved yet.

The common thing for mentioned cases is that during the 1980s the land was taken away from the clients, based on the Law on Expropriation, and they were recognised the right to compensation, by the final decisions of the relevant administration body of the Town of Petrinja, as it was public interest. The clients were to be compensated in money or by giving them another adequate land. The common thing for all clients is also that the process of compensation was not finalised till the war in 1991, and that they, being of the Serb origin, fled and became refugees. When they were able to return, their requests were rejected, with explanation that they were late, because the

Law on Compensation for Property Taken during the Yugoslav Communist Rule set the deadline for submitting of requests on 30 June 1997.

Therefore, for more reasons, CRP considers the present regulations and practice as inadequate and opposite to the international legal standards, as well as unfair. There is no statute of limitation in relation to ownership, the war and refuge is vis maior, there is no sustainable return of refugees to Croatia, requests for repossession, i.e. compensation were submitted in the ex state, the clients had entered the possession of land, but they were not registered, etc. Therefore, the requests submitted in the former state should have been taken as valid, because the refugees could not submit new requests during the mentioned short period of time.

Mr. P. was given the land, by the decision of the administrative body, in 1981 and he is still in possession of that land, but he is not registered in the land registry. Though the mentioned decision has a legal title of registry, the Town of Petrinja, which is still the registered owner of the land, objects to the transfer of ownership to the client, for unknown reasons. Believing that this is a clear case, CRP assisted the clients in initiating of court procedure, though CRP is of an opinion that it should not have been necessary.

The case of M.Z., who represents her mother, is even more drastic and unbelievable. The client's mother was on 25 July 1979, by a final decision of the relevant body of the Town of Petrinja, in the procedure of expropriation, taken away her land for building of military objects for the former Yugoslav Army, i.e. the Ministry of Defence, whose legal successor is the Ministry of Defence of the Republic of Croatia. As she was given the right for compensation, on 29 March 1982, she concluded an agreement on compensation with the Ministry, by which she got another land. She has been in possession of that land. She did not register the ownership, as at that time she did not have a real need to do so, and she has no legal education. On 19 April 2002 she approached the Town of Petrinja. The State Attorney's office, which represents the State, objected the request, which was by the Town of Petrinja arbitrarily titled as request for repossession of property, and rejected it, based on the statute of limitation. The legal deadline for deciding on such requests is 30 days, and for extremely difficult cases 60 days. Also, the client has no education and in accordance with the Article 14 of the Law on Administrative Procedure, the relevant body was supposed to inform her on her rights. Instead, the request was proceeded under wrong legal basis and in wrong direction and it finished by rejection. It took almost six years for this decision. Therefore, all the deadlines were broken by the decision-makers. However, the illiterate client was rejected based on braking of deadline.

The client has been in possession of the mentioned land for over 25 years. She has not had any reason for requesting of repossession of property, but only registration in her name. This means that the relevant body completely missed the legal basis of her request. CRP filed an appeal to the Ministry of Justice, and at the same time initiated procedure for court procedure.

The above described cases are not disputable. It is difficult to imagine how it would be if they were. Anyhow, they clearly confirm either incompetence of the administration or discrimination.

Other activities

On 5 November CRP started to work at the new address, in the premises that were provided by the Town of Sisak free of charge.

On 27 November, CRP attended a meeting on the Law on free legal aid, which was organised by the Center for Human Rights in Zagreb. The meeting involved representatives of NGOs, syndicates and Law faculty in Zagreb. Professor Alan Uzelac of the Faculty of Law in Zagreb, who is also the member of the Advisory Board of the CRP Sisak, wrote a document titled “Joint initial bases for regulation of free and sponsored legal aid in the Republic of Croatia”. The document was presented by the author and discussed. It was agreed that the document would be studied even more into details, in order that everybody could agree and sign the document, which could then be real bases for the new draft of the Law.

Sisak, 13 December 2007

Milana Kreca
CRP Sisak