



PROJEKT GRADANSKIH PRAVA Civil Rights Project

Activity Report - September 2007

Office activities

In the reporting period, CRP Sisak received **372** clients, out of which there were **95** new clients and **277** old clients revisiting **457** times.

There were **24** court hearings scheduled and attended by the CRP external lawyers before the municipal courts in Sisak, Hrvatska Kostajnica, Glina, Petrinja, Vojnic and Dvor.

Target groups

New clients by status:

| <i>Status</i> | <i>Totals</i> |
|----------------------|---------------|
| Domicile | 9 |
| Refugee | 23 |
| Returnee | 58 |
| Bosnian Croat | 2 |
| Not defined | 3 |
| Total | 95 |

New clients by reception mode:

| <i>Mode</i> | <i>Totals</i> |
|---------------------------------|---------------|
| Office | 49 |
| Field | 31 |
| Phone | 4 |
| Power of attorney Kosovo | 2 |
| Power of attorney Serbia | 9 |
| Total | 95 |

| TYPE OF CASE | NUMBER OF EVENTS |
|--|-------------------------|
| Citizenship | 31 |
| Documents and status | 85 |
| Ownership | 132 |
| Pension and health and social security | 88 |
| Housing care | 56 |
| Tenancy rights | 41 |
| Labour | 5 |
| Misdemeanour | 7 |
| Other | 61 |
| TOTAL | 506 |

LEGAL ASSISTANCE

| | |
|--------------------------|------------|
| Appeals/complaints | 14 |
| Letters | 58 |
| Lawsuits | 20 |
| Administrative lawsuit | 3 |
| Constitutional complaint | 1 |
| Submissions | 85 |
| Administrative request | 25 |
| Legal counselling | 263 |
| Quick advises | 79 |
| TOTAL | 548 |

Legal issues

After the summer holidays, the statistics came back to previous frame, both quantitatively and structurally. The number of clients, legal issues and actions went even higher than before. If the number of clients and legal assistance provided are compared, it may be concluded that approximately every client has two legal problems. The above statistics also show that verbal counselling is dominant, in both areas, court and administrative cases, which often take more time than for writing of different submissions.

The ownership right issues remain dominant, not only among court cases, but also generally. If we take into account the fact that many other cases, such as repossession of property, compensation for damage, probate of will cases and similar, derive out of them and when we add problems related to tenancy rights and housing care, it is clear that fundamental issues still exist and confirm difficulties and obstacles to return of refugees and sustainability of the return process. The examples below will demonstrate the above said.

CRP wrote last month about the case of Mr. J.V. (CRP case No. 6693), who cannot repossess his house, due to the fact that he does not have the ownership certificate, though he built the house and lived in it with his family for years.

CRP visited the client's village and the house, which are approximately 35 kilometres far from Sisak. The house is sealed, slightly damaged on the outside, seriously damaged inside and completely looted, without anything in the house. There is a house number plate on the house, which contradicts the statement from the Office for Displaced Persons and Refugees (ODPR) that they cannot find the house. The neighbourhood also confirmed that the house belonged to the client and that it was not co-owned by anyone. The necessity and possibility of fast repair and equipping of house are evident.

In the case of Mr. V.B. (CRP case No. 4947), which we reported in May, there are no positive changes. He still cannot realize his right to return and his ownership right. In the very complex court case against the Municipality, County and the Republic of Croatia for compensation for destroying of 2 houses, several yard buildings, fence and orchard, the first instance decision was brought. The client partially succeeded in relation to the County and the RoC, but was rejected in relation to the Municipality. In the part in which he succeeded, he got compensation and court fee in a very small amount, which is not enough to cover the court fee to be paid to the opposite party, regarding the fact that he partly lost the case. Therefore, he did not get anything from the State, but he has to pay, though it was established that his property was completely destroyed in his absence, when he was refugee, by the state bodies in an administrative procedure.

The two cases related to occupancy/tenancy rights (OTR) confirm the above conclusions on obstacles to return of refugees. These two OTR cases are specific, because the holders of OTR and their families, despite of the fact that they are of Serbian origin, did not stay in the occupied Croatian territory, but they fled together with the Croats. However, the Croats easily returned in 1995, but the CRP clients faced many obstacles to their return to Croatia and they were not able to come back so quickly to be able to buy off the flats. When they managed to come for the first time to Croatia, OTR were cancelled. The family of Mr. D.K. (CRP case no. 1079) is still awaiting to return from Holland and the family of Mr. D.B. (CRP case No. 10095) from Italy.

11 clients approached CRP for legal aid regarding their cases of old foreign currency bank savings. These cases are to be solved before the court. They usually are not difficult cases, but when the plaintiffs are returnees, as CRP's experience showed, they become problematic.

Other activities

On 11 September CRP Sisak met with the Initial Co-ordination of the NGOs in the Sisak-Moslavina County, in order to continue the joint work on establishing the Co-ordination.

On 21 September, CRP organised the meeting of the Legal sub-group (LSG) for Central Croatia and Western Slavonia. The meeting was held in the OSCE FO Sisak premises, and CRP Sisak also invited the colleagues from the CRP Vukovar. As the LSG did not meet for some months, LSG discussed the present situation regarding the problems that the LSG dealt with mostly in the past, Law on Free Legal Aid – new developments regarding passing the Law and future work of the LSG.

CRP joined an ad hoc coalition of NGOs that provide free legal aid. The coalition was formed to deal with the Law on Free Legal Aid, i.e. its passing in the Parliament. Namely, the Government put the Draft of the Law into the procedure before the Parliament. However, the Coalition is of an opinion that the Draft is not good, it is too restrictive and too bureaucratic. During September, the Coalition organised several press conferences, wrote few open letters to the Government and the Ministry of Justice, in order to stop the procedure of passing of the present Draft Law. The Coalition, in this work, also engaged the law professors, the Ombudsman and other human rights workers.

Sisak, 15 October 2007

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